United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, FIRST SESSION

Vol. 157 WASHINGTON, WEDNESDAY, NOVEMBER 2, 2011 No. 166

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by Rabbi Lord Jonathan Sacks, Chief Rabbi of the United Hebrew Congregation of the Commonwealth, London, England.

The guest Chaplain offered the following prayer:

Sovereign of the universe, who created all in love, teach us to love all that is good and beautiful in this world. Teach us to honor the dignity of difference, recognizing that one who is not in our image is nonetheless in Your image; never forgetting that the people not like us are still people—like us.

At this fateful moment in the human story, bless us that we may be a blessing to others. Guide the nations of the world to honor You by honoring one another, so that by reaching out in love we may turn enemies into friends and become your family on Earth, as You are our parent in heaven.

Beloved God, bless the Members of this United States Congress and guide their deliberation, that they may govern this great Nation with wisdom and justice, grace and compassion, bringing honor to Your Name and Your blessing to humankind. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUYE).

The bill clerk read as follows:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 2, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

ORDER OF PROCEDURE

Mr. REID. Madam President, I ask unanimous consent that the Senator from Connecticut, chairman of our Homeland Security Committee, speak briefly. He is someone who is every day an example to the rest of us in morality and the observance that he does through his religion. It is something we all admire. Senator LIEBERMAN.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut is recognized.

RECOGNIZING CHIEF RABBI LORD JONATHAN SACKS

Mr. LIEBERMAN. Madam President, I thank our leader. Again, I have had many conversations about things political, which will not surprise anybody who is hearing me speak. But perhaps people will be surprised that Senator REID and I have probably had as many conversations about matters spiritual and personal. Those conversations tie us together forever.

It is my honor to welcome to the Senate Jonathan Sacks, the chief rabbi of the United Kingdom, and to thank our extraordinary Chaplain Barry Black for joining me in hosting the chief rabbi.

The truth is that I knew Chief Rabbi Sacks from his writings before I knew him personally. He has written 24 books, the most recent of which was published earlier this year, called ''The Great Partnership, God, Science and the Search for Meaning.'' His writing is extremely insightful. It is broadly accessible. Perhaps paraphrasing the old commercial—and the occupant of the chair, being from New York, will remember this about Levy's Jewish Rye: ''You don't have to be Jewish to love Levy's Jewish Rye.'' Well, you don't have to be Jewish to benefit from Rabbi Sack's writing.

He is the sixth incumbent of the Chief Rabbi position in the United Kingdom, having served in that position since 1991. The role was formalized in 1845. He was knighted by Her Majesty the Queen in 2005, and then on the 27th of October, 2009, was made a life peer, taking his seat in the House of Lords, where he sits on the cross benches as Baron Sacks of Aldgate in the City of London. So we welcome Rabbi Sacks not just as the Chief Rabbi of the United Kingdom but as a member of a fellow legislative body. He has spoken with remarkable wisdom and insight and has formed my faith in so many ways.

As I heard him give the opening prayer today, I could not help but think that he stands in a proud tradition that began with those remarkable Christian reformists who left England to come more than two or three centuries ago to our shores, forming the United States of America more than two centuries ago, and in our founding documents, responding to their faith, but also creating the foundation of the liberties that succeeding generations of Americans have enjoyed and that we in

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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this Chamber work hard to protect and strengthen every day.

Again, I thank the Chair and the leader. I particularly thank Chief Rabbi Sacks for honoring us with his presence and his words today.

The ACTING PRESIDENT pro tempore. The majority leader.

SCHEDULE

Mr. REID. Madam President, following leader remarks, the Senate will be in a period of morning business for 1 hour, with the majority controlling the first half and the Republicans controlling the second half.

Following morning business, the Senate will resume consideration of the motion to proceed to S. 1769, the Rebuild America Jobs Act.

I filed a cloture on the motion to proceed to S. 1769 last night. If no agreement is reached, we will vote on this tomorrow morning. I am working with the Republican leader to come up with an expeditious way of expressing the will of the Senate in the next 24 hours.

Again, tomorrow the Senate will vote on the Rebuild American Jobs Act. It is a plan to put hundreds of thousands of Americans back to work, constructing thousands of miles of roads, bridges, runways, and train tracks.

The plan is paid for with a small tax—less than a penny—on every dollar a person earns in excess of $1 million every year. The legislation asks millionaires and billionaires to contribute a little more than they do today, knowing there is a pricetag associated with getting our economy back on track.

My Republican colleagues say they oppose this plan to hire hundreds of thousands of construction workers and rebuild our Nation's collapsing infrastructure because they believe the wealthiest Americans cannot afford to pay a few pennies more.

Even the majority of people who would pay this tax say that isn't true. They support our plan. This tiny fraction of American taxpayers who would pay a tiny fraction more each year are among the 1 percent of Americans who have done better and better with each passing decade.

Between 1979 and 2007, the annual aftertax income at the top 1 percent of American wage earners has increased by 275 percent. That same 1 percent now makes more than the other 99 percent of Americans combined. These are the latest figures. It is difficult to compile these numbers. Think about what has happened in the last 4 years. They have even gotten richer and richer. I repeat, that 1 percent now makes more than the other 99 percent of Americans combined. And not all of that 1 percent of wealthy Americans would even qualify to pay this tax to fund billions of dollars in road construction and create hundreds of thousands of jobs. Only those whose income is more than $1 million. Some billionaires and millionaires would not qualify because their income in a given year is less than $1 million. They may have a lot of property wealth and things of that nature.

Tomorrow, my Republican colleagues face a choice, which is not whether to invest in roads or bridges or whether the richest of the rich can spare a few pennies for the sake of our economy; the choice is about priorities. Who will Republicans put first, the millions of ordinary Americans who are struggling to find work and put food on the table or the millionaires and billionaires, whose biggest problem is that they may have to pay an additional $7,000 on the second million they make each year?

We ought to be able to agree that making enough money to pay even a dollar more under our plan is a wonderful problem to have. But so far, Republicans have been pretty clear what their priorities are. They unanimously voted against the American Jobs Act. That legislation would have put more than 2 million people back to work and cut taxes for middle-class families and small businesses.

Then they unanimously voted against the Democrats' plan to put 400,000 teachers and tens of thousands of police officers and firefighters back to work. Republicans have cost this country millions of jobs in the last few weeks alone. They will have another opportunity tomorrow to show America whose side they are on—billionaires and millionaires or the middle class.

Seventy-two percent of Americans, including 54 percent of Republicans, want us to pass this plan. Seventy-six percent of them, including 56 percent of Republicans, want us to pay for it by asking the Nation's wealthiest citizens to contribute their fair share.

Americans—Democrats, Republicans, and Independents—know the only way out of the worst recession since the Great Depression is to invest in what this country needs—its workers to be employed. They believe it is fair to ask those who have profited most from this country's success to help shoulder that burden.

Republicans have obstructed and opposed every Democratic effort to create jobs this year. Why would they do that? Fear. Because those job creation efforts would cost millionaires and billionaires even a dollar more. Who do they fear? The truth is they are terrified to violate the infamous Grover Norquist tax pledge, even though they know Norquist is wrong—or if they don't know, they should know. They are in thrall, my Republican colleagues, and in submission to a man whose singular focus is keeping taxes low for the very wealthy, no matter what the effect is on this Nation. They fear his political retribution.

I hope my Republican colleagues will heed this message sent yesterday by former Republican Senator Alan Simpson, a conservative bona fide, regarding Grover Norquist's pledge. He said the only power Norquist wields is the power you give him. Senator Simpson said:

> He can't murder you; he can't burn your house. The only thing he can do is defeat you for reelection, and if that means more to you than your country, you really shouldn't be in Congress.

That is what Simpson said. I believe most Senators—and certainly most Americans—know that legislating isn't simple. It is not as simple as a mindless pledge. Those Senators must have the courage to act on their convictions.

As British historian Thomas Fuller once said, ''Better break your word than do worse in keeping it.''

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

A DIFFERENT APPROACH

Mr. McCONNELL. Madam President, there is no denying the fact that the policies of the past 2½ years have made a bad situation worse. For 2½ years, Democrats completely dominated this town. They got everything they wanted. And what happened? Unemployment has hovered at around 9 percent for 32 months. The so-called misery index is worse than it has been in more than 25 years. Consumer confidence is at levels last seen during the height of the financial crisis. But if one number really stands out, it is this: 1.5 million. That is the number of fewer jobs we now have in this country since the day President Obama signed his signature ''jobs bill'' into law.

These are just some of the numbers that all of us, Republicans and Democrats, read about every single day. But it is not the numbers that compel us to action; it is the stories that lie behind them. It is the millions of men and women who have seen their dreams shattered, their lives upended, and their potential unfulfilled.

What Republicans have been saying is that if we truly want to help improve the situation we are in, if we want to turn this ship around, then we need to learn from our mistakes and take a totally different approach. We know what policies haven't worked. We have tried that. What sense does it make to try those same policies again and again? That is why Republicans in the House and the Senate have been taking a different approach.

Democrats may control the White House, and they may control the Senate, but for the past 10 months Republicans in the other half of Congress have done their best to correct the mistakes and excesses of the previous 2½ years and set us on a different course.

They have done something else that Democrats have not done over the past few years: Week after week, the Republican majority in the House of Representatives has been passing bills that actually have a chance—actually have a chance—of gaining bipartisan support and becoming law. They are actually trying to do something.

Unlike the President and the Democrats who run the Senate, House Republicans are designing legislation to pass rather than fail. They want to make a difference rather than make a point, and the only thing keeping these bills from becoming law is that the Democrats in the Senate will not take them up.

We know the President's strategy. His so-called jobs bill has one purpose and only one: to divide us. Just this morning I read a story that quoted some Democratic operative almost bragging about the fact they do not expect any of the legislation the President has been out there talking about on the bus tour to pass. They openly admit these bills are designed to fail.

It is not exactly a state secret that Republicans—and, yes, some Democrats—don't think we should be raising taxes right now on the very people we are counting on to create the jobs we need to get us out of the jobs crisis. Yet the one thing every single proposal Democrats bring to the floor has in common is it does just that.

So the Democrats' plan is to keep putting bills on the floor they know ahead of time we will vote against instead of trying to solve the problem. They do not even hide it. The President's top strategist actually issued a memo a few weeks ago stating the President would use this legislation not as a way to help people but as a way to pummel Republicans.

Meanwhile, House Republicans have passed bill after bill after bill actually designed to do something. On March 31 they passed H.R. 872, the Reducing Regulatory Burdens Act. It got 57 Democratic votes—57 Democratic votes—in the House, a bipartisan bill that could pass and become law. On April 7 they passed H.R. 910, the Energy Tax Prevention Act. It got 19 Democratic votes. The list goes on and on. There are 15 of these, Madam President—15 of them—that have passed, and each with significant Democratic support—one with 33, one with 28, one with 21, one with 23, one with 16, one with 10, and one with 47 votes.

So there are 15 of these bills that have passed the House with bipartisan support, and in the Senate we don't take up any of them because we are busy taking up bills that everybody knows are not going to pass.

This week, over in the House, they are going to pass four more bills making it easier to hire out-of-work Americans. Just last week, House Republicans passed a bill that would repeal a law requiring the IRS to withhold 3 percent of future tax payments from any company that does business with the government—a bill the President himself said he would be willing to sign into law, and 170 Democrats voted for it. So why don't we pass it in the Senate? The President is waiting to sign it.

This is just the latest example of a simple bipartisan bill that struggling businesses are begging us to pass but that Senate Democrats are holding up right now because it doesn't fit the story line.

I am not saying we have to vote on every one of the bills the House passed just as they are—there is an amendment process for that—but why not take them up? Every one would help create jobs, and none—none—would raise taxes. That is what we call compromise. It is called finding common ground, and it is how the American people expect us to legislate.

What we are witnessing in Washington right now is two very different styles of governance: a Republican majority in the House that believes we should actually do something about the problems we face and which has put together and actually passed bipartisan legislation that would help address those problems, and a Democratic majority in the Senate that has teamed up with the White House on a strategy of doing nothing—nothing—all for the sake of trying to score political points and spreading the blame for an economy their own policies have cemented in place as they look ahead to an election that is still more than a year away.

The President's economic policies have failed to do what he said they would, and now he is designing legislation to fail. Americans are actually tired of failure. So Republicans are inviting Democrats to join us in succeeding at something—anything—around here that would make a difference.

I guess to sum it up, Madam President, what we are saying is, why don't we quit playing the political games? The problems we face are entirely too serious to ignore. Let's take up the bipartisan bills that House Republicans have already passed and actually do something. There is no better time to tackle the problems we face than now. Let's not squander this moment because some political strategist over in the White House is enamored with their own reelection strategy.

Let's take advantage of this moment to act when the two parties share power in Washington. As I often note, it is only when the two parties share power that they can share the credit and the blame. That is why some of the biggest legislative achievements have taken place at moments like this, and that is why I have been calling on Democrats in Washington—privately and publicly—for the past year to follow the example of those Congresses and those Presidents before us who were wise enough to seize an opportunity such as this one for the good of the country.

We face many serious crises as a nation. We know how to solve them. Let's not let this moment pass us by.

TRIBUTE TO C. FRANK RAPIER

Mr. MCCONNELL. Madam President, I wish to express my thanks and appreciation to one of Kentucky's hardest working public servants at the end of a long career. Charles Frank Rapier, the executive director of the Appalachian high intensity drug trafficking area—that is kind of a mouthful, and we have a way to shorten that called Appalachia HIDTA—will be retiring this November after 46 years in law enforcement.

This guy is a bit of a legend, Madam President. Director Rapier—called Frank by his friends—has been leading the Appalachia HIDTA Program since 2003. Prior to his appointment, he served as deputy director of that program for Kentucky. The Appalachia HIDTA Program was established in 1998 to combat one of our country's greatest problems: illegal drug trafficking and drug abuse.

The problem of drug abuse that Frank has pledged his career to fighting is particularly bad in my home State of Kentucky. Kentucky ranks in the top three of marijuana-producing States. More Kentuckians died of drug overdoses in 2009 than in fatal car crashes—an astonishing 82 per month. The threat from illegal meth use poses a problem across the State as well. This rampant drug abuse increases crime and destroys families in Kentucky.

Under Frank's leadership, the Appalachia HIDTA Program has attacked drug trafficking organizations in the tristate area of Kentucky, West Virginia, and Tennessee head on. And let me say, Madam President, he has done an amazing job, a truly amazing job.

Specifically, in 2009, Appalachia HIDTA disrupted or dismantled 82 separate drug trafficking organizations. That translates into hundreds of thousands of marijuana plants destroyed and hundreds of arrests. In 2006, they kept an estimated $1 billion worth of profits off of illegal drug activities out of the State of Kentucky.

Frank played an integral role in arranging a visit to Kentucky earlier this year by Gil Kerlikowske, the Director of the White House Office of National Drug Control Policy, better known as the Nation's drug czar. The Director's visit, which I was proud to help facilitate, has been an important step in maintaining our focus in Kentucky to stem drug abuse and save our family members, friends, and neighbors from the dangers of drug addiction and drug-related crimes during a time of shrinking Federal resources.

As a strong supporter of efforts to fight drug abuse in Kentucky, I have gotten to know Frank and have seen firsthand his efforts. He is a humble man, but he is highly respected in the law enforcement community throughout the State—and even the Nation, for that matter—for the wonderful job he has done. I know his dedication and leadership in this important fight against illegal drugs will be greatly missed.

Frank knows well the area he has worked so hard to protect. Born and raised in Corbin, KY, he received his

bachelor's degree from Eastern Kentucky University where he began his law enforcement service as an EKU campus police officer. He attended graduate school at Xavier University, served as an instructor at the Federal Law Enforcement Training Academy at Glynco, GA, has taught at numerous police academies, and has been a speaker at many law enforcement conferences.

Before working with Appalachia HIDTA, Frank was a special agent with the U.S. Treasury Department for 32 years. He was a member of the National Undercover Resource Pool and the National Response Team. Over the course of his long career, he has served many assignments with the U.S. Secret Service and State Department, including working as a member of the Southeast Bomb Task Force that investigated the Olympic bombing case in Atlanta in 1996.

While with the Treasury Department, Frank received four Special Achievement Awards, a Special Act Award, a Performance Award, and the Director's Award/Masengale Memorial Award.

After 46 years in law enforcement, I wish Frank congratulations on a job well done and best wishes in his retirement. Countless Kentuckians owe their thanks to Frank as well.

Frank regularly describes the practice of asking his granddad: What did you do in the war? He feels prepared to be asked the same question himself now as he nears the end of his career. He knows someday there will be an accounting. He has worked all his professional life so that his answer to that question can be: I fought back against a tide of illegal drugs and saved lives. He has certainly done that, and more.

I know my colleagues in the Senate join me in thanking Director Rapier for decades of service. The work he has done for so many years has created a safer, stronger Kentucky.

Madam President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

The Senator from New Mexico.

REBUILD AMERICA JOBS ACT

Mr. BINGAMAN. Madam President, I rise today to speak in favor of the Rebuild America Jobs Act. I, first, just clarify for folks, because it is a little confusing, we have had several proposals to create jobs that have come to the floor in the last several weeks, and they have similar names. The one before us today is the Rebuild America Jobs Act, and it is a portion of the larger American Jobs Act that President Obama proposed and set out for the Congress to consider in September.

Let me talk first about that larger bill which the President proposed. This American Jobs Act the President proposed would have a very significant and beneficial impact on my State of New Mexico. Under that legislation, there would be payroll tax cuts for about 40,000 businesses in my State. There would be an expansion of payroll tax cuts for workers that would provide a typical household in New Mexico, having a median income of $44,000, with a tax cut of about $1,360 per year.

There would be support for up to 2,600 construction jobs in upgrading public schools. There would be $20 million to revitalize vacant and foreclosed businesses and homes. There would be over $49 million for community colleges in New Mexico. There would be unemployment insurance reforms that could help put 32,000 unemployed New Mexicans back to work. And there is funding in that legislation for up to 3,100 teachers and police officers and first responders to keep those people on the job so they can continue to provide services to our schools, to our students, and to our communities.

But despite the fact that all these important investments would be fully paid for—and that is made clear in the legislation; not a single dollar would be added to the national debt—this comprehensive legislation was blocked by a filibuster by our Republican colleagues a couple weeks ago. I commend Senator REID for continuing to fight to keep job creation on top of the legislative agenda and for bringing up parts of this broader legislation independently to see if we can get support for any of these individual parts because each of them has a great deal of merit.

Two weeks ago, we voted on the Teachers and First Responders Back to Work Act. This would have helped States and local governments keep over 400,000 teachers, police, and firefighters on the job during these tough economic times. It was disappointing to me that this effort failed to get enough votes so we could go ahead and consider the bill.

The legislation we are discussing would provide $50 billion in infrastructure investments in highways and transit and in rail projects across the country, and in doing those investments it would create thousands of jobs. Among other things, it would put Americans to work in improving 150,000 miles of roads, 4,000 miles of train tracks, restoring 150 miles of airport runways, and in implementing the NextGen air traffic modernization efforts that this Congress should be strongly supporting. Those are efforts to improve air safety and to reduce delays in air traffic.

So passage of this legislation would mean at least $284 million in my home State of New Mexico in immediate infrastructure investments. That investment of $284 million would support a minimum of 3,700 local jobs. These resources are greatly needed in my State. The Federal Highway Administration estimates that about 22 percent of New Mexico's major roads are in poor or mediocre condition; 19 percent of our bridges are structurally deficient or functionally obsolete, according to the Federal Highway Administration.

In addition, the bill includes $10 billion to establish an independent national infrastructure bank in order to leverage private and public funds in advancing a broad range of infrastructure projects through loans and loan guarantees. Under this proposal that was modeled after bipartisan legislation introduced by Senators KERRY and HUTCHISON earlier this year, the bank would help finance large-scale transportation, water, and energy projects that are of national and regional significance. I am glad to see that the infrastructure bank included in this bill would begin to address some of the significant challenges we have of stimulating investment in new energy projects. There is simply not enough capital available in the country to deploy these technologies at the scale we need to deploy them to meet our national security objectives and to remain competitive in growing international markets for clean energy technologies. So the availability of this type of financing through this national infrastructure bank could be helpful in developing the transmission capacity required to bring renewable energies developed in my State of New Mexico to communities throughout the country.

Let me also briefly comment on the fact that there is revenue raised in order to pay for this set of investments that are being proposed; that is, there is a so-called offset for the cost of this legislation. That is because I think all of us agree the deficit is at unsustainable levels. We should not be committing to increased spending without finding a way to pay for it, and that is why this legislation contains a revenue-raising provision. The legislation would impose a 0.7-percent surtax on income exceeding $1 million.

What does that mean? That means that if a person's annual income is $1 million, then this legislation does not, in any way, change the taxes they are required to pay. So any garden-variety millionaire who only receives $1 million per year in income is not required to pay any more under this legislation. But if they exceed that and their income is $1,110,000, for example, they would have to pay an extra $700 toward the cost of this legislation.

The reality is, modernizing our Nation's infrastructure and stimulating job growth and enhancing policies to

assist with our economic recovery does cost money. We all wish it did not, but it does. Frankly, if we are going to give more than just lip service to addressing our persistent deficits, I think it is reasonable to ask the wealthiest among us to pitch in to move America forward to get this economy moving again.

In New Mexico, less than one-tenth of 1 percent of taxpayers would be impacted by this modest surtax. That means 99.9 percent of New Mexicans would not be impacted at all, and the handful of filers who would be impacted would only pay the surtax on the portion of their annual income that exceeds $1 million.

I strongly believe this legislation, the Rebuild America Jobs Act, that we are going to try to proceed to tomorrow—or whenever we can get consent from our Republican colleagues to proceed to it—I believe is important legislation. It is an important step in turning our economy around, and I urge my colleagues to support it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Delaware.

Mr. COONS. Madam President, I rise because this week, once again, the Senate of the United States has the opportunity to create jobs, to find a way to work together to make a real difference in the long-term strength of this Nation, and to finally punch back against this recession which has taken so much from the working families of our States.

I rise in support of the Rebuilding America Jobs Act, a bill that will invest $60 billion in our Nation's crumbling infrastructure and put hundreds of thousands of Americans back to work.

Investments in America's infrastructure are investments in America's future, and they could not come at a more critical time for our country, our communities, or our future.

The rest of the world is pouring money into its infrastructure because they know it will not only make it easier for them to recover from this recession; they know it will make them more competitive for their long-term future, for their people, for their countries, for their economies. So at a time when our competitors are pouring money into fixing, expanding, building their infrastructure, we have turned off the spigot. We are starving our roads and our bridges, our sewers and our water systems, our tunnels, our ports, our runways, our railroad tracks. We are starving them of the repairs they need to function properly—not just today but to lay the groundwork for our competitiveness for the next generation of Americans.

China, one of our greatest economic competitors, is spending 9 percent of its GDP on infrastructure. As anyone who has visited China in recent years knows, all across the nation of China there are gleaming new highway systems, brandnew ports, brandnew airports and runways, brandnew transportation infrastructure that connects newly built cities leaping from the ground as if by magic because they have invested enormous amounts in a modern infrastructure. Europe broadly is investing 5 percent of GDP in modernizing their infrastructure. In the United States, where modern infrastructure has for a generation made us the envy of the world, we are investing just 2 percent—just 2 percent—of our GDP. This is foolish.

Few people argue that infrastructure isn't important. In fact, it is one of the few things that seem to enjoy broad support in this Chamber, in this city, and in this country. Folks as disparate as the AFL–CIO and the U.S. Chamber of Commerce agree that investing in modernizing our infrastructure is critical, not just for putting Americans back to work but getting America working for our country's future. They both support the idea of an infrastructure bank because they know investing in infrastructure isn't just about rebuilding our roads, it is about rebuilding our economy.

When companies make decisions about where to locate, about where to build a new factory, about where to expand production, about where to lease a new office, infrastructure is always at or near the top of their list. Proximity to a highway means everything if someone is going to run or expand a factory. Being close to a port is critical if their products need to be exported overseas. Access to airports and railways is imperative if someone wants to do business outside their community or our country. High-speed Internet can be every bit as important as these century-old transportation technologies and can be every bit as important as clean water, modern ports or new railroads.

Infrastructure is important in every State of our Nation and especially so in my coastal State of Delaware. The Port of Wilmington brings 4 million tons of goods through Delaware each year, providing high-wage, high-skilled jobs for the longshoremen and the communities immediately around our port that rely so much on its vital link to the global economy. Railways allow Amtrak to connect businessmen and women from New York to our financial services sector, to our legal and banking community in Wilmington, and it is one of the busiest railroad stations in America. I–95, the east coast corridor, connects truckers and motorists up and down the east coast to our little State.

But as folks have known for too long, one of the worst choke points in the whole East Coast on I–95 was in our State. I used to get calls all the time in my role as county executive because folks mistakenly thought it was somehow my role to modernize this highway. It was John F. Kennedy who cut the ribbon on this modern interstate highway, and we, frankly, have failed to invest in keeping up with the times, in keeping up with the growth in traffic, in keeping up with the tempo of global commerce since then.

Delaware has finally solved these problems. With the leadership of the Obama administration and this Chamber, the investments that were made in infrastructure over the last 2 years, we finally have solved that chokepoint on I–95. Today, motorists move through at great speeds—pay their tolls to Delaware, yes—and are able to get on their way, north or south, and engage in commerce at the speed that the modern economy demands. That is what we seek to do nationwide. That is what the Rebuilding America Jobs Act can do.

For the last 25 or 30 years, we have been building off the infrastructure built by our parents' generation, hoping that a little bandage here, a little ointment there, a little wire, a little bubble gum would be enough to get us through another year. But that is not a strategy for laying the groundwork for a great future for our children. It is not even a strategy for keeping up. The chokepoints on America's roads can't be allowed to choke America's economy for the next generation. One-third of our Nation's major roadways are in poor or even mediocre condition, and one-quarter of our bridges have been rated structurally deficient or functionally obsolete. We have even faced the human suffering and the reputational disaster of having bridges collapse across this country in recent years. We have failed to invest in our future. As a country, we can keep swerving to avoid these potholes, but eventually we are going to hit them.

The Rebuilding America Jobs Act would fill that pothole, would make smooth the rough places of this Nation, and accelerate our economic growth for the future. I am a cosponsor of the Rebuilding America Jobs Act because this bill would fill the pothole we have been avoiding for decades. It would rebuild 150,000 miles of American roadways, maintain 4,000 miles of train tracks, upgrade 150 miles of airport runways. It would restore critical drinking water and wastewater systems for our communities, and strengthen our energy infrastructure. In short, it would make us competitive. It would put people back to work. It would get us on the right road to a sustained recovery. It would put hundreds of thousands of Americans back to work in that sector of economy that took the first and hardest hit from the recession.

More than 2 million Americans who worked in construction have lost their jobs since this tragic recession hit, including 8,000 in my home State of Delaware alone, and we have thousands of folks in the skilled building trades ready to go. They need us to get over our differences, find a way past these endless, mindless filibusters, and get them to work. This week we have an opportunity to invest in those people and invest in our country. Infrastructure is such a smart investment, and in this economy and in this competitive

global environment where our allies and competitors are outstripping our investment because they see clearly the road to the future, we simply cannot afford to continue to refuse to act.

It was 1 year ago today that the people of Delaware elected me to represent them in Washington. Every day since I have wondered when this Chamber was finally going to come together across the partisan divide and start moving on jobs. The persistent partisanship here that has plagued this body is in my view not worthy of the very real human needs of the people who sent us here.

Last month, folks in this Congress, mostly from the other party, prevented us from acting on jobs—not once, not twice, but several times. I do not understand the strategy here, but the endless filibusters must stop. I know there is debate over how we are going to pay for this particular proposal to put $60 billion into infrastructure, but as Senator BINGAMAN commented just before me, this is a modest increase in revenue from the very wealthiest Americans that I believe is justified in this critical economic time. Too many of my neighbors, too many of my constituents, are out of work.

I don't think we have a choice. We need to act. The President is right, we cannot wait to act. The Rebuilding America Jobs Act not only invests in America's jobs for today but in our economy tomorrow. We cannot wait any longer to fill this pothole. This bill deserves bipartisan support and I hope my colleagues will join me in voting for it this week.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Mr. BEGICH. Madam President, I rise to speak also on the Rebuild America Jobs Act. Our Nation's infrastructure is in a state of disrepair. We see it in the potholes in our streets, in the congested highways of public transit that lack the capacity to safely and efficiently get Americans where they need to go. The American Society of Civil Engineers gives our Nation's infrastructure a D grade. One in four bridges in the United States is structurally deficient. Our deteriorating infrastructure has negative impacts on commerce and our economy. We no longer have an infrastructure system that is the envy of the world.

When you invest in public infrastructure, you have two results: You create immediate construction jobs and you lay the foundation, the groundwork, to improve communities and facilitate commerce. That was certainly my experience when I was mayor of Anchorage.

I became mayor in 2003 at a time of economic slowdown—not quite as bad as the national recession we face today, but we inherited huge budget deficits and a dramatic slowdown in our economy. Our answer to turn Anchorage around was to invest in our basic system of roads and water and sewer and power—basic infrastructure. One of the best examples of the public infrastructure investment was a small community in the northern part of Anchorage called Mountain View. We knew there was great potential for economic turnaround in this community. We knew it because the community was interested. But in that community the public infrastructure hadn't been invested in for decades. We did some simple things at first—upgraded the roads, basic systems that move people from one end of Mountain View to the other. We invested in schools. Then we invested in some public facilities. Today, Mountain View is the home of a branch of one of our large credit unions which is now their top performer in new accounts. Also new retail was established there—restaurant, phone store—and housing developments where no housing was being developed in this neighborhood. As a matter of fact, this neighborhood—I know it well because I grew up not far from there—was the neighborhood where people lived and then they tried to figure out how to move out of the neighborhood. Today it is a community of choice, a place where people want to go. Well over 140 housing units have been developed in this community in the last 5 years. Also additional public offices and a library were developed there for the first time in over 22 years. Simple investments created private sector investment along with it.

Another example is, we built a new $100 million convention center in our downtown Anchorage. The new Dena'ina Center is now an economic engine attracting bigger conventions and meetings and tens of thousands of visitors a year. In September alone the new convention center generated almost $12 million in revenue supporting restaurants, shops, and hotels.

Again, as someone born and raised in Anchorage, I remember when businesses were fleeing the downtown. They saw it as not an opportunity for economic development. By making these simple investments, we can have a long-term impact. This $100 million may sound like a lot of money. Let me give another example—$40,000 we invested in improved street lights in a small part of downtown along G Street. Property owners had legitimate concerns of safety after dark. When winter hits in Alaska, there is a lot less light, so we invested about $40,000 per street light, installing some simple street lights, a dozen or so along the road there. As a result, the character of the street has dramatically changed. We have seen 10 new businesses spring up in a three-block section of G Street because it is safer. People move freely at any time of the day. There are year-round retail and restaurant businesses such as an Urban Greens, Jo Jo A Go Go, Modern Dwellers, Alaska Cake Studio, and Octopus Ink—a variety of new businesses. Retailers are investing their hard-earned capital, reaching out to expand opportunity for Anchorage. These businesses probably would not have made the investment without the small investment of the public infrastructure.

In my view, we need to follow this model on a national level. Failure to invest in our crumbling infrastructure—our roads, bridges, airports—will cost us nearly a million American jobs without this investment. It is incredibly important to move our economy forward by legislation such as the Rebuild America Jobs Act. We have an opportunity to reverse this trend while helping to put hundreds of thousands of people back to work. This could put Alaskans back to work on important projects—bridge repairs outside the Denali National Park, a critical route between Alaska's two population centers and a heavily traveled route for tour operators and shippers; intersection upgrades on two of the busiest roads in downtown Fairbanks; highway safety improvements along the Seward Highway outside of Anchorage that reduce deadly traffic accidents and delays; safety improvements along the Sterling Highway on the Kenai Peninsula—other areas of high visitor traffic in the summer.

We know these improvements will support local economic growth all around Alaska, which is still a very young State compared to many States, and has tremendous transportation needs. Two years ago, this Congress approved the Recovery Act which funded sorely needed projects across my State—projects such as the Gustavus dock, Alaska Railroad line improvements, Glenn Highway repairs, and airport upgrades. These all created immediate construction jobs and have also improved access points so private companies can increase revenues and create long-term jobs.

The Rebuild America Jobs Act not only provides desperately needed repair funds, it also provides the seed money for the National Infrastructure Reinvestment Bank that will attract private sector capital to help fund a broad range of nationally significant projects. The concept for the infrastructure bank has broad bipartisan support and is currently being championed by the U.S. Chamber of Commerce.

Moody's estimates for every $1 spent on roads and water and sewer—the basic infrastructure of this country—GDP is raised by $1.59. The Rebuild America Jobs Act would make some key investments—$27 billion to rebuild roads and bridges; $9 billion to invest in public transit; $3 billion to invest in our airports and modernization of our air traffic control system, which will make aviation more efficient and safer.

For Alaskans, this investment would fund $220 million in much-needed transportation improvements and modernization which of course means good jobs—an estimated 2,900 jobs in Alaska from this bill.

Infrastructure development and investment has historically been a bipartisan effort. The American people want

Congress to work together. This is a good bill to deal with our Nation's roads, bridges, rails, ports, and runways.

Let me close by saying I have been here almost 3 years. We have some good bills that passed and we argued over some that we wished would pass. We have had some success over the last couple of weeks here, when you think about the China currency bill, the three trade bills. Now we have this bill. We have put three jobs bills up. Two have not been able to pass because of opposition from the other side but here is one that we know has bipartisan support. The infrastructure bank, the Chamber of Commerce is actively promoting this because they see the melding of the public and private sectors moving together to invest in the future of this economy. They also know when you lay down those roads or that better infrastructure on rail or transit, the net result is private sector investment will occur either right after it or simultaneously.

I hope folks on the other side will make the decision that it is wise to invest today and move this bill forward so we can have a long-term economic impact for our country.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TAX REFORM

Mr. THUNE. Madam President, as we debate here in the Senate how to get our economy going again to deal with what is a stagnant economic set of circumstances, something that we have been grappling with now for a few years, I think it is instructive to look at what is happening in Europe. It was interesting to me as we look even at the papers this morning, the front page of the Wall Street Journal, ''Fears of Political Chaos Tank Global Markets as Europe's Bailout Plan Teeters.'' Then much of the paper today, at least in the news reporting, is all about what is happening in Europe and the Greek crisis and the sovereign debt crisis that is being experienced in that country.

The business page in the New York Times, ''Aftershocks for Athens and Wall Street; European Debt Crisis Tightens Its Chokehold On Global Markets.'' There is a whole series of stories again there about the same issue.

The front page of the Washington Post above the fold, ''Europe Bailout Again In Doubt, Greece Seeks Referendum.''

My point is as we have observed now what is happening in Europe, it should be a lesson to us and a warning sign about what we need to be doing to get our economy back on track in this country. What is really saddling Europe right now is the fact that the European governments have gotten too big for their economies to support, so they are drowning in all of this debt. They have debt-to-GDP ratios that way exceed the normal levels that are required for admission into the European Union. Yet they continue to struggle with these huge amounts of debt, much of which was created over a long period of time. It didn't happen overnight. It is, frankly, that many governments made promises they could not keep. So now they are dealing with that and trying to figure out how they are going to work their way out of it. It is becoming increasingly concerning, I think, to people all across the globe and certainly to us in the United States.

If we look at the debt-to-GDP ratios in some of these countries around the world, they are pretty staggering. Greece is somewhere in the 180 percent debt-to-GDP area; in Portugal, Spain, countries like that, in some cases it is in excess of 200 percent debt-to-GDP.

Where are we in this country? We are already at 100 percent. We are 1 to 1. Our debt-to-GDP now is at a level we have not seen since the end of World War II. Spending as a percentage of our economy, debt as a percentage of our economy, deficits as a percentage of our economy—all at historic highs relative to anytime in history, at least in recent history going back to World War II.

I think, hopefully, the lesson to take away from all of this is we have to get our fiscal house in order. We are in a deep hole. We cannot continue to dig that hole deeper. When I hear the discussion about how to revive our economy, and I hear it revolve around we need to have more government intervention, we need to have more government spending, to me, that is literally a warning sign that we are on the wrong path. That is exactly what has happened in Europe. Governments have gotten too big. Their economies can no longer support them, and they are now faced with untenable circumstances; serious, dramatic austerity measures, accompanied by contracting economies, all leading to a complete mess in Europe. Hopefully, one that will not spill over into this country and around the globe. That concern clearly exists today, which is why we see so many of these headlines in our American papers focusing on that particular issue.

My point is simply this: I think as we look at how we deal with our economy in the United States, it starts with balancing our budget, getting our fiscal house in order, trying to get that debt and spending as a percentage of our economy down to more normal historic levels. If we go back over the past 40 years in American history, our spending as a percentage of our GDP has been in the 20-percent to 21-percent range on average. That is a 40-year historical average. Incidentally, the five times we have balanced the budget since 1969—and there have only been five times, regretably, where we actually balanced the budget—the spending-to-GDP ratio was 18.7 percent on average. So, clearly, in those times when we balanced the budget going back to 1969, those 5 years, we had an economy, obviously, that was expanding and growing, but also we had government spending under control at a reasonable level.

Today we are in the 24-percent to 25-percent range of spending as a percentage of our economy. Debt to GDP is now literally at 100 percent. That is something we have not seen. It is historic in terms of our country's economy and our fiscal situation. I think it suggests that we cannot spend our way out of this; we cannot borrow our way out of this. All that will do is compound the situation, make it worse rather than better. I think we have seen that in the first couple of years of this Presidency.

President Obama, when he came into office, had a very aggressive agenda. He wanted to expand the role of government. So we had a stimulus program funded with borrowed money that was focused on government spending, government stimulating the economy. We had a massive new health care bill, $2.5 trillion when it was fully implemented. That was a big expansion, the biggest expansion of government we have seen, literally, in the last 40 years.

We have seen excessive regulation to the point that there are now 61,000 pages of new regulations that have been issued or pushed through this year, all of which, again, compounds and makes worse the problem we have of growing spending as a percentage of GDP, growing debt as a percentage of GDP, and a shrinking private economy, or at least an economy that is not growing at the rate we would like to see, and continuing to run unemployment rates that are north of 9 percent. So these are serious economic circumstances and worsened, I believe, by the policies that have been put in place since this President took office.

I believe we need to take a different approach. We need to move in a different direction. We cannot continue to double down on what we know does not work. Clearly, government spending, government stimulus of the economy—if the last stimulus bill was any indication of that, certainly it has not worked. So much of what I hear being talked about now from my colleagues on the other side and from this administration is very similar to that. We are talking about a lot of the same prescriptions for our economy: We need to spend more here—which, of course, entails more borrowing or higher taxes on the people who create jobs.

In fact, the more recent iterations of that have entailed a tax increase on people who create jobs—a permanent tax increase, I might add—to pay for temporary spending programs, temporary spending ideas that have already been proven not to work. It

seems ironic, in a way, that we are having that discussion. It strikes me at least that there are lots of other ideas we ought to be thinking about if we are serious about getting the American economy back on track and growing and expanding.

Of course, we all talk about the issue of taxes. Taxes are clearly an issue when it comes to our competitive place in the world and our ability to compete with other countries around the world. We continue to see companies move jobs to other places because our tax structure in this country is not competitive. We have the second highest tax on business in the entire world right now, which I think makes us anticompetitive and makes it more difficult for us to attract jobs and investment in this country.

We have, as I said, a regulatory structure that is spinning out of control in terms of new regulations, new mandates, new requirements on American businesses. Quite simply, we are making it more costly and more difficult for American businesses to create jobs when we ought to be looking at how we can make it less difficult and less costly, less expensive, cheaper, if you will, to create jobs. So that is where we ought to be looking.

Of the things that strike me that fit into that debate, No. 1 is tax reform. I think getting tax rates down on businesses and individuals, broadening the tax base, is something we ought to be having a debate about, and tax reform that would put policies in place that are going to be there for a while, that there is some permanence to. We continue to change tax law every year or two, and that kind of economic uncertainty makes it very difficult for American businesses to invest. Who in their right mind is going to make investments based upon a set of policies that are going to be in place for at best 2 years, at worst maybe a year? That is how we have been setting tax policy of late.

We need to create economic certainty through more permanent tax changes that promote long-term economic growth, not this decisionmaking that is designed for people in the near term. Do something that might give us a little bit of economic pop in the next 6 to 12 months, but something that actually puts in place conditions where businesses will make long-term investments, create long-term good-paying jobs right here in America.

I think that is the kind of economic debate we need to have. Frankly, instead of talking about redistribution of wealth or redistribution of income, which is so often what we hear coming out of the White House, we ought to talk about what we can do to promote economic growth. How can we get this economy growing and expanding, and what are the policies that will make that happen? Tax reform, clearly, in my view, is one, and tax reform that is focused on getting rates down and making us more competitive with the rest of the world. Then I think we ought to have a debate about what we are going to do about these regulations. Regulations are out of control.

There are a series of things that have been passed by the other body, by the House of Representatives, which they call the ''forgotten 15.'' There are a whole series of things dealing with domestic energy production and development, doing away with some of these costly regulations. All of these are pieces of legislation, bills that have passed in the House of Representatives this year.

Since January when we came into this new session of Congress, 15 bills have passed in the House of Representatives that have not been acted on in the Senate. Many of us have tried and will continue to try to get votes on some of these as amendments, perhaps, to bills that might be moving through the Senate. If we are serious about supporting policies that will create the right conditions for economic growth, it seems to me at least we could start by taking legislation that has passed the House with broad bipartisan support. These are policies that have come through one body of the Congress that we could put on the Senate floor and the agenda in the Senate that would impact the economy and the job creators. These are all things we have heard people say they want and they need.

If we look at the number of regulations coming out of Washington, DC, and what it would take in terms of our job creators to comply with all of that, it is an astonishing 82 million hours. It is 82 million hours to comply at a cost of $80 billion. That is what these new regulations that are coming out of Washington just in this last year, or since this administration has taken office, that is the cost to our economy of all of these new requirements that are being imposed upon our businesses. We know regulations, excessive redtape kills jobs. It increases our dependence on foreign oil, and it imposes costs on our businesses that we, frankly, cannot afford.

If we look at what the Federal regulations cost job creators annually, it is somewhere along the order of $1.75 trillion. That is the composite of all of the regulations that exist on the books today, not just those that have been enacted since this administration came to power. They have taken it to a whole new level.

It is interesting because the chairman of the business roundtable and the chairman, president, and CEO of Boeing company, a gentleman named Jim McNerney, in a Wall Street Journal oped and printed on Monday, noted the following:

> A tsunami of new rules and regulations from an alphabet soup of Federal agencies is paralyzing investment and increasing by tens of billions of dollars the compliance cost for small and large businesses.

He goes on to say:

> What we face is a jobs crisis, and regulators charged with protecting the interest of the people are making worse the problem that is hurting them now. . . . An increasingly skeptical business community needs proof Washington can put America on a sustainable fiscal footing and promote economic growth.

The recognition that we have to get our fiscal house in order, the recognition that this alphabet soup of Federal agencies is paralyzing investments, increasing by tens of billions of dollars the compliance for large and small businesses is what this particular CEO, who leads a large business organization in this country, has put his finger on in terms of the things we need to get the economy in this country growing again.

I hope as we continue to have this discussion in the Senate, rather than focusing, again, on raising taxes on people who create jobs—and that is what these proposals that have been put in front of us would do. We had one we voted on the last time we were in, the week before last, and we have one we will probably have a vote on sometime this week—essentially saying we are going to permanently raise taxes on job creators to pay for temporary spending programs that have already been proven not to work. That doesn't sound like a jobs plan to me. That sounds like another futile attempt to have Washington become relevant to this debate, knowing full well it really is the job creators out there in this country, it is our private economy where the jobs are really going to be created.

As the American people follow this debate, this is a very real issue for them because it affects their jobs. It is something about which they care deeply and profoundly. Economic issues, bread-and-butter issues, kitchen table issues are what the American people focus on. So I think they care deeply about this debate, and they should because what we do here impacts them and their children and grandchildren for generations to come.

If we think about the fact that today we have a $15 trillion Federal debt and what that translates into per family in this country, it is about $126,000 per family. Every family owes their share of the Federal debt, $126,000. Now, compound that by adding the total unfunded liabilities of our Federal Government, which now total over $60 trillion, and those are the obligations we have to pay Social Security and Medicare benefits for future generations. That share of that unfunded liability per family in this country exceeds $500,000 per family, and that exceeds the amount they pay for their mortgages and for all the other things combined in their daily lives. Take their mortgage payments, car payments, the payments they are making on their student loans, all those sorts of things are all exceeded by that amount—the mortgage, in effect, they have because of the unfunded liabilities their government has racked up.

So we look at where we are, we look at what we are doing to the American

people with the spending and the borrowing here in Washington, DC, and we look at what is happening in Europe, and we can see some real parallels there, and it is a path I hope we will not go down. But it is clear to me at least that we continue to try to make promises to people in this country that we can't keep. When we get to the point—and I think we are there—where the size of government, the growth in our government in this country cannot be supported by our economy, we have to make some decisions, and those decisions are not going to be easy. We need to get government back into a more normal, historical size relative to our economy, and I think that will help unleash the job creation we need in this country.

By the way, as I mentioned, the amount of debt many of these European countries have racked up as a percentage of their GDP—we are not far behind. We are 1 to 1, about 100 percent. As I said, today Greece is about 180 percent.

But if we look at the studies that have been done and how sovereign debt impacts the economy and jobs, there is a clear correlation and clear connection. A good body of research done by a couple of economists, Carmen Reinhart and Ken Rogoff, suggests that when we get a debt-to-GDP level that exceeds 90 percent and we sustain that, it will cost about a percentage point of economic growth every single year. In this country, when we lose a percentage point of economic growth, it costs about 1 million jobs. So these high, sustained, chronic levels of debt-to-GDP at the ratios we are at and continue to be at today continue to make it more difficult for our economy to create jobs, that coupled, as I said, with all of the new requirements we are imposing on businesses.

I want to mention a couple of other things in wrapping up when I talk about those requirements because, in those cases, the ''forgotten 15'' that have been passed by the House of Representatives do focus on some areas that are costing a lot of money in our economy for our job creators. Again, these are 15 bills passed by the House of Representatives, all with bipartisan support, none of which has been taken up and acted on here in the Senate. It seems to me we ought to at least have votes on these, and these are things American businesses are telling us they need to get the economy growing again.

The other thing we know that is making it more difficult and costly for American businesses to create jobs is the new health care bill.

The Des Moines Register reports that last week Iowa-based insurer American Enterprise Group announced that ''it will exit the individual major medical insurance market, making it the 13th company to pull out of some portion of Iowa's health insurance business since June of 2010,'' mere months after ObamaCare passed. As a result, 35,000 individuals receiving coverage from American Enterprise's individual insurance policies will now lose their current coverage. For these individuals, the promise that they will not have to change plans, that nothing will change under the Obama plan except they will pay less, has once again proven to be hollow.

Another example of an insurance company that is moving out of the business—and if we look at the more recent reports about companies that are dropping or talking about dropping coverage, we now know there is a McKinsey & Company report out there. They surveyed a bunch of companies in this country, both large and small, and 30 percent of employers and 28 percent of large employers will definitely or probably stop offering coverage after 2014.

So all of those people who derive their health insurance coverage from their employer or the individual marketplace are seeing not lower costs but higher costs and probably fewer options. That is the trend we are seeing. That is the experience so far, after passage of ObamaCare, the impact it is having on American businesses and American businesses' ability to create jobs in our economy.

So the health care heavy weight, the anchor that is putting on American businesses, coupled with all the other regulations that are coming out of Washington, DC, coupled with a tax code that is riddled with uncertainty and questions about what is going to happen next in terms of raising taxes on job creators in this country, focused more on income and wealth redistribution rather than economic growth, which is where we ought to be focused, suggests that we are headed in the wrong direction fiscally. We are headed in the wrong direction economically. We are headed in the wrong direction with regard to tax and regulatory policies in this country.

We still have time to change direction. I hope we start by taking these 15 bills passed by the House of Representatives and putting them on the floor of the Senate for a vote instead of having yet another political vote, which is what we are going to have this week, that would permanently raise taxes on the people who create jobs in this country—permanently raise taxes—to pay for temporary programs that have proven not to work, as is evidenced by the failed stimulus bill from 2 years ago. We can do better. We can do better by the American people, and we need to. But it has to start here, and it can start by picking up things that we know have bipartisan support.

Madam President, I yield the floor, and I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

REBUILD AMERICA JOBS ACT—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 1769, which the clerk will report.

The bill clerk read as follows:

Motion to proceed to the consideration of the bill (S. 1769) to put workers back on the job while rebuilding and modernizing America.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Madam President, the Rebuild America Jobs Act addresses two of our most fundamental responsibilities: first, the need to respond to the urgent jobs crisis and, second, the duty to create the physical framework for economic growth now and into the future.

There should be no debate about our duty to fulfill those two responsibilities. Yet, once again, we are in a situation where the refusal of our Republican colleagues to compromise, even on consideration of measures they have supported in the past, prevents us from acting on behalf of the American people.

I am encouraged by reports that perhaps finally the need to act has convinced some of our colleagues across the aisle to at least consider allowing the Senate to debate this legislation. I hope for the sake of millions of people in Michigan and in every other State who are waiting for us to act that at least some of our Republican colleagues will relent and allow us to at least debate this measure.

What would this bill accomplish? Simply put, it seeks to create jobs now and into the future. It does so by funding a wide array of infrastructure projects, including roads, bridges, rail transport, mass transit, airport facilities, and updated air traffic control systems. These projects would put construction workers on the job immediately. They would, according to estimates by Moody's, boost economic growth by more than a dollar and a half for every dollar we spend. And the benefits would continue into the future as American companies and American workers benefit from the increased competitiveness that modernized infrastructure provides.

In my home State of Michigan, this legislation would result in more than $900 million going to infrastructure projects. It would create about 12,000 jobs. Residents of my State are keenly aware of the need to act, and to act now, on the jobs crisis, and they are

keenly aware of the terrible costs we pay if we allow our economic competitors to establish advantages over our workers. In my State, nearly one-third of our bridges are structurally deficient or functionally obsolete. More than one-third of our major roads are in poor or mediocre condition. About 40 percent of our major urban roadways are congested. The people of Michigan want us to act on jobs, and they want us to act now to maintain America's competitive edge.

These are not controversial ideas—at least they have not been in the past. Support for infrastructure is traditionally bipartisan. It was a Republican President—Dwight Eisenhower—who launched the Interstate Highway System. This bill includes an infrastructure bank based on a bipartisan idea once supported by the U.S. Chamber of Commerce. Every Member of this body, Democrat and Republican, fights for adequate infrastructure spending for their State. Why, when faced with the dual challenges of a jobs crisis and increasingly outdated infrastructure, would we hamper our ability to grow now and in the future by not allowing a debate on this bill and adopting this bill?

Perhaps some of my Republican colleagues object to the way this bill is paid for. As has been the case with previous jobs bills, this legislation would not add a dollar to the deficit. It would pay for these much needed infrastructure efforts by asking those with incomes of more than $1 million a year to pay a fraction of a percentage point of their income above $1 million a year in additional taxes. Again, outside the Halls of Congress, this is not a controversial notion. A strong majority of Americans, including a majority of rank-and-file Republicans, support the idea of asking the wealthiest among us to contribute to solving our jobs crisis.

I might say, in terms of investing in infrastructure, a recent CNN poll shows that 72 percent of Americans support investing in infrastructure to create jobs. We know from this poll that a huge majority of Americans want us to invest in infrastructure. They want us to invest in infrastructure now to create jobs. That is mirrored by other polls which show a vast majority of Americans believe the fair way to pay for this investment is for the wealthiest among us to pay a small fraction of the income they make above a level such as $1 million, which is what is provided for in this bill. Now, make no mistake, if Republicans reject this legislation because of the funding mechanism, they are voting directly in opposition to the will of the American people and against the concepts of basic fairness that should guide our actions.

Finally, relative to this pay-for, there is only one group of Americans who have done well financially in the last few decades; that is, the wealthiest 1 percent. The rest of Americans, middle-income Americans, have either lost ground or gotten nowhere, but the wealthiest 1 percent of Americans have done exceedingly well, and their proportion of the national income has grown dramatically. So to say income above $1 million should not pay a small fraction of a percent in a surcharge to help pay for what this country desperately needs and would create jobs flies right against the feelings and beliefs of the vast majority of the American people.

Finally, the vote we are going to take in the next couple days is not even a vote on the bill. This is a vote on ending a Republican filibuster on the motion to proceed to the bill. It is a motion which would allow us to begin to debate a bill.

I have been continually surprised at the lockstep opposition of Republicans to even beginning to debate on these matters. I would make a simple request, and a number of us have done the same. Let's debate this legislation. Allow us to debate the legislation. If the legislation can be improved, offer ideas to improve it. If there is a better idea, offer the better idea. I believe Republicans would have a very receptive audience if they propose ideas for which there is strong evidence of benefits and economic growth and job creation. But until we can get a job-creation measure to the floor of the Senate, we cannot even discuss those issues in a legislative setting; we can only really hear debate as to whether we ought to be allowed to debate those issues.

A bipartisan vote to begin the debate on jobs legislation would send an important signal to the people we all represent, a signal that we are ready to put aside partisanship and address the problems our people face. I hope Republicans will end their filibuster so we can adopt the motion to proceed to this jobs bill.

Madam President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MERKLEY. Madam President, I rise to address our Nation's job crisis and to share some thoughts about why it is important that we proceed to debate on the Rebuild America Jobs Act. It may come as a surprise to some across the Nation that at this point this Chamber is not debating the Rebuild America Jobs Act but that we are debating whether to debate. Only in the Senate could we be engaged in that type of question, when across America millions of folks want to see us act, want to see us create jobs.

It was only a few weeks ago we had a similar debate. That debate was over the America Jobs Act, a broad portfolio of measures to put our economy back on track and create jobs for Americans. To get closure on whether to debate, we had to get a supermajority under the rules of the Senate.

My colleagues across the aisle opposed that and we could not get to the debate of the bill on how to create jobs. Now we have before us a smaller segment of that bill, one that focuses on the construction industry. Again, we find ourselves debating whether to debate rather than getting down to work and creating jobs. So I hope this time the outcome will be quite different.

The jobs crisis has hit hard across this Nation. It hit especially hard in my home State of Oregon, where the job rate has been lowered as the unemployment rate has been higher than in most States across this Nation. One of the main reasons Oregon is hurting is because our construction industry, our residential and commercial construction industry, is flat on its back. More than 40,000 construction jobs have been lost in Oregon since 2007. Thousands more have been lost in related industries such as forest products and nursery stock and grass seed, all of which only thrive when we are building homes in America. Right now, we are not building homes in America.

So we need a boost to get the construction industry moving again. If you do not believe me, just listen to the people in the State of Oregon. A few weeks ago, I asked my constituents to write in and share their stories. Today, I am going to share some of those stories with all of you. Carolann from Marion County writes in and says:

> I am a construction cost accountant with 47 years of experience and two masters degrees. I have been widowed since 1996. I am 69 years old. I fully support my 67-year-old sister who has dementia and is in remission from colon cancer. Wall Street and my own bout with cancer just before I turned 65 has wiped out a lifetime of savings, my retirement nest egg. I have to work or we will be homeless in about 3 months. I drive a 16-year-old vehicle that is on its last legs. I have aging parents who are struggling to keep their farm. Those are the facts. In late 2008, for the first time in my career, I was laid off from my construction accounting job. Since that time I have been unable to find another job in any field despite my good references. Currently I work part time for a start-up dot-com. My prognosis for continued employment is shaky. Banks will not loan money to a start-up. This summer I went from June 26 to September 7 without a paycheck of any kind. Last week I applied for a job at Wall Mart for Oregon's minimum wage. I will probably get hired, but I am not kidding myself about job security. That does not exist any more for most of us. Senator, the worst thing about all of this is our do-nothing Congress. Washington, D.C. has lost touch with America.

Her words ring powerfully in this Chamber. She, similar to millions of other Americans, is saying this economy is tough. Family circumstances are rough. Why does Congress not get down to work and debate and pass job-creating legislation? She is frustrated with this do-nothing Congress and we

are debating whether to debate a jobs bill. I encourage my colleagues to listen to Carolann from Marion County. Let's get past this point and get down to debating the jobs bill.

Hank from Marion County writes:

Three years ago, I was at the top of my more than 35 years in construction management working as a senior project manager on a large project. As the economy tanked, the projects were terminated. Today I am unemployable after hundreds of applications. I am left able, willing and highly experienced, yet undesired. Our farm was foreclosed and my wife and I had to file bankruptcy. Currently our mortgage lender refuses to complete a home loan modification, although they qualified us 2 years ago for the program. And since then we have been making the required payments each month even without a final agreement. We have met with community groups, written letters, made calls, yet nothing seems to happen. In another year when the bankruptcy period ends, we fear the bank will simply foreclosure again and we will lose our farm.

Again, another voice from a family deeply affected by the collapse of the construction industry and a call to us to help put it back on its feet.

Brian from Yamhill County writes:

I have worked in the lumber industry for 35 years. In 2009 I was laid off for 11 months. I did go back to work in June only to be cut again after only 5 days of work. I went back to work in December for the same company. In September 2010 there was a cutback. More than 70 people lost their jobs. I was lucky. I made the cut. But my pay was reduced by nearly $5 an hour. I went from driving a fork lift to a clean-up position. 6 months went by and then another cut. This time another 60 people lost their jobs. I was lucky again. And I worked at a new position for nearly a year until September 2011, and then came another cut. This time I was one of 42 people to be laid off with no chance of a call back. Now there are rumors that the entire plant is closing. I have been out of work for 1 month now. And in my job search I have been running into the same thing everywhere I go: No work available.

Every industrial area I go into I see many buildings where companies have gone out of business. Windows and doors are boarded up. I want Congress to do the job they are being paid to do so I can go back to work.

That is the line he closes on: that we here in this Chamber should do the job we are assigned; that is, to take on, amend, and pass job-creating legislation so he can find a job, so he can go back to work. I think his sentiment is echoed by millions of American families. There is no substitute for a job. No program can come anywhere close to the important role a job plays in the personal satisfaction, the structure it gives us in our life, in the knowledge we are putting a roof over our family's head and putting food on the table. No program can suffice. A job is the heart of the success of our families. Yet here we are fiddling while Rome burns or, in this case, filibustering while millions of Americans go without jobs. It is not right.

I say to my colleagues, particularly I wish to encourage my colleagues across the aisle who filibustered the last effort to put the jobs bill on the floor: Stop. Talk to the folks in your home State who are unemployed, who expect us to do what every American worker expects us to do, which is to debate and pass job-creating legislation.

The bill which we are debating whether to debate, the Rebuild America Jobs Act, is a commonsense strategy to put people back to work in an industry that needs it, making investments our country will have to make sooner or later anyway. One in four bridges in America is rated deficient. We get a D grade on our infrastructure from the American Society of Civil Engineers.

This is not the America we know. It is not the America we want. Let's build the America of the future that will have the infrastructure to drive our economy positively. Infrastructure is not an option; it is a necessity. We can build it now when interest rates are low and jobs are needed or we can spend more later when our infrastructure has deteriorated further and it is more expensive. We can do it earlier, with lower interest rates and more bang for the buck, or we can do it later, when it will be more expensive, more difficult, with a higher interest pricetag. It doesn't seem to be a difficult choice. It certainly doesn't seem to be a difficult choice as to whether we should at least be on the bill, debating it.

I know many folks are coming to the Chamber to address the question of how we get a jobs bill actually before the Senate. I hope all of my colleagues will get on the line with folks back home, go to that town meeting, and say: Do you want us to debate a bill or do you want me to keep stalling and preventing a debate on how to create jobs? I am pretty confident 9 out of 10 people—and maybe 10 out of 10 people—will stand up and say: Quit stalling. Let's get to work here so America can get back to work.

Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SCHUMER. Madam President, today I want to discuss the jobs bill we are currently debating and how important it is that we pass this right away.

I also want to respond to the minority leader's remarks this morning in which he tried to deny the bipartisan nature of this proposal and, instead, sought to divert this Chamber toward a hodgepodge of bills taken up by the House.

All across the country, and in our State of New York, from Poughkeepsie to Buffalo, there are roads, bridges, and sewer systems in need of serious repair. In each of these places, there are thousands of middle-class families desperately looking for work.

In the construction trades—the backbone of the middle class in many of our communities, in New York and around the country—there is 25, 30, 40 percent unemployment. That is true for many of my colleagues on both sides of the aisle. We all know that in previous recessions, 60 percent of the new jobs were in construction. That is because they lower interest rates and build more housing. There is no more lower interest rates because, when the recession began, they were already very low and, of course, there is a surplus of housing now in America.

This week, by voting to pass the Rebuild America Jobs Act, the Senate can get thousands of Americans off the unemployment line and back into the workforce. Because they get paid good salaries, the money they get flows into the economy and creates a multiplier effect that creates other jobs. These are good, solid, high-skilled American jobs—jobs we need.

Investing in our roads, bridges, and sewer systems could not be more urgent. More than one in four of our Nation's bridges is either structurally deficient or obsolete. I put out a list of those in New York State and it was astounding, in every part of our State.

We all know that, as we get closer to winter, our deteriorating roads will place a heavy burden on commuters and local taxpayers. Our local towns, villages, counties, and cities cannot afford the infrastructure work that is needed right now because of tight budgets and budget cutbacks at the Federal, State, and local levels. As this past weekend's storm made clear, investing in our crumbling sewer systems has never been more essential. All up and down the Northeast, old sewer systems have given way to serious flooding. We can make a downpayment on these priorities by passing this bill, and we should do so in a bipartisan manner.

When I travel across New York State, two of the first things people bring up to me are jobs and fixing our infrastructure. This bill does both. It doesn't matter whether the people are Democratic, Republican, Independent, from upstate or downstate, men or women, liberal or conservative, they all say the same thing, and we see this reflected in public opinion. A recent CNN poll showed nearly three-quarters of Americans support additional Federal investments in our infrastructure. Yes, they are worried about the deficit and our long-term fiscal health, but they know we can't cut our seed corn—infrastructure projects that create jobs and help America grow economically.

Here is the best part of this bill. It invests in projects that create jobs, but it is fully paid for by asking the wealthiest among us—those who have incomes of over $1 million—to pay a fraction more in taxes. They pay that not on their entire income but just on the part that is above $1 million. So if a millionaire—someone worth a lot of money—has an income of $1.1 million,

they only pay the small .7-percent increase on the $100,000 that is over 1 million. Their first million doesn't change. The tax policy doesn't change.

Over the last decade, the middle class has taken a punch in the gut. The cost of sending kids to college has gone way up, the job market is tougher and tougher, and middle-class incomes are declining while costs to the middle class are rising. As a middle-class family sits around the dinner table Friday night trying to figure out how to pay all those bills and provide a great life for their future and for their children, it is very hard for them. However, the very wealthy—the very wealthy—have done very well over the last decade.

A lot of those wealthy people live in our State of New York. We say: God bless them. They started successful businesses and have done well over the last decade. So to pay for this bill, we are just asking them to pay a sliver more—.7 percent more of each $1 they earn over $1 million. This is a situation where they can't say: We are afraid the money will be wasted, because it goes to infrastructure—directly to infrastructure. The way this is set up, there is no politics in the process. It is the most needed projects that get the work.

Let me cite a fact. I know many of my colleagues joined with me and Senators BROWN of Ohio, STABENOW, and CASEY in saying China has to play fair, and we are all worried China will get ahead of us economically. But right now China is spending four times as much on infrastructure as the United States—four times as much. That is not four times as much per capita, that is four times as much period.

Here is the real kicker: According to a recent survey of 1,400 business leaders in 142 countries, the United States ranks No. 24 in overall infrastructure quality. Is that a shame? We are behind countries such as Barbados and Oman. We also rank No. 20 in roads behind the United Arab Emirates, Portugal, and Namibia; No. 22 in ports behind Malaysia, Bahrain, and Panama; and No. 31 in air transportation infrastructure behind Chile, Thailand, Malaysia, and Malta.

How can it be that these great United States that we dearly love, and which always was at the top in creating roads and bridges and tunnels and great water systems—the third water tunnel in New York is being built right now, and it is an engineering wonder, though the planning for it started in the 1950s, I believe—is now ranked No. 31 in transportation, 22 in ports, 20 in roads behind countries such as the United Arab Emirates, Portugal, Malaysia, Thailand, and Chile? If that isn't a wake-up call, I don't know what is. We can't afford to let our global competitors get the edge.

So this bill builds back infrastructure, creates good-paying jobs that will send a shot into the arm of an economy that desperately needs it, and pays for it only by taxing the income over $1 million of those who are very wealthy and have done very well in our society.

How can anyone vote against something such as this? One could think maybe the only reason is because some people don't want the economy to grow and prosper. I hate to think that, but infrastructure has always been a bipartisan issue in this body, and it should continue to be.

Let me respond directly to the minority leader's comments this morning. He derided the proposal on the floor as something that had already been tried, something that had no chance of passing, and something that was not bipartisan.

First, already been tried? Oh, yes. Is the minority leader saying because we built the Erie Canal or built the highway system in the 1950s we shouldn't do any more infrastructure? That makes no sense. That just makes no sense. Every study shows the infrastructure part of the stimulus bill created lots of jobs and left us with better infrastructure.

The minority leader then said, as I mentioned, not just that it had been tried already but that it was not bipartisan. We know the need for infrastructure is a bipartisan priority. Just because the minority leader may be imposing a top-down strategy that bars anyone on his side from voting for any proposal offered by the President to improve the economy doesn't mean these proposals aren't bipartisan.

Just yesterday, the former Republican Senator from Ohio, a fiscal conservative if there ever was one—Senator Voinovich—was quoted as saying he believed the need to repair our roads and bridges was so great he thought President Obama should be raising the gas tax to fund those investments. I don't know if I agree with him on that specific solution, but isn't it remarkable, a Republican Senator calling for revenue increases to pay for infrastructure investment?

That is what we do in this bill. Let me say once again that Senator Voinovich is no longer in the Senate, so he is free to pretty much do as he wants. But I would hope other Senators who are in the Senate would join in that call because I believe they know in their heart it is the right thing to do.

The only difference between what we propose and what Senator Voinovich proposes is that instead of asking middle-class Americans to pay more at the pump, we ask those who have an income above $1 million to pay their fair share and to help put construction workers back on the job. That seems like the right set of priorities to me.

So the minority leader is clearly wrong when he says this concept isn't bipartisan.

Another former Senator—Chuck Hagel from Nebraska—has been a leader in calling for an infrastructure bank, which also is in this bill. Senator Hagel sponsored one of the first pieces of legislation creating an infrastructure bank and has continued to call for it since leaving the Senate.

So there are lots of Republicans out in the country who support this measure, and the polling shows a large number of Republicans who support the kind of proposal we have on the floor—building infrastructure and having those who make over $1 million pay for it so we don't increase the deficit. This is a bipartisan proposal.

So let's not hear from the minority leader or anybody else that the proposal on the floor isn't bipartisan. Just this morning, the top Republican on the Environment and Public Works Committee was quoted discussing the progress he and the chairwoman of that committee are making on a 2-year surface transportation bill. This is great news. I am glad to hear they are close to advancing that bill. But if one believes infrastructure is enough of a priority that they can support a long-term highway bill, why would they object to speeding up some of that investment now so we can put more Americans to work quickly?

This bill is bipartisan for sure. The minority leader has a political strategy to block all our President's initiatives to improve the economy. What does the minority leader call for instead? He has called for the Senate to take up a hodgepodge of bills sent over by House Republicans that, even when taken together, don't do enough to tackle the jobs problem.

Who would believe this hodgepodge of bills will do more for jobs than the traditional way we get out of recessions—infrastructure building? Most of the ideas cited by the minority leader have next to nothing to do with jobs at all. Many of these ideas belong more on a lobbyist's wish list rather than any serious jobs agenda.

It is a stretch to call many of these bipartisan. Many of these bills are items Republicans would be seeking to pass even if we were in a boom and had full employment. Many are just ideological priorities dressed up as job solutions.

It is laughable for the House leadership to act as though these proposals would address the jobs crisis when they are sitting on real solutions such as the China currency bill. The Speaker and the majority leader over in the House say they want to do something about jobs. They say they are worried about the two Houses not working together. We had a large bipartisan majority—65 votes—saying we are going to force China to play fair on currency because their failure to do so causes millions of jobs—good manufacturing jobs, primarily, though not exclusively—to leave this country. There is nothing more Congress could do that would lift our manufacturing sector than to confront China's unfair trade practices. But Speaker BOEHNER and Majority Leader CANTOR sit on that bill and then tell us to take up this hodgepodge of items. The China currency bill passed with a bipartisan supermajority in the Senate. Yet the House leadership continues to sit on

the sidelines as China takes advantage of us. The China currency bill is languishing in the House for no good reason.

I suggest Speaker BOEHNER heed the will of his Chamber and put that bill on the floor and that the minority leader in the Senate would be well served to stop pretending these pieces of the President's jobs bill are not bipartisan just because he is withholding his support in service to a strategy that, perhaps, outlines his No. 1 goal: the defeat of the President.

It is time to stop the games and accomplish something that can make a real dent in the jobs crisis. I say to my colleagues on both sides of the aisle: Pass this bill, rebuild our ailing and aging infrastructure, create jobs, and make sure what we do here does not increase the deficit by having those whose income exceeds $1 million pay a small, little increase to pay for it.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

USDA APHIS MEMO

Mr. MORAN. Mr. President, yesterday we concluded our work here in the Senate on our version of the Agriculture appropriations bill. I am a member of the Appropriations Committee, a member of the agriculture appropriations subcommittee, and I supported the legislation we passed, but there is an outstanding issue at the Department of Agriculture of which I was only recently made aware. To me, it is a very serious issue, and given more time I would have taken action here on the Senate floor. It is an issue I will continue to pursue as a member of the conference committee as we work toward our final fiscal year 2012 Agriculture appropriations bill.

The issue involves a memo issued by the Department of Agriculture last month, October 6, authorizing the Department of Agriculture Animal and Plant Health Inspection Service, APHIS, to conduct an animal welfare scientific forum. This forum was approved by Under Secretary Edward Avalos on October 12.

I ask unanimous consent to have printed in the RECORD the USDA's memo.

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

DECISION MEMORANDUM FOR THE UNDER SECRETARY

Through: Gregory Parham, Administrator, Animal and Plant Health Inspection Service.

From: William H. Clay, Deputy Administrator, Wildlife Services.

Subject: APHIS Animal Welfare Scientific Forum.

ISSUE

How can APHIS effectively engage animal advocacy groups in ongoing scientific reviews and discussions of animal welfare issues related to APHIS program activities?

SUMMARY

At a meeting on July 26, 2011, between representatives from USDA's Marketing and Regulatory Programs (MRP) and the Humane Society of the United States (HSUS), HSUS representative John Hadidian requested that USDA establish an Animal Welfare Working Group to address animal welfare concerns regarding the use of existing and emerging lethal control technology.

The Under Secretary agreed with the general concept. APHIS recommends hosting a scientific forum facilitated by Animal Care (AC) at the APHIS Center for Animal Welfare in Kansas City, MO, to bring together animal advocacy groups as well as industry organizations to discuss the latest science regarding lethal control technology and other animal-welfare related activities carried out by the Agency. Wildlife Services (WS), AC and Veterinary Services (VS) activities in use now or those that may be used in the future would all be open for discussion at the forum. Pertinent scientific information gathered at the forum would be presented to the appropriate APHIS programmatic advisory committee for consideration.

Senior leaders from WS, AC and VS would meet with HSUS and several other advocacy groups in advance of the forum to identify priority topics for discussion and potential speakers.

BACKGROUND

In the past several meetings with MRP and APHIS representatives, HSUS representatives have consistently raised concerns regarding horse slaughter, horse transport, and WS' use of lethal control methods, as well as several welfare issues related to enforcement of the Animal Welfare Act. At a meeting between Under Secretary Avalos and HSUS on July 26, 2011, HSUS representative John Hadidian requested that an animal welfare working group be established to address animal welfare concerns regarding the use of new and emerging lethal control technology. Under Secretary Avalos agreed with the general concept.

APHIS representatives believe that HSUS' intent is to position the organization to be recognized nationally as influencing APHIS policy on critical and sensitive welfare issues. Where and how emerging and existing lethal control technology can be used is one of many issues HSUS wishes to influence. By expanding the proposed group to other APHIS programs besides WS, and establishing a scientific forum, APHIS would be able to engage HSUS and other advocacy groups on a range of animal welfare issues and focus on science-based, practical application approaches, using best practices recognized and developed with input from a variety of stakeholders, including industry groups, animal advocacy groups, and State and Federal partners.

The National Wildlife Services' Advisory Council (NWSAC) is the recognized body to make recommendations to the Secretary regarding future WS activities. Topics of discussion from the forum that might aid or impact APHIS activities could be passed to the NWSAC or equivalent advising bodies for VS and AC, as appropriate.

HSUS and other welfare advocacy groups would be invited to participate in a preplanning meeting for the forum with senior leaders from WS, AC and VS. These groups would have input into the topics to be discussed, potential speakers for the topics, dates and times for the forum, how the forum should run, etc.

The APHIS Center for Animal Welfare in Kansas City, MO is experienced at managing dialogue between diverse groups on controversial and emotional issues and in facilitating group interaction so that individuals stay focused on established topics. Holding the forum at the Center would make it convenient for transparent interaction with all interested stakeholders from across the country.

OPTIONS

Option 1. Establish an Animal Welfare Scientific Forum consisting of representatives from APHIS, animal advocacy organizations, industry groups and other interested stakeholders. This would allow APHIS to engage animal advocacy organizations with concerns about WS' use of lethal control methods, as well as other APHIS issues, such as horse slaughter and transport This process would also refocus attention from prescriptive protocols based on subjective criteria to science-based approaches while still allowing for input from diverse groups, including end users.

Option 2. Do not establish a scientific forum and continue operating under existing protocols. HSUS and other advocacy groups currently meet with APHIS programs individually at random intervals to discuss issues of concern. Multiple meetings of these advocacy groups with the different APHIS Programs are less efficient than a single forum that covers multiple issues.

RECOMMENDATION

APHIS recommends Option 1. This will provide cross-program participation and will allow animal advocacy groups to participate in a non-prescriptive manner.

DECISION BY THE UNDER SECRETARY

Option 1: (Signed) Edward Avalos, October 12, 2011.

Mr. MORAN. What is ironic about this forum is there is little science involved. It is little more, in my view, than the Department of Agriculture spending taxpayer dollars on a forum to provide the Humane Society of the United States a public forum to espouse its anti-agriculture views. The document speaks for itself in this regard. On page 2, the document states:

> APHIS [the Animal and Plant Health Inspection Service] representatives believe that the Humane Society's intent is to [promote and] position the organization to be recognized nationally as influencing APHIS policy on critical and sensitive welfare issues.

After reading that statement, it becomes clear that the Department of Agriculture is catering to an outside organization instead of relying on the advice of animal scientists at our land grant universities or even at the Department of Agriculture. If the Department of Agriculture was interested in science, why would it allow an animal rights organization to steer its agenda? Why wouldn't APHIS simply request the latest animal research from scientists across the country to make sure its guidance is up to date?

In addition to catering to HSUS, in planning this forum the Department of Agriculture APHIS is precluding input from members of the agricultural industry it is supposed to promote. The memo states:

> HSUS and other welfare advocacy groups would be invited to participate in a preplanning meeting for the forum with senior leaders from Wildlife Services, Animal Care, and Veterinary Services. These groups would have input into the topics to be discussed, potential speakers for topics, dates and times for the forum, how the forum should run, etc.

That is quoting from the memo. No mention in the memo is made of asking any agricultural organization or animal scientists for preplanning assistance. According to the memo, HSUS is going to set the agenda for this forum. Even if the agricultural industry is later invited to the event, Agriculture would have the cards already stacked against them.

I believe it is important for most Americans to understand that HSUS is not your local animal shelter. HSUS is a national lobbying organization that spends most of its budget to lobby against farmers and ranchers who provide us with food or clothing that we enjoy. In fact, tax documents show that HSUS spends less than 1 percent of its budget on grants to animal shelters. Given these facts, you would have to wonder why the Department of Agriculture is giving this organization this platform and shunning producer organizations. This is one more demonstration that this organization is no real friend of rural America or the American farmer and rancher.

My purpose this morning is to inform my fellow Senators of this troubling development at USDA and to put the Secretary on notice that this type of conduct from the Department is unacceptable.

The Department's mission statement reads as follows:

> We provide leadership on food, agriculture, natural resources, and related issues based upon sound public policy, the best available science, and efficient management.

USDA should live up to its mission statement and work to promote agriculture, not work against farmers' and ranchers' best interests and, I would say, not work against the best interests of the consumers of food in this country. Going forward, I will do my best to make sure the Department of Agriculture adheres to its mission statement.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Delaware.

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

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

UPDATING THE POSTAL SERVICE

Mr. CARPER. Mr. President, just a few minutes ago, Senators LIEBERMAN, COLLINS, Senator SCOTT BROWN of Massachusetts, and I gathered in the press gallery upstairs to unveil a proposed compromise that is designed to help ensure we have a viable, strong U.S. Postal Service in this country for the next 10, 20, 30, 40, 50 years and longer.

There has been a lot of time spent in debate over jobs: How are we going to save jobs? How are we going to create jobs in this rough economy we are moving through? As it turns out, there are about 7 million jobs that flow from the Postal Service. There are only about 500,000 people who actually work for the Postal Service these days. There are roughly another 7 million who are associated with the Postal Service in one way or the other.

If we do nothing, the Postal Service—which lost $10 billion last year, is on track to lose a couple hundred billion dollars over the next 10 years—will literally go out of business next year—not in 10 years, not in 5 years but next year. That is a consequence none of us can look forward to and we need to provide predictability and certainty and part of that is to make sure we have a Postal Service that meets the needs of our businesses and the interests of our citizens.

The situation is dire, but it is not hopeless. This is one we can fix and the four of us believe this legislation will fix this problem not in 5 years, not in 10 years from now but literally provide the fix that is needed this year.

I mentioned in our press conference that a couple years ago my sister and I went to the home of my parents. My parents are now both deceased. We went to their home and we rooted through all kinds of nooks and crannies and boxes in the attic. We came across a treasure trove of letters they exchanged during World War II. They wrote to one another when my dad was overseas. They wrote several times a week. They saved the letters.

When I was in Southeast Asia back during the Vietnam War, the happiest day of the week for us was the day the mail came. The letters, the postcards, the birthday cards, the packages we received, magazines, the newspapers, made that the best day of the week.

When our Presiding Officer and I go on a CODEL to Afghanistan or to Iraq to visit our troops and see how they are doing and what we need to be doing, they still get the mail over there, but it is not like it was when I was serving or when my dad or my uncles were all serving. Troops today communicate with their families back home with Skype. They have the ability to use the cell phones. They have the Internet, Facebook, Twitter. You name it, it is a different game today. As the way we communicate in this country and in this world has changed, the Postal Service needs to change the way they do business and they are ready and anxious to do just that.

I think there is a good analogy in trying to figure out what the Postal Service needs to do to right size its enterprise. There is a good analogy we can draw from by looking back just 3 or 4 years ago at the situation the U.S. auto industry was in. Think about this: In 1970, my first trip to Southeast Asia, the market share of Ford, Chrysler, and GM was just about 85 percent. In 2009, their market share dropped to less than 50 percent.

When the auto industry reported to us and to the rest of the country in 2009 that given their market share, they had more employees than they needed, they had more auto plants than they needed, and there was a mismatch in terms of the wage-benefit structure they were paying their own employees versus the wage benefits that were being paid to their competition selling cars, trucks, and vans in this country, they asked us for a bailout—not exactly a bailout. They asked for a cash transfusion. They promised to pay it back with interest. Lo and behold, they have, and 3 years later Ford, Chrysler, and GM are still in business. They have fewer employees than they had 3 years ago. They have fewer auto plants than they had, but they have changed the wage-benefit structure and made some changes in their health care costs and the way they administer health care costs which are now overseen by the United Auto Workers. As I said earlier, the moneys we invested in those two companies, Chrysler and GM, was money that has been repaid, largely, with interest.

The Postal Service, in 2011, is in a situation not unlike where our auto industry was a couple years ago. Given their market share, the Postal Service has more employees than they need. The Postal Service has more post offices than they need. They have more processing centers around the country than they need. What they would like to be able to do is not to fire employees, not to abrogate labor contracts. What they have asked to do is to do what the auto industry did in working with their workers; that is, to incentivize people at the Postal Service who are eligible to retire to go ahead and retire. There are about 125,000 of them. We have seen the Postal Service head count drop from 800,000 employees a decade ago to a little under 600,000 today. The Postal Service needs to reduce the head count by another 100,000 or so over the next couple years by incentivizing people eligible to retire to go ahead and retire. The Postal Service thinks they can do that for about $2 billion. By doing that, 100,000 Postal Service employees will be eligible to retire. That will save the Postal Service $8 billion a year going forward.

Last year, the Postal Service lost $10 billion, and in the years to come they are projected to lose about $20 billion. We could literally address about half of that financial challenge with one fell swoop, incentivize employees eligible to retire.

The Postal Service is interested in being able to close some post offices. They would like to be able to consolidate some post offices—where they have two, make one. In some cases, they would like to be able to take the services they provide at a post office and offer them at maybe a retail outlet that is open more than 6 days a week or maybe a retail outlet open 24/7, potentially put postal services in some supermarkets in communities across the country, put them in some convenience stores or maybe in pharmacies. The idea would not be to provide worse service; the idea would be to provide better service in a lot of instances.

There are 33,000 post offices in the country. The Postal Service is looking today at 3,700 of them to decide whether they are viable. Under current law, the Postal Service can close a post office. They cannot do it solely on economic grounds, but they can close a post office pretty much at their volition and maybe have a cursory conversation with the community but not much.

The legislation we have proposed would say that the post office, as they look at these 3,700 post offices that are under review—and perhaps others in the future—that before they go about closing any of them, the Postal Regulatory Commission—which is responsible for setting service standards for the post office—would have to be part of that decisionmaking process in these communities across America. They would make sure the service standards the Regulatory Commission—the regulators, if you will, for the post office—has established are going to be met in the future if a post office is closed or post offices are consolidated or the services are colocated. This has to be a transparent process, where the folks who live and work in those communities have the opportunity to be full participants in that decisionmaking.

With respect to the closure of mail processing centers, there are over 500 of them across the country. The Postal Service would like to close as many as 300 of them. Under the legislation we have proposed, there would be the opportunity for communities, businesses, small and large, postal customers, residential customers, and others to have the opportunity to make clear whether the close of a mail processing center in their town or community would somehow be inopportune and a real detriment to that community in ways that are not fair.

Those are three things that the postal service wants to be able to do: address their head count needs, take a close look at how many post offices we have and whether those services can be provided in a more cost-effective way, and the third is to look at the 500-plus mail processing centers we have and try to figure out how many of those can be closed.

The Postal Service delivers mail from my State to the Presiding Officer's State in Minnesota—I can mail a letter today and probably it would get out there on Friday or maybe Saturday. The standard service today is, in some cases, next-day service; in some cases, service can be as much as 3 days. What the Postal Service has asked is, they will still be able to do 1-day service, but they would like for the standard to be officially 2 to 3 days. That is one of the things they are asking for the opportunity to do, and our bill let's them do that.

The other thing the Postal Service has asked for is some relief, if you will—not a bailout, not taxpayer dollars—with the health care costs. Currently, the Postal Service pays into Medicare for its employees. They are the second largest payer into Medicare of all the employers in the country. They also pay into something called the Federal Employees Health Benefits Program. We have the Postal Service sort of paying twice for health care service for its retirees. People 65 and over, 85 percent of them are eligible for Medicare. If they are not, they are still eligible for the Federal employees health benefits as retirees. The Postal Service has asked to do what a lot of other companies do. What a lot of other companies have asked is that Medicare would be their primary source of health care coverage. In addition to that, the Postal Service would provide a Medigap plan to fill the gaps that Medicaid and Medicare do not cover. We think that is a reasonable request. We have also given the Postal Service the opportunity to negotiate with the labor unions to see if it might make sense for the Postal Service to withdraw from the Federal Employees Health Benefit Program and establish their own plan for roughly 1 million people. They will have a chance to study that and decide whether that makes sense.

I will mention three other things we believe the Postal Service can do to reduce costs. One of those is the way they deliver the mail. For a lot of folks in my home, the mail is delivered to our front door. There is a mailbox by our front door. What we are suggesting in our legislation is that in some cases the Postal Service looks at whether that is an efficient way to deliver the mail or maybe is curbside delivery fine. If someone has a mailbox, the letter carrier puts the mail in the mailbox and doesn't have to get out, park the vehicle, walk up to the house and put it in the mailbox and walk back to the vehicle. A fair amount of money can be saved there.

There is money that can be saved in the way workers' comp is handled for Postal Service employees—and we also believe for Federal employees and the President agrees—and we have that legislation in this bill too.

In addition, in finding ways to save money, I would hasten to add it is important for the Postal Service to find new ways to make money. We have seen the TV ads about flat-rate boxes. If it fits, it ships. The price is pretty good, and the service is pretty good too. That is the kind of idea we need more of from the Postal Service. The Postal Service has a partnership with FedEx and UPS. Most people think of them as competitors, but actually the Postal Service has partnered with FedEx and UPS. FedEx and UPS don't want to deliver to every door in America every day for 6 days a week. They don't want to do that. They simply ask the Postal Service to deliver to those doors that FedEx and UPS don't want to deliver to on a particular day, and the Postal Service makes money doing this. They make a lot of money doing this. When the holiday season comes upon us, we will find there is a need for—a lot of people don't just go to brick-and-mortar stores to buy holiday gifts, they want to order online, and the Postal Service can participate broadly in that business too.

The last thing I wish to mention is this: In addition to making money, we have to come up with new ideas. Those are a couple ideas that work. There are others. We are looking for ways to save money in State and local government. Why not consolidate some of the operations in post office buildings. We have a couple more tenants and we can provide service there for other purposes. We do that for passports. Why not do it for other things? We will hear a lot about virtual mailboxes in the days to come and whether that might be a new piece of business for the post office to be involved in as well.

Let me close by saying this: I think as we go forward in this process, we need to be mindful of the Golden Rule, to treat people the way we want to be treated. That includes customers of the Postal Service, be they businesses or residential customers, employees of the Postal Service, the taxpayers. We need to treat everybody the way we want to be treated.

The last thing I would say, my friend from Tennessee, who is standing, and I are two people here who believe we ought to be serious about solving the big problems, as is the Presiding Officer. There are a lot of people who think we are incapable of dealing with big challenges these days.

This is a big challenge. The Postal Service is one of the two largest employers in this country. The consequences of the Postal Service going down next year are not what we want to see visited on this country. Seven million jobs would be in jeopardy. If we simply try to put them on autopilot and let the taxpayers pay for it, it would be over $200 billion more of a hit on the Treasury.

This is a big challenge. This is one we can fix. To the extent we can pull together in the Senate, as we have done in our committee on this issue, I think we will set a good example for our Nation to say: Yes, we can still take on a tough problem, and we can fix it—not in a year or two or three from now but this year.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Mr. President, I know we are rotating right now. What I thought I might do is yield just a couple of minutes to Senator BLUMENTHAL, and then let him yield back to me if that would be OK.

But I do want to thank Senator CARPER for his leadership on this issue. We have looked at this bill and others, and we are glad they have been able to come to an agreement between each other. Obviously, the issue of the Postal Service is one of the big issues we need to deal with. I agree with him. I think that is something we can do now. I thank him for his leadership.

I yield back for the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I thank the Senator from Tennessee, Mr. CORKER, for very graciously beginning this discussion. I want to join in thanking the distinguished Senator from Delaware for all of his hard work and his very successful and insightful discussion this morning. It is a problem that concerns all of us very deeply and immediately, and his leadership has been an enormous contribution to the Nation on this issue.

THE GAIN ACT

I am pleased to be here today with Senator CORKER to discuss a problem that is spreading across the country. It is a public health threat to our troops, our children, our frail, and our elderly involving the spread of mutant germs, so-called superbugs, that are resistant, sometimes even immune to existing antibiotics.

I have been very proud of the work Senator CORKER and I have done together. He has joined me, and we have been joined by Senators BENNET, HATCH, CASEY, ALEXANDER, COONS, and ROBERTS in the Senate, and by Representatives GINGREY and DEGETTE in the House, along with a very bipartisan group of respected Members there on an issue that is truly bipartisan. I wish to yield to Senator CORKER and then continue my remarks on an issue that ought to concern us very closely and immediately.

Reports from the Centers for Disease Control and Prevention suggest that these infections are not only prevalent but spreading across the country. I have a detailed set of charts that demonstrate this problem. He and I have developed what I think is a solution the Congress can consider in order to provide incentives for development of new antibiotics, new medicine, that can help the Nation prevent the spread of these kinds of diseases.

So with that, I yield for the distinguished Senator from Tennessee.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from Tennessee.

Mr. CORKER. Thank you, Mr. President. I am sure the Chair is familiar with us going back and forth, and I thank the Chair. I thank my friend from Connecticut. I know he mentioned the Senators who have joined us in this effort, as well as the House Members on the other side of the Capitol, in a bipartisan way.

First, I thank him for his leadership on this issue and for approaching our office about it. I know the public watches Washington and wonders if there is ever anything that is done in a bipartisan way. There are actually lots of efforts that are undertaken that way, and I am very glad to be working with him and his staff who have been very professional and, hopefully, this bill can become law.

The problem is that we have these drug-resistant bacteria called superbugs. All of us have read and heard about them. They are becoming harder and harder to treat because we lack the new antibiotics capable of combating these infections. It is actually scary when we think about what is happening in many facilities across our country. So it is obviously crucial to discover new antibiotics so we can stay ahead of this growing trend of drug resistance.

Drug discoveries, obviously, don't happen overnight. Action is needed now to ensure that we have access to these lifesaving medications when we need them.

These are serious infections. They are definitely life threatening to the patients, especially children and the elderly. In fact, the CDC, the Centers for Disease Control, has named this antibiotic resistance as one of the top public health concerns in our country.

According to the Infectious Disease Society of America, 100,000 deaths and 360,000 hospitalizations result from antibiotic-resistant infections each year in the United States. In my State of Tennessee, nearly 2,000 cases of MRSA are reported annually. MRSA is a common and very dangerous type of antibiotic-resistant bacteria often found in hospital settings. Again, I am sure all of us know of cases where this has happened to loved ones, friends, and others.

The financial impact of these infections is also staggering, costing our health care system $35 billion to $45 billion annually.

This problem is also threatening the health of our troops abroad. One particular type of bacteria, known as a Ramibacterium, is striking hundreds of wounded soldiers coming back from Iraq. Since 2003, more than 700 U.S. soldiers have been infected or colonized with this life-threatening bacteria.

While bacterial infections continue to become more resistant to traditional antibiotics, innovation of new antibiotics capable of combating these infections has slowed by an alarming rate. FDA approval of these new antibiotics has decreased by 70 percent since the 1980s. Between 2003 and 2007, there were five new antibiotics approved by the FDA compared to 16 new antibiotics from 1983 to 1987.

This bill, the GAIN Act, provides meaningful market incentives and reduces regulatory burdens to encourage the development of new antibiotics that will help us save lives and reduce health care costs. Specifically—and I appreciate the way the Senator from Connecticut has approached this—the bill provides 5 additional years of exclusivity to new drugs developed to treat these superbugs.

The bill also gives these antibiotics priority status during the FDA review process so they can move through more quickly. It encourages the FDA to revisit the clinical trial guidelines for antibiotics. By encouraging a more robust antibiotic pipeline, we can help ensure patients have access to lifesaving treatments while also reducing health care spending.

The GAIN Act is a straightforward, commonsense bill that provides market incentives to encourage innovation without putting Federal dollars at stake. Antibiotic resistance is a growing issue that we must address to properly prepare for the future.

Dr. William Evans, the director and CEO of St. Jude Children's Hospital in Tennessee, recently wrote a letter supporting this bill. Many of my colleagues know of St. Jude and the wonderful work they do for children across our country. Here is his quote:

> We don't want to find ourselves in a situation in which we have been able to save a child's life after a cancer diagnosis, only to lose them to an untreatable multi-drug resistant infection.

I wish to thank my colleague again, Senator BLUMENTHAL from Connecticut, for his leadership on this bill, and I look forward to working with him to ensure it gets proper consideration in the Senate.

Also, I ask unanimous consent that letters of support be printed in the RECORD from the following organizations: St. Jude Children's Hospital, Le Bonheur Children's Hospital, University of Tennessee Health Sciences Center, and East Tennessee State University Quillen College of Medicine.

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

ST. JUDE
CHILDREN'S RESEARCH HOSPITAL,
Memphis, TN, October 14, 2011.

Hon. RICHARD BLUMENTHAL,
Hon. BOB CORKER,
U.S. Senate, Washington, DC.

DEAR SENATORS BLUMENTHAL AND CORKER: I am writing on behalf of St. Jude Children's Research Hospital to express our support for the Senate companion bill of H.R. 2182, the Generating Antibiotic incentives Now (GAIN) Act of 2011. The mission of St. Jude Children's Research Hospital is to advance cures, and means of prevention, for pediatric catastrophic diseases through research and treatment. The GAIN Act represents an important first step in addressing a public health issue that significantly affects our mission. We believe that the legislation is of great importance not only to our children's hospital and the children and families we serve, but to children and families across the country.

Many of the children we treat at St. Jude have compromised immune systems, and are

particularly vulnerable to bacterial infections. At the same time that multi-drug resistant strains of Methicillin-resistant Staphylococcus Aureus (MRSA) and gram negative bacteria are on the rise, the number of new antibiotics being approved has dropped precipitously. A study conducted at St. Jude and published in Pediatric Blood & Cancer compared MRSA colonization rates in pediatric oncology patients in 2000–2001 with rates in 2006–2007. The study showed an increasing prevalence of colonization with MRSA observed in children with cancer at our institution, and that the colonization was associated with infection. Recurrent MRSA infections were seen in 22 percent of patients. A copy of the study is enclosed.

We applaud the work that you and your bipartisan group of colleagues are doing to address the issue of the dwindling antibiotic pipeline. We believe that the GAIN Act is an important first step in stimulating new antibiotic development and getting lifesaving drugs to the children we treat. We don't want to find ourselves in a situation in which we have been able to save a child's life after a cancer diagnosis, only to lose them to an untreatable multi-drug resistant infection. Thank you for your leadership in the Senate to ensure that we have the tools we need to treat the children entrusted to our care.

Sincerely,

WILLIAM E. EVANS,
Director and CEO.

LE BONHEUR,
CHILDREN'S HOSPITAL,
Memphis, TN, October 26, 2011.

Hon. BOB CORKER,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR CORKER: on behalf of the patients, families, physicians and associates of Le Bonheur Children's Hospital, I commend your efforts to invigorate the development of new antibiotics to combat the spread of antibiotic resistant bacteria with the introduction of the GAIN Act. Thank you for taking the lead on this important public health concern.

Antibiotic infections have been on the rise for many years, disproportionately affecting children and increasing the cost of care. We applaud your efforts to encourage antibiotic innovation, an important step to ensuring that lifesaving medicine will be available to the many children who need them.

Please let us know how we can assist in passing this important legislation. Our many pediatric physicians, researchers and clinicians are available to lend whatever support you need. Thank you, Senator CORKER, for working to improve healthcare for children.

Sincerely,

MERI ARMOUR,
President and C.E.O.
Le Bonheur Children's Hospital.

THE UNIVERSITY OF TENNESSEE
HEALTH SCIENCE CENTER,
Memphis, TN, October 25, 2011.

Hon. BOB CORKER,
U.S. Senate,
Washington, DC.

DEAR SENATOR CORKER. We, here at Le Bonheur Children's Hospital and the Department of Pediatrics at the University of Tennessee Health Science Center, applaud your efforts to spur development of new antibiotics to combat the spread of antibiotic resistant bacteria with the introduction of the GAIN Act. Thank you for taking the lead on this important public health concern.

Antibiotic-resistant infections have been on the rise for many years, in many cases disproportionately affecting children. For example, infections caused by methicillin-resistant Staphylococcus aureus (''MRSA'') have been particularly frequent in children and may be life-threatening. My colleagues Steve Buckingham and Sandy Arnold and I have published a series of articles summarizing our experience with these infections and discussing the impact of antibiotic resistance on the treatment of children with serious infections.

We commend your efforts to encourage antibiotic innovation that will bring lifesaving medications to the many children (and adults) who need them.

As a pediatric infectious disease specialist, please let me know how I can assist and support your efforts on this important issue. Thank you, Senator Corker, for your hard work and vision.

Sincerely,

B. KEITH ENGLISH, M.D.,
Professor and Interim Chair, Department of Pediatrics, University of Tennessee Health Science Center Interim Pediatrician-in-Chief, Chief, Division of Infectious Diseases Le Bonheur Children's Hospital.

EAST TENNESSSEE STATE UNIVERSITY, OFFICE OF THE VICE PRESIDENT FOR HEALTH AFFAIRS,
Johnson City, TN, November 2, 2011.

Hon. BOB CORKER,
Dirksen Senate Office Building, U.S. Senate, Washington, DC.

DEAR SENATOR CORKER: We are writing on behalf of East Tennessee State University to express our support of S. 1734, the Generating Antibiotic Incentives Now (GAIN) Act of 2011.

At the turn of the last century, infectious diseases were the leading cause of death in America. Between improvements in sanitation and the development of vaccines and antibiotics, the impact of infectious diseases on human health has been greatly reduced in our country. However, we are concerned that as microorganisms develop resistance to existing antimicrobial agents there is an increased possibility that we will see a resurgence in some infectious diseases that are currently under control. Additionally, with continued growth of the world's population, and the shortened travel times between continents, resistant organisms have the capacity to spread quickly across the globe. We believe that the GAIN Act, S. 1734, will be a first step in stimulating new research in antibiotic development to address a predictable public health crisis.

East Tennessee State University Division of Health Affairs (including the Colleges of Medicine, Nursing, Pharmacy, Public Health, and Clinical and Rehabilitative Health Sciences) has research programs strongly focused on meeting the needs of our region, particularly needs of the underserved and other vulnerable populations. We recognize the necessity to promote advancements in research related to infectious disease and currently conduct clinical and basic science research in these areas. We feel that the GAIN Act will expedite our efforts to produce novel treatments for disease and in turn, reduce the related burden of illness to the region and state.

Sincerely,

WILSIE S. BISHOP,
Vice President for Health Affairs and Chief Operating Officer.
PHILIP C. BAGNELL,
Dean of Medicine.
GREGORY A. ORDWAY,
Chair of Pharmacology.
PRISCILLA B. WYRICK,
Chair of Microbiology.

Mr. CORKER. With that, I yield the floor for my good friend, someone with whom I have thoroughly enjoyed working on this issue. I thank him again for his leadership on a very important issue that matters to all of us.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Again, my thanks to my very distinguished colleague from Tennessee whose leadership and contribution to this bill has been instrumental from the very start. I welcome him and have been thankful for his partnership on this issue.

As my colleague from Tennessee said so well, these antibiotic-resistant drugs are a spreading scourge. Reports from the Centers for Disease Control and Prevention suggest that MRSA infections are responsible for more than 17,000 deaths in the United States every year—more than AIDS and many other diseases that are regarded as public health threats. All 50 States have seen rates of antibiotic-resistant E. coli infections double in less than 10 years.

A lesser known bug, Acintobacter, a bacteria that affects increasing numbers of our troops serving in Iraq, has infected more than 700 of our servicemembers since 2003. The numbers are continuing to rise. Those numbers are alarming. I have some charts I will show in just a moment that will be even more graphic. But to put a human face on this problem, Jamel Sawyer, a former college football player from Norwalk, CT, knows all too well the crippling impact of these antibiotic-resistant infections.

He was in school in Boston. He suffered from severe back pain and a rising temperature. He went to the hospital and was told he was suffering from a kind of antibiotic-resistant staph infection which surmounted multiple rounds of antibiotic treatment. He was left paralyzed and unable to walk. He was paralyzed from the waist down and remains very severely handicapped as a result. Right now he is fighting to gain back his ability to walk and function normally.

We are in an arms race with superbugs. We are in a fight with antibiotic-resistant mutating germs that are a spreading, persistent, and pernicious problem all around the country. The resistance is fueled by careless use of antibiotics, the overuse of certain kinds of antibiotics, or failure to use them properly, as when they are not used for the full round when they should be and thereby lead to greater resistance on the part of these germs.

Failure to use these antibiotics properly and failure to exercise good stewardship is important, but it is not the only cause. We need to stay ahead of these germs in an arms race to develop new antibiotics and provide incentives for those antibiotics.

The problems we are encountering are shown by these charts, beginning first in the year 2000 with antibiotic-resistant E. coli. As this chart makes clear, nowhere—in no State in the United States—was there a rate above 10 percent. That accounts for the light yellow pattern here.

In 2009, the situation was very different. In States across the country—major States, including New York and the entire East—the rate was above 35 percent. In many parts of the Midwest, including the Presiding Officer's State, the rate was above 25 percent. E. coli resistance to treatment by this commonly used antibiotic presents a threat particularly to our children and our elderly.

The next chart I wish to show concerns Acintobacter. This bacteria has afflicted particularly our troops coming back from Iraq. It is, in fact, nicknamed ''Iraqtobacter'' by many military doctors, and it has literally jumped enormously in the number of cases.

This was the case in the year 2000, showing almost everywhere rates below 5 percent. The present incidence is very different, alarmingly so. In some States it is above 50 percent, including, I believe, New Mexico, and in many parts of the East above 30 to 40 percent.

This Acintobacter incidence is something that is a major national security problem insofar as 700 troops have been infected with Acintobacter, and as Robert Jackson, the director of Military Families United said so eloquently about this disease:

> The worst part is that many of our men and women in uniform survive the war effort only to return and die of this infection in the continental United States. Thus Military Families United strongly supports the GAIN Act, which would ensure that American companies have the motivation to combat the most modern, multi-drug resistant diseases.

I brought these charts simply to show how the spread of these superbug infections has affected the entire United States. There are other diseases like MRSA and VRSA. They are a set of acronyms that are comparable to, in effect, a modern plague.

Fully one-third of all deaths from H1N1 Swine Flu, for example, in 2009 were actually caused by antibiotic-resistant bacteria. According to the Infectious Disease Society of America, 100,000 deaths and 360,000 hospitalizations in the United States resulted from antibiotic-resistant infections, at a cost of $26 billion to our health system annually.

What is the reason for the rise and spread of these diseases? Well, the main reason is we do not have new antibiotics to treat and cure them. The reason for that dearth of new antibiotics goes to the fundamentals of modern economics involving the drug industry. Antibiotics are prescribed and used for a course of 2 weeks, if they work. There are blockbuster drugs and miracle drugs that are used for the treatment of chronic diseases and, therefore, are used often for lifetimes. The revenues from those blockbuster drugs are themselves blockbuster products and profits.

The problem with antibiotics is the lack of economic incentive to develop them in the modern economics of the pharmaceutical industry. The GAIN Act would remedy that problem. It would incentivize the development and research required to implement and discover these new drugs. It would extend the data exclusivity rights for 5 years. It would speed and expedite consideration of these drugs by the FDA. It would provide a fast track, essentially, and enable prompt review. It would moderate and eliminate the kinds of regulatory hurdles which is so important in providing not only incentives but also a track to consumers so they would have the availability of these drugs.

I personally would welcome other ideas if there are any for strengthening the incentives for development of these antibiotics that are so important to treat and cure the antibiotic-resistant germs that cause these problems. I hope we will continue to have the kind of bipartisan momentum in favor of these new developments.

I close by saying we are all talking about jobs on the floor of the Senate these days. This proposal is also, in a way, a jobs-related program. It would enable small innovators and small businesses—one is, for example, Rib-X Pharmaceuticals in New Haven, a 50-person company trying to develop new drugs through innovation. The kind of boost and incentive this bill will provide is very important for the innovators of America who are out there trying to provide cures for Acintobacter, MRSA, E. coli—all of them superbugs—providing a solution to this problem that I think is very much urgent and in the interests of our Nation.

This measure is a first step. I hope we can come together to enact it. I urge the Senate to join me in doing so.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

SOMALIA AND AL-SHABAAB

Mr. KIRK. Mr. President, I rise today to thank the Government of Kenya and its President Kibaki for the difficult decision he and his government have made with regard to Somalia.

We all recall Somalia as the site of the Black Hawk Down tragedy in 1993. As much as Americans might wish to ignore that troubled country, I do not think we can. Somalia is a country whose government collapsed in 1991 but has now given rise to what is arguably the second largest terror presence on planet Earth, called al-Shabaab. The country also represents a new 21st-century threat of piracy across America's Persian Gulf oil supply lines.

On October 16, at the invitation of the Somali Transitional Federal Government, the Kenyan Government launched Operation Protect the Country against the al-Shabaab terrorist organization based in Somalia.

We all recall that al-Shabaab is an al-Qaida affiliate that has been designated as a foreign terrorist organization by the United States since 2008. It is responsible for multiple attacks in Somalia, Kenya, and Uganda, including a suicide bombing in July 2010 in Kampala that killed 76 people, including an American citizen, 25-year-old Nate Henn of North Carolina who worked for the Invisible Children nonprofit organization. Also, on October 25, al-Shabaab kidnapped and is still holding another American citizen, 32-year-old Jessica Buchanan of Virginia.

About 4,000 Kenyan troops are now approaching the critical Somali port city of Kismayo where al-Shabaab makes most of its money and is headquartered. The success of the Kenyan operation would mean a significant weakening of al-Shabaab's ability to plan and execute terrorist attacks and would greatly support the security of the region and the United States.

Also joining in the fight against al-Shabaab are prominent local tribal militias, including the Ahlu Sunnah Waljamaah, the ASWJ; the Raas Kaambooni Front; and the Jubaland militia formed under the former TFG defense minister, Mohamed Abdi Mohamed.

I commend the Kenyan Government and the allied groups for their action, and the United States and NATO should support this Kenyan action.

Al-Shabaab poses a significant threat to America's national security and to Kenya's safety. Since 2009, al-Shabaab has conducted at least 10 attacks on Kenyan soil and the territorial seas along her coastline. In a particularly heinous crime, on October 1, al-Shabaab kidnapped a disabled French woman on Kenyan soil and dragged her to Somalia, where she later died. Last week, al-Shabaab militants also threw a grenade into a Nairobi nightclub.

Because of al-Shabaab's refusal to allow access for humanitarian organizations to relieve famine, Kenya is also now home to 600,000 Somali refugees. In many ways, the famine and distress that is now evident in Somalia should be called the al-Shabaab famine.

Al-Shabaab also poses a direct threat to the United States by actively radicalizing and recruiting American citizens.

On October 29, a suicide bomber attacked an African Union base in Mogadishu, killing himself and 10 other human beings. The suspect, Abdisalan Hussein Ali, was a 22-year-old American citizen who grew up in Minneapolis and studied to be a doctor before he suddenly disappeared to join al-Shabaab in 2008. The recording he allegedly made before his death contained a disturbing message aimed at young Americans. He said:

> Today, jihad is what is most important. It's not important that you become a doctor, or some sort of engineer.

According to the FBI, Ali was one of 30 American citizens who have now

joined al-Shabaab. In August of 2010, the FBI arrested 2 and charged 12 more individuals in Minnesota, Alabama, and California ''with acts of terrorism that include providing money, personnel, and other material support to the Somali-based terrorist organization al Shabaab.'' At the time, Attorney General Eric Holder called it ''a deadly pipeline that has routed funding and fighters to al Shabaab from cities across the United States.''

On July 27, an investigation by the House Committee on Homeland Security found the following:

Al-Shabaab has an active recruitment and radicalization network inside the U.S. targeting Muslim-Americans in Somali communities. It also ensnared a few non-Somali Muslim-American converts, such as a top Shabaab commander:

At least 40 or more Americans—

According to the House—

have joined Shabaab;

So many Americans have joined that at least 15 of them have been killed fighting with Shabaab, as well as three Canadians;

Three Americans who returned to the U.S. were prosecuted, and one awaits extradition from The Netherlands;

At least 21 or more American Shabaab members overseas remain unaccounted for and pose a direct threat to the U.S. homeland.

The House said:

Al-Shabaab has the intent and capability to conduct attacks or aid core Al Qaeda and Al Qaeda in the Arabian Peninsula in Yemen with striking U.S. interests and the U.S. homeland.

They said that al-Shabaab has openly pledged loyalty and support to al-Qaida and al-Qaida in the Arabian Peninsula in Yemen and has cemented an alarming set of operational ties to both groups.

The House report also points out that after the successful U.S. operation to kill Osama bin Laden, al-Shabaab's leadership eulogized bin Laden and vowed revenge against the United States. Omar Hammami, another al-Shabaab leader raised in the United States, said he ''swore [a] blood revenge against his own homeland for the May 1 killing of Osama Bin Laden.''

Al-Shabaab poses a grave threat to regional stability and to our own national security. I thank the Kenyan Government and their allies in Somalia for taking action. Our administration and our NATO allies should support Kenya. We should also make sure that in this support we have the objective to collapse al-Shabaab in Somalia. With luck, while al-Shabaab may have found a recruit or two among American citizens to wage jihad against their own country, there, hopefully, will be no al-Shabaab to fight for if they ever reach Somalia.

Mr. President, I yield back.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Thank you, Mr. President.

Mr. President, I believe we are currently debating the motion to proceed to go to the energy, water, et cetera, package. Included in that is the proposal of the President that he has sent up asking the Senate to vote on the question of an infrastructure bank.

I believe there was a prior vote in the Senate on that in the context of the Jobs Act, which we all know failed at that time. There are some signs that this may wind up being a partisan effort here, but I hope colleagues will stop and think very carefully about the infrastructure bank proposal and what it represents to our country.

Whether we can get it over the hurdle at this moment, I do not know. But it is an idea whose time has come, and I am confident in the next weeks or months, hopefully, the Senate will embrace this concept. The reason for doing so is very simple. Colleagues on both sides of the aisle are increasingly reminded when they go home, as well as familiar here just in the general dialog about where we are going in our country, of the enormous deficit reduction—the deficit; it is on my mind—of the infrastructure deficit we face in this country as a whole.

So I want colleagues to stop and think hard about a simple question: How are we going to build America? How are we going to build America going forward so that we can do what our parents and our grandparents did for us, providing us with the basic infrastructure of a nation that has been able to allow people to move easily from home to work to places of commerce across the country, an interstate highway system, all of our airports, our train stations, all of the assets that provided for the strength of our Nation and for the kind of communities we live in? None of it appeared out of nowhere. It was built because people had a vision, people had an idea about how you make communities strong, and also how economies work. The fact is that some of the greatest projects in our country, whether it is some of the great bridges we look at today—Golden Gate Bridge, Triborough Bridge, George Washington, countless bridges across the Potomac and elsewhere—the tunnels, the roads, our water treatment facilities, our airports, and the airline system we have, all of those things contribute to the strength of our country.

But everyone here knows we are not currently pursuing a set of projects calculated to make America more competitive and to continue that rich history and tradition of building for the future. We are busy living off the assets that were created by the generations that preceded us. So the question has to be asked by every colleague here: Are we going to appropriate the money for grants? And the answer is no, partly because the deficit and the debt are telling us in loud terms we do not have those kinds of funds right now, but also because everybody here sees the difficulty we are having trying to get the highway bill reauthorized or the FAA bill reauthorized in order to do the things we need to do.

The proposal for an infrastructure bank is a proposal that recognizes this fiscal reality. We simply do not have and will not allocate the types of funds necessary to do the job every American knows has to be done. That does not mean the job cannot be done. There is a way to do it. And the way to do it is to invite other people's money, the private sector, not tax dollars, to come to the table and invest in these projects, where these projects have revenue streams that will support that kind of investment.

One of the important features of the infrastructure bank that I ask colleagues to focus on is the fact that this bank is not a grant entity. There will be no grants. It is exclusively loans, and exclusively loans that meet the fiduciary test of their ability to be able to be repaid, to have a revenue stream that will support the loans themselves.

I would say to my colleagues, some of them I know have asked me occasionally: Well, is this going to be an entity such as Fannie Mae or Freddie Mac? Is it going to be one of those government-supported entities that got some folks in trouble? The answer is no, resoundingly and profoundly no. It is not similar in any way whatsoever. Fannie Mae and Freddie Mac issued stock. They were for-profit entities listed on the New York Stock Exchange. They were using the Federal guarantee on a loan to actually leverage their position in the marketplace in competition with other entities and for-profits. This bank is not for profit. No issuance of stock will be listed on any exchange. It will exist exclusively for the purpose of lending to those types of projects that meet the highest fiscal standards with respect to the ability of those projects to be repaid.

In fact, in each and every lending situation, the infrastructure bank will make a risk analysis, just as you do on any deal in Wall Street. There is a risk analysis, and a risk factor will be assigned to that deal. In fact, fees will be charged to the borrowers, to the dealmakers, in order to cover that level of risk. That will be part of the cost of the transaction.

The benefit of this infrastructure bank is that by virtue of the Treasury Department providing a discount for the Federal Treasury guarantee, you actually make the loan attractive in terms of the private sector in competition, and it does so at a level, as I said, of risk analysis that does not put the Federal Government or the taxpayer on line and at risk for the measured level of the loan itself, but only the risk which is credited or put on the books in terms of what is carried by the Treasury Department as the risk of this particular loan.

So, in fact, if you look at the type of projects that are authorized by this—only energy projects, transportation projects, and water projects—in the better part of the country, they are limited to $100 million size or up, and there is a set-aside for rural communities. In the rural communities, the

level of loans could be $25 million or up, because obviously in parts of rural America, you have smaller kinds of projects, and we want everyone in the country to be able to share from the benefits of this kind of an infrastructure bank.

I would say to my colleagues, this bank has bipartisan support. It has been introduced in slightly different forms from what the President has put it in. But the fundamentals of the bank in structure and concept are the same. It has been introduced by Senator KAY BAILEY HUTCHISON of Texas, who is a coauthor; Senator LINDSEY GRAHAM, Senator MARK WARNER are the original cosponsors. But it has other cosponsors and broader support including, I might add, the U.S. Chamber of Commerce, which is a strong supporter of the infrastructure bank, and was present at the announcement of this legislation, as well as the AFL–CIO.

Why is this infrastructure bank necessary? What is it we need? Well, everybody knows that the experts are telling us we have a $2.2 trillion infrastructure deficit in America. That means there are over $2.2 trillion of projects around the country, countless bridges in countless communities around the country, roads or tunnels or airports, countless projects which need to be repaired, upgraded, or put in place at first instance.

We are that far behind, a $2.2 trillion deficit to what we ought to be doing. The American Civil Society of Architects and Engineers tells us that we could spend about $250 billion a year for the next 40 years just to bring our roads up to par, and we are not about to do that, we know, because we do not have the money, because we are not getting that kind of an appropriation now for our initiatives.

Listen to what Oklahoma City Mayor Mike Cornett says: Mayors see up close the deferred maintenance that is going on in the Nation's cities. It is a ticking timebomb. We also know it puts people to work.

Well, Cornett is president of the Republican Mayors and Local Officials Coalition within the U.S. Conference of Mayors. He knows what he is talking about in terms of this deferred maintenance. But the truth is, every Senator here knows. You can go back home and find mayors and State senators, State representatives, Governors, Departments of Transportation—all of them are pleading with us to try to help provide the kinds of funding necessary because they are simply overwhelmed. I might add many of our States are living under court orders to do some of these projects, particularly the water, the combined sewer overflow-water treatment facilities, where communities have sued and you need to do those projects in order to meet the standards. And they are under court order, without understanding where the money is going to come from. But they are under a court order.

The fact is that whether we decide to do these things is going to determine how competitive America is going to be. Right now, everybody knows we are facing a transformational economic challenge. It is different from the challenge we faced in the last century. During that period of time, as we came out of World War II, we were the only major economy in the world left standing. At the end of the war, we had both the vision and foresight as well as the courage to put a lot of money on the line in the Marshall plan to help rebuild Europe and rebuild Japan. And we saw throughout the Cold War the ways in which that investment paid back for the United States of America, indeed for the western world and for the values that we made central to that kind of an investment.

That has changed. It started to change in the eighties and nineties, and now we are seeing, with the rise of less developed countries that are, after all, doing the very things that we encouraged them to do—we told them you have got to liberate your societies to be able to go out and compete in the marketplace, that they needed to open up that market, they needed to trade, they needed to excite capital formation and invest and so forth. That is exactly what they have done. They have not changed their political systems, in many cases, which remain totalitarian and closed, one party, but they have certainly changed their economic systems, and in doing so, they have transformed the marketplace we are competing in. So the United States is not looking at the same playing field, where we had unlimited resources, unlimited capacity to go out and, frankly, win. We could win many times without even trying that hard. But now other people are doing the same things we took for granted. They are competing in science, they are competing in technology, they are competing in manufacturing, they are competing in software, and they are competing all kinds of things that were our domain for a long period of time.

The market globally has changed significantly enough that we are facing a challenge to our ability to be able to remain the No. 1 economy. I heard today that China will probably be the No. 1 economy in the world within 5 or 6 years, much faster than we had anticipated previously. So if the United States is going to compete and get its act together going forward, we have to invest in the infrastructure of our country, because that is how you, No. 1, create jobs, but, No. 2, you provide the ability to move goods, to provide for people, to provide for the quality of life and the kinds of institutions that make a difference to our ability to be able to compete and to live the quality of life we want.

The figures of other people's commitment to infrastructure tell us the story. China is investing 9 percent of its gross domestic product in infrastructure. Europe is investing 5 percent of its GDP in infrastructure. Here in the United States, we are investing somewhere around 2 percent. Figures vary—2.2, 2.1, 2 percent. I think Brazil invested over $240 billion in its infrastructure in the last 3 years, and the Brazilian economy is growing in double digits. North Korea, Mexico, Brazil, China, India, all growing in double digits, and the United States is stuck in this recession, maybe just breaking out of it, but with very uneven growth.

The infrastructure bank is geared to fill a void in our investment abilities in this country. Again, Senators know we are not going to invest billions of dollars of appropriated money—taxpayer dollars—because of the competition we have in our discretionary funds now because of the way we are heading in terms of the fiscal cliff and debt cliff and because of the challenge of the rising costs in health care and entitlements. We don't have that money.

While we get control of those components of our economy, we need to be investing in the infrastructure of our Nation and putting people back to work. We need to invest in highways, roads, bridges, mass transit, inland waterways, commercial ports, airports, air traffic control systems, passenger rail, including high-speed rail and freight rail systems, and the water sector. We can invest in wastewater treatment facilities, storm water management systems, dams, drinking water treatment facilities, levees, and open space management systems.

In the energy sector, we need transmission in America. We need an energy grid that is modern. We need distribution, storage, energy enhancements for buildings, public and commercial.

There is an extraordinary amount of work to be done—if we decide to do it. Hundreds of billions of dollars is sitting on the side lines right now. It could come in and help us with these projects. The infrastructure bank is precisely the entity that will bring that private capital to the table so that it is the Chinese who are investing in an American infrastructure project that they cannot take back to China; it is here in America. It improves our lives, but it gives them a return on investment for the money they put on the line in a deal, which, frankly, is the kind of deal that will produce the sort of long-term, patient capital investment that I think a lot of people are going to be turning to given the nature of the financial turmoil we see going on in the world today.

We are in a competitive race with other countries to attract this private equity investment. An infrastructure bank could help us put that money to work here at home.

Some people say: Senator, why do you need the infrastructure bank to do this if these deals are so attractive? Why doesn't the money come and they will invest it anyway and so forth?

It doesn't work that way for a number of reasons. First of all, our financial institutions have not developed a

long-term infrastructure-lending business. We don't have that in this country the way other banks in other parts of the world do.

If you look at a major American infrastructure transaction over the last few years, guess what. Non-U.S. banks—mostly Australian and European—are the ones providing most of the financing. They are doing it at an average of 20 to 1—20 parts by the non-U.S. banks, the European and Australian banks, and 1 part U.S. investment. Given the troubles the European sovereign market has today, I think it is going to be a very long time before we see a lot of European banks looking to invest over here. Maybe I am wrong.

The lack of investing by our institutions is not because the investment is too risky. The problem is that for a very long time, the vast majority of American infrastructure has been financed through the municipal bond market, the rest largely through Federal grants, which I have said are now under pressure. So there has been no need for large bank lending to be created. As we all know, large bank lending—that market just doesn't happen overnight.

The municipal bond market also relies principally on small retail investors for most of its funding. Because of the way it is designed, it can't access large global pools of capital or, for that matter, pension funds. Pension funds are prohibited from investing in those bonds.

The municipal bond market is not well-suited to fund large, cross-State, cross-boundary projects, so we need something else. That something else is this kind of infrastructure bank, with all of the very strict limits that have been put into place to keep it from reaching too far. It doesn't cost a lot of money—$10 billion of startup funding. It becomes self-financing. Every loan is a loan that can be repaid because they rely on sources of revenue that are among the most dependable sources of revenue in the marketplace—from energy projects that sell electricity, and you have a pretty regular stream of buyers for that. You have a pretty regular stream of people who need water in their homes and pay for the water. All of these revenue streams—the tolls on bridges, for instance, and these others—have a certainty and longevity to them that make these kinds of deals very attractive.

I say to my colleagues that one of the silver linings of this kind of infrastructure investment is this: For every $1 billion, the Federal Highway Administration tells us you will create, I think, 30,000 jobs. The range of jobs, depending on whom you listen to, goes from about 20,000 to 35,000. Let's say it is 20,000 jobs per billion. People say this bank investment of $10 billion can leverage more than $½ trillion—$500 billion—of investment, so you are talking 20 million jobs over the course of perhaps 10 years.

I think there are so many compelling reasons for engaging this. Europe has an infrastructure bank. We have State infrastructure banks, but the State infrastructure banks don't have the advantage this bank has of being able to do transboundary, cross-State deals. They also don't have the advantage of having a discount on the lending component coming through the Treasury Department of the Federal component of this—done, as I said, under the strictest fiduciary standards. Only 50 percent of any project can be lending. The rest has to be equity and has to be invested by the other investors in the deal. It could be a combination of investors, but they need to invest.

I close by saying that a modern infrastructure is really the lifeblood of our economy. I don't know how many of my colleagues have taken the Acela to New York, but it is a train that has the ability to go 150 miles an hour. It only goes 150 miles an hour between here and New York for about 18 miles of the trip because you cannot go fast under the Baltimore tunnel because vibrations might cause it to fall in. You cannot go fast over the bridges of the Chesapeake because the train will wind up in the Chesapeake. This is absurd.

Many of us have had the pleasure of having a train ride in China. I rode recently from Beijing to Tianjin—a trip that used to take 8 to 10 hours takes 29 minutes. You are going 200 miles an hour. The water on your table is barely jiggling during the entire ride. It is an extraordinary accomplishment. They are building something like 55,000 miles of that kind of high-speed rail system over there, as they spend their 9 percent of GDP on infrastructure.

We can do better. The United States of America can do better. We know that. We are the country that had invention and building construction in our DNA, the country that went to the Moon and developed these extraordinary technologies that connect human beings around the world instantaneously.

I am convinced that if we put this infrastructure bank together, all of a sudden the United States will attract capital, create jobs, modernize our economy, and have benefits that spill out all across our Nation. I hope our colleagues will get rid of the politics and embrace this idea, which is long overdue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, before the Senator leaves the floor, I commend the Senator from Massachusetts. He has said much this afternoon that I certainly agree with.

I also want to touch on one other point about the Senator's work—the Senator from Massachusetts—in this area. The public, perhaps more than anything else, is talking about why people in Washington, DC, cannot work together, why we can't come up with ways to build coalitions. I am not sure people picked up on it in the Senator's remarks, particularly with respect to China. They are investing far more than we are. But he has pulled together the chamber of commerce and the AFL–CIO for an infrastructure package. That doesn't happen by osmosis or because somebody puts out a press release. He put in the time to try to build that coalition, which, of course, is key to getting bipartisan support up here. I want the Senator to know I very much appreciate it. I know he brought exactly the same approach to his work on the supercommittee, trying to find common ground on some of the most challenging issues so that we will generate growth and deal with health care costs.

I have some remarks to make, but I am glad I had a chance to listen to the Senator from Massachusetts because I thought the point he made about bringing people together was important. And I hope people will say, as we look at this transportation package—I just want to get on the bill, frankly, so we can open other kinds of ideas. The Senator has put in a lot of time, and it paid off with coalitions such as the chamber of commerce and the AFL–CIO. That is the kind of approach that will solve some of these big problems.

Mr. KERRY. I thank my friend from Oregon. Nobody works harder on building coalitions than the Senator from Oregon. He has done a superb job on health care and tax policy, so those words mean a lot. I appreciate that. Thank you.

Mr. WYDEN. Mr. President, my sense is that if you tune in on the Senate today—and, of course, the ways of the Senate are always hard to follow. The occupant of the chair is involved in changing the rules of the Senate and has a sense of what I am talking about. You try to figure out what the Senate is up to, and at this point you have learned that today the Senate is working on infrastructure. You hear that word again and again. You roll your eyes and you say: Wake me when the potholes get fixed.

What I want to do for a few minutes this afternoon is try to tie this to what I believe is first and foremost on the minds of the American people, and that is jobs. That is what we hear about morning, noon, and night.

The fact is that we cannot have big-league economic growth in America with little-league transportation systems. It is not possible. If our bridges and roads are falling apart, we simply cannot have the growth we need, and job growth is the No. 1 issue for our people, and literally infrastructure improvement—roads, bridges, and transportation systems and jobs are two sides of the same coin. They go hand in hand. That is point No. 1.

Point No. 2 is on the question of how we stack up to some of our competitors worldwide. If we can't move goods and services efficiently in this country, our businesses are practically in the position where they have to put up a sign and say: We cannot compete with China because when China is making

these kinds of investments that we heard Senator KERRY and other colleagues on both sides of the aisle talk about in the last few days, you know what we are up against.

Transportation is the key to moving goods and services efficiently. We have bottlenecks, for example, in my part of the country, in the metropolitan area and, frankly, in rural areas where people could not have dreamed there would be a traffic jam even a few years ago.

Point No. 3 is there is no economic multiplier in our country like transportation. When you make well-targeted investments in transportation, you create jobs for the folks who are building those projects, you create jobs for the people who are selling the equipment, you are creating jobs for folks such as the people in the restaurants who make the ham sandwiches for the workers who are out there building the projects and trying to find ways to help our people avoid traffic and save gas as they try to get to and from work. So this is a big economic multiplier.

And, No. 4, Mr. President, as you know from your experience as a westerner, the history of our part of the world is that private investment has always followed well-targeted public investments. You look all over the West and the great distances our folks have to travel, and you will see again and again the key to getting more private sector investment. In my view, the key to economic recovery is the private sector job growth that is behind the tax reform bill I have with Senator COATS—the first bipartisan tax reform bill. We need private sector job growth in the West. The history of our region is that private sector employment has traditionally followed well-targeted public investments.

What I want to see us do—and what the vote that is coming up is all about—is to have a chance to move to the bill. If we move to the bill, I believe there are all kinds of opportunities for Democrats and Republicans, through amendments and a variety of opportunities, to exchange ideas and to come up with bipartisan approaches. I have had a chance to be part of those kinds of discussions in the last few years.

Look, for example, at the common ground that has developed between Senator BOXER and Senator INHOFE on the Environment and Public Works Committee. They are making a lot of progress in reauthorizing a transportation bill. That is only one example here in the Senate of Democrats and Republicans coming together.

Let me cite two others. In the Economic Recovery Act, I had a chance in the Senate Finance Committee to advance an idea I have been working on for more than 5 years. There was a very large and bipartisan group of us who worked on it. Former Senator Talent was the original Republican, but Senator THUNE was involved, Senator WICKER, Senator COLLINS, and a very large bipartisan group working with colleagues on our side of the aisle. The Senator from Minnesota, AMY KLOBUCHAR, is one who comes to mind, who has been a very thoughtful advocate of improvements in transportation. So in the Senate Finance Committee, as we moved forward with the Economic Recovery Act, Chairman BAUCUS and then ranking minority member Senator GRASSLEY, in effect, said: Well, we have been hearing about some of these ideas this bipartisan group has been advancing. Let's give them a chance to make their case. I offered the proposal to create something called Build America Bonds. This was a chance to, for the first time, move the Federal Government into the bonding area. It has long been done, of course, at the State and local level, and it received good reviews from the private sector.

I recall the day when Senator BAUCUS and Senator GRASSLEY asked me what I predicted in terms of the results of the Build America Bonds. I said: We have gotten basically about a year and a half. As you know, the Recovery Act was passed in the winter of 2009, and the IRS had to implement the rules. But when we wrapped up the period for which we issued Build America bonds, more than $181 billion worth of Build America bonds had been used all across the country for capital infrastructure projects. They had been used in big projects on the east coast of the United States—the New Jersey Turnpike was one—and they had been used for roads in southern Oregon.

If you want to talk efficiency, look at the Web site of our State treasurer, Ted Wheeler, who said they were saving in our State 10 percent by issuing these Build America bonds.

I see my friend from California is here, Senator FEINSTEIN, and I believe California was one of the largest users of Build America bonds. To have a program that was envisioned as perhaps selling $5 billion or $36 billion worth of bonds selling more than $180 billion is an example of what we can do on a bipartisan basis that will put people to work and will actually save money.

The savings we found in Oregon can also be illustrated by the analysis done by the Department of the Treasury that finds the same sort of savings we found in Oregon.

With respect to the Build America bonds, in some respects they were too successful. People said: Oh, perhaps they are being used for more kinds of projects than was acceptable to some people. So once again we said, we are going to come back and try to find a way to generate bipartisan support. My colleague from North Dakota, Senator HOEVEN, and I got together and we put forward another proposal—a different version—that we call the TRIP program—the Transportation and Regional Infrastructure Program. Our plan would allow State infrastructure banks to issue bonds to pay for transportation projects, once again having a small supportive role from the Federal Government. The folks who run the numbers at the Joint Committee on Taxation say that with this bipartisan proposal—a Republican from North Dakota, a Democrat from the State of Oregon—it would be possible to get $50 billion worth of transportation projects with this model, with only $12 billion worth of cost over 10 years.

I only illustrate this fact to suggest that if it is possible to get on the bill, I think we are going to see colleagues on the Republican and the Democratic side look to try to cooperate and find some common ground. Senator KERRY made the point about the infrastructure bank, how we got the support of the Chamber of Commerce, Senator GRAHAM and Senator HUTCHISON and others. I have gone through some of the history of other transportation efforts—that progress is being made now with Senator BOXER and INHOFE on the transportation bill; and the Build America bonds effort, which produced a thirtyfold increase over what was anticipated, literally revolutionizing the municipal bond market and was utilized for big projects, such as the New Jersey Turnpike, and small projects, such as roads in southern Oregon; and now if we can go to this bill—and that is what the vote is all about, whether we actually get on the bill—we will be able to offer alternatives and ideas. Frankly, the provisions that are in the bill in its current form, I don't see how anybody can be against them. The question of highway repair is about as fundamental a function of government as anything one can imagine. So there is plenty in this bill I think colleagues on both sides of the aisle could support.

I have cited a number of examples of bipartisanship in this area, where we can do more in the infrastructure field while we save money, and I hope colleagues will vote—I gather the vote will be tomorrow—to move to the bill and give us a chance to get serious about what I think is central to growing the American economy and at well-targeted investments in transportation.

To me, the question of job creation and infrastructure are literally two sides of the same coin, so I hope the Senate moves to this legislation tomorrow and begins to beef up our effort to deal with a fundamental part of job creation in this country. It is so fundamental that in much of the country, if we don't make the investments, it will literally be the equivalent of saying to our businesses: Put up a sign that says you are not going to be in a position to compete with China right now; come back another time. That is unacceptable to me and to Oregon businesses and Oregon workers. That is why I hope my colleagues will vote to go to the bill.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the Senator from Oregon and the

Senator from Massachusetts. I happened to hear their comments, and they are both very good and they are both right on.

I was thinking while Senator WYDEN spoke about the fact that in the past 6 months those of us on this side have tried on four different occasions to pass legislation related to jobs. We began on May 4 to reauthorize the Small Business Innovation Research Program, which would direct grants to small businesses to develop technologies. That fell on a cloture vote. It did not get 60 votes. It only got 52. We then tried to reauthorize the Economic Development Administration, which I think most of us know essentially is a cost share for communities in distress. That didn't get cloture. It fell 49 to 51. We then tried the President's big jobs act on October 11. That vote fell. It did not get cloture. It only got 50 votes. We then tried taking a part of that on October 20, in order to fund 400,000 school jobs and thousands of jobs for police and fire departments—first responders—throughout the Nation. That was paid for with a .5 percent surtax on people who could well afford to pay for it and probably would want to pay for it, but that fell on a 50–50 vote. We did not get the 60 votes for cloture.

Today, we are trying for a fifth time on a part of the President's bill which has to do with infrastructure. Again, there is a pay-for. It is paid for by a .7 percent tax on people who can well afford to pay that .7 percent. And I think Senator WYDEN and I both know the value of keeping this Nation No. 1, because we come from the West. We are on a burgeoning trade basin. We seek competition with countries that have a blooming infrastructure, and we see the plugs and the bumps and the stoppages in this country because of an absence of adequate infrastructure.

I am delighted the Senator is here and that we share this same cause. Hopefully, there is going to be some change in the mindset on the other side of this great Hall and people will realize if we are going to remain No. 1—and we are not No. 1, and I will go into that in my speech—then we have to pass this segment of the President's bill. So I thank Senator WYDEN very much for his comments.

As I said, this legislation offered by the majority leader includes the key infrastructure provisions of the President's Jobs Act. It is $50 billion for our roads, bridges, airports, and transit systems, and it capitalizes a free-standing infrastructure bank with $10 billion. This bill makes the investment without increasing the deficit. Funds appropriated are offset by a .7 percent surcharge only on people who can afford it.

I come from a State where unemployment is high—11.9 percent—and employment in our construction sector is down 44 percent, as you can see from this chart. This is actually California's construction jobs, and you can see where it was in 2000. You see it rise to 900,000 in 2006, and since that time it has plummeted. The fact of the matter is, construction, to a great extent, drives the economy in a number of States, and I think California heads that list. So infrastructure and employment go directly together.

Last week, this body passed legislation authorizing the sale of power from the Hoover Dam. The Hoover Dam is on the border between Nevada and Arizona, and it was built in the 1930s. But it reminds me of the invaluable contribution that infrastructure investments have made in generations past. During the depths of the Great Depression, we stepped forward to help build Hoover Dam. Between 1931 and 1936 our Nation made a massive effort involving thousands of workers—more than 100 of whom lost their lives—to build a powerplant unlike anything the world had ever seen.

This is kind of a working picture of Hoover Dam being built. At the time, many in Congress argued the cost of this engineering marvel was too high and the investment of taxpayer dollars too risky. They opposed efforts to invest in an unproven energy technology like hydropower. The debate was strikingly similar to the debate we hear today. Luckily for the people of California, believers in American infrastructure and technology won the Hoover Dam debate. As the years have passed, the investment has been repaid and the wisdom of Congress' investment remains clear.

Today, Hoover Dam, all these years later is still owned by the American people.

It produces power for the Southwestern United States at less than one-quarter of the market price. It is the quintessential example of why infrastructure spending and investment makes sense. During the depths of the Depression, it gave people jobs and hope. But its benefits were permanent, not fleeting. The investment made in the 1930s is still paying dividends for the economy of the Southwest.

Today, this legislation invests $50 billion in America's transportation infrastructure. That is specifically $27 billion for highways, $9 billion for transit, $4 billion for high-speed rail, $2 billion for Amtrak rail improvements, $3 billion for airports and air traffic control modernization, and $5 billion for discretionary grants and TIFIA loans to multimodal projects. These funds are actually in addition to funding levels in the surface transportation bill which authorizes $52 billion annually and the FAA authorization which authorizes $16 billion annually. The proposal also appropriates $10 billion to capitalize an infrastructure bank. With its own appointed board and CEO, this bank would have the power to issue loan guarantees and loans, at the Federal funds rate, to large projects in water, transportation, and energy.

The bank's authority is similar to the functions performed by EPA's State Revolving Fund, the DOE's Loan Guarantee Program, and the Department of Transportation's TIFIA and RRIF Programs.

In the long term, centralizing these functions in a single infrastructure bank will establish more consistent lending rules and policies. So I think a lot of us have gotten together from time to time to see what could be done to fund a real infrastructure bank. Presently, when we build infrastructure, we have no way of financing it. We put up the whole cost upfront. Most States and cities don't fund their infrastructure that way. They float bonds, and they are amortized over time. So the ability to have an infrastructure bank to loan money, to look at various instruments, to move infrastructure production throughout this country I think is vital. Because the bank will lend, not grant, funds, it will leverage $10 billion into approximately $100 billion in actual investment dollars.

The bank would be particularly beneficial to California—I must say that—and we lead the application list for Federal financing assistance.

For example, Los Angeles citizens voted to tax themselves by raising the sales tax in order to build a desperately needed subway and transit system. They seek a Federal loan. They have the money to pay it back; it comes every year due in sales taxes, but they seek a Federal loan to build the system in 10 years, not 30 years because they need it sooner rather than later. The County of Riverside seeks a Federal loan to build a toll road on the Highway 91 goods movement corridor, through which millions of containers move from the Ports of Los Angeles-Long Beach to every community in America.

I think most people in this body don't understand that approximately 50 percent of all the containers that come into this country, east coast, west coast, come in at Los Angeles-Long Beach, 40 to 50 percent, and they go out in multimodal areas in stacked trains into the Midwest. But they run into all kinds of impediments. There is not separated grades. There is not the ability to move these trains as rapidly as they should be. So if we are going to keep up with the delivery of cargo into the heartland of this country, most of which comes from Asia, we need to do something. California's communities are prepared to repay these loans, but they need help in the beginning.

The Federal Highway Administration estimates that for every $1 billion of Federal transportation spending, 27,822 jobs are produced. It is one of the biggest bang for the buck programs I know of. For every $1 billion in spending, nearly 30,000 jobs are generated. So this bill is a job generator. For every $1 spent on infrastructure projects, it also spurs economic activity, raising the level of gross domestic product by $1.59.

So what is the conclusion? Investing in infrastructure is essential to addressing our nationwide unemployment

crisis. Oh, I only wish we could see this.

Congestion is a big problem in this country. I told you about Los Angeles-Long Beach. What I should also tell you is that the average Los Angeles commuter spends 63 hours per year stuck in traffic. That costs $1,400 a person. In Greater Los Angeles, commuters spend 515 million hours stuck in traffic every year. They waste 407 million gallons of fuel, at a total economic cost of $12 billion. That is just L.A.

I see the Senator from Illinois is on the floor. That is just L.A. I wonder what the Chicago numbers would be. They have to be large. San Francisco, San Jose, San Diego, and Riverside County face all the similar congestion. In each area, the average commuter spends more than 30 hours a year stuck in traffic. That costs us $6.4 billion, and nationwide, congestion is causing Americans to travel 4.8 billion hours more and to purchase an extra 3.9 billion gallons of fuel, for a congestion cost of $115 billion in 1 year. That year happens to be 2009. This is the equivalent of wasting 130 days of flow from the Alaska pipeline each year. It is enormous.

So is this bill necessary? The answer is clearly a resounding yes. In my State, 66 percent of our major roads are in poor condition, 68 percent of our urban interstates are congested, vehicle travel on our highways increased by 27 percent from 1990 to 2007, and 30 percent of our bridges are structurally deficient or functionally obsolete.

One of the best infrastructure projects in the Nation is the repair of Doyle Drive going onto the Golden Gate Bridge. Senator, I wish you could see it because this is a stimulus project and it is amazing because you actually see these dollars at work. Huge ramps are being rebuilt going down to ground level, this great icon of America. The Golden Gate Bridge would never be built today. We just wouldn't build it. If we did, it would take 100 years to do it with all the permits we need. But it is there, it is an icon, and there is a major infrastructure package working on it.

Our Nation's deteriorating surface transportation infrastructure is going to cost the economy more than 876,000 jobs. It is going to suppress GDP growth, it is estimated, by $897 billion by 2020. Poor road conditions cost U.S. motorists $67 billion a year in repairs and operating costs—$333 per motorist. Failing infrastructure will drive the cost of doing business in this country up by $430 billion in the next decade, as the costs to ship goods and raw materials will increase due to bottlenecks and roads that beat up vehicles.

There was a time when America built big things. In the 1800s, we built the transcontinental railroad in one of the great private-public partnerships of all time. We built projects such as the Bay Bridge, the Golden Gate Bridge, the Hoover Dam in the 1920s and the 1930s. In the 1950s and 1960s, we built an interstate highway system unlike anything else anywhere on the planet. In the 1970s, we built the Bay Area Rapid Transit system in San Francisco. This multidecade investment gave America an economic advantage over every country around the world.

Now listen to this. As recently as 2005, the World Economic Forum rated U.S. infrastructure as No. 1 for economic competitiveness—No. 1 in 2005 for economic competitiveness. But in just 5 years, we have slipped to No. 15—not 5, not 10 but 15 in 5 years because we haven't kept up what is a deteriorating infrastructure caused by overuse. The argument is so solid to pass this bill, I can't understand how anyone could vote against it.

China is spending today 9 percent of its GDP on infrastructure. They are our competition. I live on the Pacific Rim. I can tell you, every time any one of us goes to China they will look around the city, whether it is Beijing or Shanghai, and you will count 20 to 50 cranes building in that city, improving infrastructure.

I stood in Shanghai when the head of the government told me: In 10 years, we will build 375 kilometers of underground subway and 25 stations. Guess what. They did and are doing it. We can't do that. It is a problem. Of course, China doesn't have NEPA, it doesn't have CEQA, it doesn't have three dozen permits you have to get. It is easy to write a letter to Mrs. Lee or Mrs. Chu and say: You will move in 30 days because your apartment building is going to be destroyed. That doesn't happen here.

But there is no excuse not to do what is in this bill. There is no impediment to do what is in this bill. It might not take us back to No. 1, but it might take us back to No. 3 or No. 4.

China spends 9 percent. Do you know what we spend? I will tell you. According to the Economist, on April 28, we spent 2 percent of GDP on infrastructure.

A lot of people are doing columns on whether America remains No. 1 in the world, whether we have lost our clout, whether we have lost our competitiveness, whether we have lost our ability to invest in the future. This bill is a good testing ground because this measure is all infrastructure, with the ability to get it done in the future by a bank that can specialize in the arena.

So it is a good test. It seems to me, if we want this country to be No. 1, we have to vote yes. I believe the will is on this side of the aisle and I send a challenge to the other side of the aisle. There is no reason not to vote for this bill.

I yield the floor.

The PRESIDING OFFICER (Mr. CARDIN). The Senator from Illinois.

Mr. DURBIN. I thank the Senator from California for her presentation. As she talked about her wonderful hometown of San Francisco, one of my favorite cities outside Illinois, I thought about my most recent trip there to that Golden Gate Bridge and the wonderful work that is done in the Presidio. What a tribute it is to that beautiful part of our country that the investments are being made now so people can enjoy it. It was filled with people, bicyclers, walkers, runners, families, tourists, and everybody. It is an indication to me that if you build it, they will come.

In this situation, I couldn't help but reflect as the Senator went through the litany of all the great achievements in America over the last 60 years from the viewpoint of infrastructure. Think back to President Eisenhower and the big debate that was on then about the interstate highway system: Was it going to be bonded or paid for with taxes? It went back and forth, and it ended with a bipartisan agreement, and thank goodness it did. We need that kind of bipartisan agreement right here.

Were it not for the interstate highway system, your State would be much different today. So would mine. Thank goodness, 60 years ago, a Republican President and a Democratic Congress reached an agreement. It can be done.

The Democrats did not say if Eisenhower gets this, people are going to think better of him. They thought better of the Nation, and that was a commitment that made a difference.

I thank the Senator for telling us this story. I appreciate it.

Mr. President, we had a meeting this morning with economists from labor and business, and they came and talked to us about what is going on with the American economy. Nothing they said was a great surprise, but it sure was troubling. One-fifth of all men in America are currently out of work. Just a few years ago, it was one-twentieth.

Since 1969, there has been a 28-percent decline in purchasing power of the average working family. Even though they are working, they have fallen behind. The level of fear and anger in our country is growing. We have had slow economic growth rates, and we are facing some serious issues. The United States today has the same number of jobs it had in the year 2000, 11 years ago, but we have 30 million more Americans in 2011 than we did in the year 2000. We can lament this and read about it and say isn't it a darn shame or we can do something about it.

Fortunately, for those of us who have been elected to this Chamber, we have a reason to do something. In fact, that is the reason we have been sent here. People didn't send us to give inspiring speeches; they sent us to solve problems, to make life better for America, to make this a stronger Nation—a secure, safe, and stronger Nation. We have that power to do this, and the question is whether we will.

I can tell you many people argue that the President's efforts to get this economy moving have failed. I could not disagree more. I have been around Illinois, and I have taken a look at what

we have built in America with the stimulus funds. It is impressive. In my home State, it is impressive, not only in terms of infrastructure but helping businesses get started and to succeed.

Douglas Holtz-Eakin is the president of the right-leaning American Action Forum and was Senator MCCAIN's top economic adviser during the 2008 Presidential campaign. In the Washington Post, on Sunday, he said: ''The argument that the stimulus had zero impact and we shouldn't have done it is intellectually dishonest or wrong.''

That is from a conservative, Republican-leaning economist. He knew the stimulus helped. America would have been in a deeper hole today had we not acted to reduce taxes and to help build America in ways that will serve us for generations to come.

We know now we need to do more. Tomorrow we are going to give our colleagues in the Senate a chance to join us in making that happen. We are going to try to move this country forward by putting people to work building things that count. Highways and bridges and airports and schools, community colleges and things that will serve us for years to come. It will create thousands of jobs all across America. We know the stimulus bill did that.

The Department of Transportation estimates that $48 billion in transportation funds put 65,000 people to work on 15,000 projects. I just saw one last week. It is the new Intermodal Transportation Center in Normal, IL. It is amazing. Right next to the Amtrak station, they have built an intermodal center which has kicked off a renaissance in downtown Normal, IL. There are restaurants, a brandnew hotel I stayed in, a Marriott. There are all sorts of shops and a lot of activity. It is all focused on the centerpiece that is now under construction and will soon be completed. This intermodal center is paid for by the same stimulus funds that many come to the floor and question or mock. This multimodal center is a centerpiece for the growth of a great town in the Midwest.

Incidentally, the rail service of that Amtrak station is being funded with $1.1 billion in high-speed rail grants that were part of the stimulus as well. We didn't just build the buildings, we are putting down new rail with concrete to make sure people have a safe, secure, and faster ride. The station is built with $22 million in TIGER grant funds through the same Recovery Act.

These investments are doing great things for Normal, for Illinois State University that is there. The mayor of Bloomington, who is right next door, came over to say he agreed too.

The Peoria airport is another story. They just completed a brandnew airport terminal. It is beautiful. Mr. President, $6.4 million in Federal stimulus funds are going right into Peoria, creating jobs in Peoria, and building an airport for the 21st century. There were 120 workers at work building this terminal—good pay, good benefits, jobs right here in America.

The Englewood Flyover Project in Chicago is going to eliminate the biggest railroad bottleneck in the Midwest. It will mean that goods and passengers move more quickly through that great city and to their destination. It will put hundreds to work for this construction, and it came right out of the stimulus package.

I listened earlier when Senator FEINSTEIN talked about choices we have to make in this country. I think the choices are pretty clear. We know what China is doing. If we go to China today, we will see building cranes in every direction. She talked about a 375-mile underground subway system. When I was there, they talked about 50 new airports they are going to build in the next 5 years that can land every Boeing aircraft. They are building the ports, the airports, the roads, and the railroads to compete with us in the 21st century. What are we doing? We are locked in a partisan debate on the Senate floor, where we cannot get one Republican vote to support the President's jobs bill to create jobs building America's economic future—not one.

Why? I will tell you why. Let's get down to brass tacks. The Republicans say we cannot vote for any bill that raises taxes. The President's jobs bill—the part we are going to bring—does raise taxes, and here are the taxes that are raised. For those making over $1 million a year in income—that is over $20,000 a week in income—we say, on the income over $1 million, they have to pay a surtax of .7 percent. That would mean that the first $100 that the millionaire makes over $1 million, they would have to pay 70 cents. The Republicans have said: No way. We will not make the millionaire pay 70 cents on the first $100 he earns over $1 million, even if it means putting people to work in America. Who disagrees with that position? A majority of Democrats, Independents, and a majority of Republicans, a majority of the tea party members disagree with the Republican position, but not a single Republican has broken ranks yet to join us in a bipartisan effort to put Americans back to work and pay for it by having the wealthiest, the most well off in our country pay 70 cents on $100.

To me, that is not too much to ask. I would ask that and more of those who have been blessed with a comfortable life and a good income and a nice home and no worries. For them to pay a little more so America can get moving forward and we can reduce this unemployment rate is not too much to ask. It is what we were sent here to do.

I encourage my colleagues to join us. Let's get together, if we can, in a bipartisan basis tomorrow and pass this portion of the jobs act and put America to work.

Incidentally, at this point, the Republicans have produced no jobs bill. They have no ideas. As we are united in fighting this recession and unemployment, they are united in opposing anything proposed by President Obama. I don't think that is the way we need to operate.

Thank goodness when President Eisenhower built the interstate system, a Republican President and Democratic Congress looked beyond the next election and into the next century and what America needed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

A SECOND OPINION

Mr. BARRASSO. Mr. President, the October 2011 issue of the AARP bulletin contains an interesting opinion piece. It was written by the Senate majority leader, HARRY REID. It is right there on the front page, Senate Leader REID. His opinion piece is entitled ''The Health Care Law is Already Working.''

I come to the floor, as I do from time to time, to give a doctor's second opinion. I have a second opinion today about the piece in the AARP paper. I find the choice of the words in the title, ''The Health Care Law is Already Working,'' ironic, especially as the American people continue to express negative views about President Obama's health care law.

I come to the floor—as a physician who has practiced medicine in Wyoming and taken care of Wyoming families for a quarter of a century—to talk about the health care law and to talk about health care in America. What we see is a growing majority of Americans who want to see the entire law repealed and replaced with patient-centered reforms.

Don't take my word for it. Let's look at the facts. On October 18, 2011, just last week, the Kaiser Family Foundation released its monthly health tracking poll. This is a nonpartisan Kaiser survey and it tracks the public views about the health care law, and they have been doing it ongoing. The results this month are truly astonishing. About half of all Americans have an unfavorable view of the health care law. Overall favorability of the health care law stands at just 34 percent, an alltime low. The number of individuals who view the health care law very favorably stands at 12 percent, an alltime low. The number of people who think they will personally be better off due to the health care law stands at 18 percent, an alltime low. The number of individuals who think the country, as a whole, will be better off due to the health care law stands at just 28 percent, an alltime low. Approval of the law among Democrats dropped 13 percentage points to an alltime low. These results make it clear that the new health care law does not work.

About 19 months ago, Mr. SCHUMER, the senior Senator from New York, claimed on NBC's ''Meet The Press'' that:

> . . . as people learn about the bill, and now that the bill is enacted, it's going to become more and more popular.

The President and Washington Democrats miscalculated. They made numerous promises to the American people and they said we need to act fast. We can answer questions later. They asked the American people to trust them. Then the Nation watched as weeks went by, new stories uncovered another health care law glitch, another health care law unintended consequence and another of the President's broken promises. Seniors all around the country know that the President's health care law took over $500 billion from a broken Medicare Program not to save Medicare but to start a whole new government spending program for someone else, not for seniors. Medicare patients know the health care law failed them and failed to address the broken physician payment system. America's seniors understand that Washington Democrats can't cut $½ trillion from Medicare and then claim those cuts will not impact their own health care.

When we look at Medicaid, Governors all across the country know the health care law's Medicaid expansion will restrict patient access to care and very likely bankrupt our States. Medicare only pays health care providers cents on the dollar. That is why about 40 percent of physicians don't accept Medicaid patients. Having a government health care card doesn't mean patients will actually have access to medical care.

We also have concerns since the law was passed about employers dropping coverage. President Obama promised that if Americans liked their current health care plan, under the law, they would be able to keep it. Over the last 19 months, employers have made it clear that the law's mandates are too expensive, threatening their own ability to offer health insurance to their employees.

A reputable national consulting firm surveyed employers across industries, geographies, and employer sizes. The company produced a report titled ''How U.S. Health Care Reform Will Affect Employees' Benefits.'' The company, McKinsey & Company, found that overall 30 percent of employers will either definitely or probably stop offering employer-sponsored coverage after 2014. That is when the President's health care law goes into full effect. Among employers with a high awareness of the health care law, understanding the specific implications of the law, that number of those who will either definitely or probably stop offering employer-sponsored coverage jumps to 50 percent. At least 30 percent of employers would actually gain economically by simply dropping coverage even if they compensate employees through other benefit offerings or higher salaries. So how did we get from ''if you like the plan you have, you can keep it'' to ''30 percent of employers will either definitely or probably stop offering health insurance''?

The problems continue to mount. Recently, on October 20, 2011, Walmart announced its decision to scale back health insurance for some part-time employees. A New York Times article explained that future part-time Walmart employees working less than 24 hours per week won't be allowed to join the company's plan. New part-time employees working between 24 and 33 hours a week won't be able to buy insurance for their spouses. The New York Times article quotes Walmart as saying that the increasing cost of health care is the reason for the change.

Now let's take a look at people's premiums. In 2009, President Obama promised that his health care plan would reduce health insurance premiums $2,500 a year for families in America. Well, the opposite has occurred. President Obama's law has forced Americans to pay more for their health care premiums. On September 27, 2011, the Kaiser Family Foundation issued a report showing that the employer average annual family premium increased 9 percent, from $13,770 to $15,073. The employer average annual single premium—the other was a family, now for singles—the single premium increased 8 percent, from $5,049 to $5,429. Of course, part of this premium increase is tied directly to the health care law.

Then let's look at the CLASS program. That program has recently failed. Remember, President Obama's health care law established a brandnew Federal long-term care entitlement program. It was referred to as CLASS, but the letters stood for ''Community Living Assistance Services and Supports.'' Well, to qualify, people would have to pay the government a monthly premium for 5 years, and then after those 5 years, they could begin collecting benefits. It is now known that the CLASS program was an intentionally designed budget gimmick. The Congressional Budget Office estimated that the CLASS program would reduce the deficit by $86 billion. These ''savings'' came from the premium dollars the CLASS program would collect for the first 5 years, all while the program wasn't required or allowed to pay out any benefits to individuals. So all the money would be coming in. Instead of holding on to that excess money being collected to pay out for future expenses, Washington Democrats here in the Senate used those funds to pay for President Obama's health care law.

Fast forward, and we now know for sure that the program is not financially viable and does not work. How do we know that? Well, many of us knew it when it was going on here on the Senate floor a few years ago, but on October 14 of this year, Health and Human Services Secretary Kathleen Sebelius announced that the administration will not implement the CLASS program.

An op-ed she has written appeared in the Huffington Post, and it said:

> . . . as a report our department is releasing today shows, we have not identified a way to make CLASS work at this time.

The Obama administration had 19 months to figure out how to implement the program, and they couldn't do it. Administration officials at the Department of Health and Human Services knew the CLASS program was unsustainable, and I believe they knew it before President Obama signed the health care law. They knew it, the administration knew it, and the administration failed in their duty to be honest with the American people and tell them.

Today, the White House still refuses to admit that the CLASS program is a colossal failure. In the middle of last month, October 17, 2011, White House spokesman Nick Papas said:

> Repealing the CLASS Act isn't necessary or productive. What we should be doing is working together to address the long-term care challenges we face as a country.

How can the White House admit that this part of the health care spending law will burden taxpayers with yet another unsustainable entitlement program and at the same time demand that it stay on the books? How do they do that?

After having received the AARP bulletin with the headline ''The Health Care Law Is Already Working'' from the Senate majority leader, I came to the conclusion that I needed to come to the floor with a second opinion. The health care law needs to be repealed. It must be replaced with reasonable, commonsense, and financially sound alternatives. This health care law is not working. It is not good for patients; it is not good for providers, the doctors and the nurses who take care of those patients; and it is not good for the American taxpayers.

I will continue to come to the floor of the Senate as we learn more and more about this health care law. It seems that just about every week or so there is a new, unintended consequence that comes forward, a new concern for patients, a new concern for providers, a new concern for the taxpayers. I will continue to work with my patients and with my colleagues to find a health care law that gets patients the care they need from the doctor they want at a price they can afford.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I am here today to discuss the critical need to address our Nation's crumbling transportation and infrastructure system. The cracks in this system became abundantly clear to all of our country and, in fact, the entire world when, on the afternoon of August 1, 2007, the I–35W bridge in Minneapolis collapsed into the middle of the Mississippi River, taking the lives of 13 Minnesotans and injuring so many more.

As I said that day, a bridge just shouldn't fall down in the middle of America, especially not an eight-lane interstate highway which is one of the

most heavily traveled bridges in our State, especially not at rush hour in the middle of a metropolitan area, especially not a bridge six blocks from my house that I take my family over all the time to go visit their friends. That is what happened on that day, in the middle of a sunny day in the middle of America. Yet, years after that bridge collapsed and then was rebuilt, 25 percent of our Nation's bridges are still structurally deficient or obsolete.

I wish I could say the bridge collapse was the only tragedy my State has suffered because of a broken infrastructure system. It is not. We saw another one just this October in Goodhue County on Highway 52, which connects the Twin Cities with Rochester, home to the Mayo Clinic. Within a 10-day span, one intersection on Highway 52 between Rochester, MN, and the Twin Cities of Minnesota was the site of two fatal crashes that claimed three lives and injured others. Even before these tragic crashes, everyone agreed that an interchange was needed so that drivers weren't forced to risk racing across a four-lane, divided highway, but the county and the Minnesota Department of Transportation didn't have the funds to build an interchange which could have eased the situation and could have saved lives. The worst part is that intersection of Highway 52 isn't even the most dangerous stretch of that road. In fact, local leaders have marked other projects as higher priorities. Yet the funds aren't there, the money isn't there to address these problems.

These are just two examples of the impact of our infrastructure and transportation needs in this country. There are tens of thousands more in small towns and big cities from Maryland to Minnesota. That is why I have come to the floor to discuss the Rebuild America Jobs Act, legislation I introduced with several of my colleagues, including Senator MANCHIN of West Virginia and Senator SHELDON WHITEHOUSE of Rhode Island. We have come together as Senators from all corners of the country because we recognize the urgent need for new and bold initiatives to rebuild America.

Our legislation would get the ball rolling on desperately needed improvements by establishing an infrastructure bank—something that has long garnered bipartisan support in the Congress—and directing $50 billion toward infrastructure. Both of these ideas, as I have noted, have enjoyed bipartisan support in the past. In fact, standing there with us this afternoon was Ray LaHood, a former Republican Congressman who is now the Secretary of Transportation under a Democratic President.

We have also said there is no such thing as a Democratic bridge or a Republican bridge or a Democratic or Republican highway. Transportation has always been a bipartisan issue in this country, and it must continue to be. That is why we are continuing to push this legislation. We may not pass it this week, but I know from my colleagues on the other side of the aisle that there continues to be interest in moving ahead on infrastructure funding.

This legislation is about improving public safety so that no bridge ever collapses again in the middle of America, but it is also about creating better opportunities for our businesses and jobs. I say that because if we look back through history, it is clear that many of the major milestones that contributed to America's greatness were rooted in our infrastructure. Whether it was connecting the east and west coasts by rail in 1869 or the WPA in the 1930s or the construction of the Interstate Highway System that began in the 1950s with a Democratic Congress and a Republican President—Dwight Eisenhower—or even the amazing innovations of the early American auto industry, our country did not move forward because our leaders tinkered at the edges of the status quo. America flourished because of innovators such as Henry Ford, who once said: ''If I'd asked my customers what they wanted, they'd have said a faster horse.'' Then he turned around and built the Model T.

If Henry Ford were alive today, he would say that America cannot afford to take a horse-and-buggy approach to infrastructure. That is, in fact, what we have been doing. While other countries are moving full steam ahead with infrastructure investments, we are simply treading water.

In an increasingly competitive global economy, standing still is, sadly, falling behind.

China and India are spending about 9 and 5 percent respectively of their GDP on infrastructure. Even Europe spends 5 percent of its GDP. Yet how much are we committing right now? About 2 percent. The effects of this shortsighted strategy are increasingly clear. In its 2007 and 2008 report, the World Economic Forum ranked American infrastructure sixth in the world. That was only a few years ago, and yet we have already slipped to 16th place, putting our roads roughly on par with those of Malaysia and far behind those of Germany, Canada, and Hong Kong. This is a huge problem because the strength of our infrastructure is directly tied to the competitiveness of our economy. Just look at the numbers. As our country slipped in the rankings for infrastructure, we also dropped in the World Economic Forum's rankings on competitiveness. Last year we were in fourth place, and this year we are in fifth place.

Competitiveness is a huge element here, but it is not just about global bragging rights. Fundamentally, it is about lifting the parking brake that has kept our economy idling and addressing the major inefficiencies we have seen in our infrastructure system.

If we want to move to this next-century economy, it is going to be about exports. It is going to be about making stuff again, inventing things, exporting to the world. If we do not have the roads to carry the trucks to bring those goods to market or the waterways and the barges to do it or an air traffic control system that is up to speed on a competitive basis internationally, we are not going to be that economy that so many of our workers and so many of our businesses want us to be.

Failing to move ahead will have consequences no one likes. For example, it would not be altogether different from levying a multibillion-dollar tax on American industry. I say that because inefficiencies in infrastructure are expected to drive up the cost of doing business by an estimated $430 billion, according to the American Society of Civil Engineers. That is just in the next decade.

America spends 4.8 billion hours in traffic—just sitting there in traffic—every single year. When trucks idle in traffic on the highways or wait at port facilities to be loaded and unloaded or when freight trains sit waiting to pass in our congested rail network, our economy hemorrhages dollars, losing roughly $200 billion each year. To put that number in perspective, it is roughly 1.5 percent of our gross domestic product.

Increased transportation costs will make it more expensive for companies to ship goods and purchase raw materials. We can only expect that those costs would be passed on to customers.

Traffic congestion, as I mentioned, costs us billions. When I said 4.8 billion hours per year, actually, I thought: Did I get that wrong? Is it millions? But, no, it is, in fact, 4.8 billion hours each year stuck in traffic. That is $101 billion in lost revenue. That is $713 per motorist.

The bad news is that without action those numbers are only going in one direction—up. By 2020, it is estimated that our crumbling infrastructure will cost our economy more than 876,000 jobs and $897 billion in lost GDP growth.

As I alluded to earlier, the public safety aspect of this debate is also incredibly important, and it is something we cannot afford to ignore, particularly in the context of population growth. According to the Census Bureau, the American population is expected to add another 120 million people by 2050. That is a 40-percent increase in 40 years, and it is like adding the entire nation of Japan or more than three States of California. Think about that. We cannot stand still on our infrastructure. That is 120 million more people on our roads, bridges, tunnels, highways, and airports—structures that are already insufficient for meeting the needs of today's population.

But here is the good news. Addressing this challenge does not just make sense from a long-term competitiveness perspective, it also makes sense

because it would be an immediate shot in the arm for our economy. We are still looking at an environment where too many Americans are out of work or have seen their hours cut back. And people who have taken it the hardest are people in the construction industry. In construction, the unemployment rate now is 13.3 percent—more than 4 points higher than the national average.

The Rebuild America Act will help get these workers back on the job. Here is how we do it:

First of all, we will need to make smarter decisions to stretch our transportation dollars further. This is a compelling case for public-private partnerships—we all know government cannot do this alone—public-private partnerships for private sector jobs. That is why the infrastructure bank part of the Rebuild America Jobs Act is so important. The American Infrastructure Financing Authority would provide loans and loan guarantees to finance projects that would otherwise be too expensive for any one city, county, or even a State to accomplish on its own. The bank would serve as an incentive for the creation of public-private partnerships and the mechanisms necessary for repaying loans once the projects are completed. This will help ensure the quality of projects too, because no private firm is going to invest in a project that is likely to fail.

The infrastructure bank would allow State transportation departments to move more projects off the books and to tackle other critical needs. So the Minnesota Department of Transportation could finally have the resources to focus on fixing Highway 52 and Goodhue County Road 9—or projects in Missouri or projects in Maryland or projects in Oregon. There are needs all over this country.

I wish to make an important point here that the American taxpayers need to know; that is, they would be protected as well. Projects would be considered and reviewed by expert staff, separate from the independent and nonpartisan board that would select the projects. There are strong oversight protections, and projects would have to be backed by a dedicated revenue stream.

All of this is part of the reason this infrastructure bank has always had bipartisan support. Senator KERRY has worked very hard on this legislation, as have many of my Republican colleagues. They have suggested a similar model in the BUILD Act, many of the sponsors. The BUILD Act has 10 bipartisan cosponsors.

Beyond bipartisan congressional support, an infrastructure bank has earned the support of people as far-ranging as from the chamber of commerce to the AFL–CIO.

With the initial infusion of $10 billion that the Rebuild America Act proposes, it is estimated it could leverage private investment to generate between $300 billion and $600 billion for infrastructure improvements. The infrastructure bank is the kind of bold and new action we should be taking as a nation.

Coming from a State, as I do, where there is a large rural population, I also think it is important to note that rural America—whether they are in South Dakota, North Dakota, Montana, or Nevada—should not be left behind. The infrastructure bank would be structured so that the kinds of projects that are important to rural regions, such as clean drinking water and sanitary sewer systems, could also compete for loans and loan guarantees.

Right now, too many repair and replacement projects in our Nation's drinking water and sanitary sewer systems are endangered by a lack of funding. According to the 2008 EPA survey of needs, Minnesota needs $4.1 billion to upgrade our drinking and sanitary water systems. And in 2011 alone, my State has $400 million worth of projects that are just sitting there.

Clean water projects are vital to the safety and health of our communities, particularly our rural communities. We all benefit from projects that can promote public health, protect our environment, help create jobs, and support local infrastructure. Let me give you an example. In southwestern Minnesota, we are working on a three-State effort—consisting of Iowa, South Dakota, and Minnesota—to get water to 20 communities. The region's current lack of water has brought economic development to a standstill in an area where there are all kinds of possibilities for development in an agricultural community. According to the manager of the Lincoln Pipestone Rural Water System in Minnesota, this lack of clean water has forced the community to turn away businesses that would have otherwise opened in the area, including a large dairy plant, a large cattle-feeding operation, and biofuels plants. That is just in the last 5 years. In other words, the community has lost untold jobs and economic growth because it lacks the water.

Importantly, the infrastructure bank that the Rebuild America Jobs Act would create also includes technical assistance to rural communities. Five percent of the initial investment to capitalize the bank would be designated for projects in these very areas. That is $500 million for rural America.

As we move forward with this conversation, we cannot lose sight of the critical importance of the multiyear surface transportation bill. This is something we need, and we need it now.

The surface transportation bill gives certainty to State departments of transportation so they can make the multiyear planning decisions on how best to spend Federal and State resources.

The certainty of a multiyear bill also benefits the private sector. Once States know how much they can put toward infrastructure projects, they can begin contracting with companies—private companies—in engineering, design, and construction. These are companies such as Caterpillar, which employs 750 people at its road-paving equipment manufacturing facility in Minnesota. I visited there in August. Caterpillar's employees are the kind of people who are out there on the front lines of American industry. They are people who make the slogan ''Made in America'' not just a slogan; it is real. They depend on the certainty that only a multiyear Transportation bill provides. We have an opportunity to give them that certainty.

I know Chairman BOXER and Senator INHOFE have been working on this out of their committee, but I did want to keep in mind that as we work on the rebuild America jobs bill, as we work on the Transportation bill we are talking about today that I would like to get passed by the end of this year, that we also are cognizant of the fact that there is a very important 2-year bill they are debating at this very moment.

When we look at the state of our Nation's infrastructure, there is no escaping the fact that we are far from where we need to be. Our 21st-century economy depends on a 21st-century transportation network. It is that simple. Fixing our infrastructure is one of the best possible ways to strengthen our Nation's most basic foundation—the channels we use for everything from commerce and exporting to emergency management and disaster response.

But I also believe it is about bringing America back to the brass tacks. We know we have to do something about our debt, and I personally believe we can get there with a balanced approach, with spending cuts and looking at closing some of these loopholes. But even then, we must focus on what will move our economy forward in the long term. We simply can no longer base our economy on being a country that just simply churns money and shuffles paper, simply being a country that consumes, that imports and spends its way to a huge trade deficit. That has not worked.

What we need to be now is a country that makes things again, that invents things, that exports to the world. The only way we are going to make that happen is if we have the roads and the bridges and the rail and the barges and the airports to carry these goods to market. That is what this is about. We cannot put it off any longer. We must move forward now in a bipartisan manner to get this done for our country.

I urge my colleagues to support this bill.

Thank you very much, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. Mr. President, I rise today to speak on this infrastructure jobs bill, and actually I think my good friend from Minnesota has done a great job of explaining why we need to be focused on infrastructure. I think if I was

going to summarize my comments, as they might compare with hers, they would be that we need to be focused on the longer term problem.

We certainly do have a committee that is working on a 2-year bill, and here we are spending time today talking about a bill that I think is likely not to happen. Even if it did happen, would it be better than a 2-year bill? Of course not. Does it do anything better than the traditional infrastructure focus of the country that includes communities and cities and States instead of Federal bureaucrats? Of course it does not. We need to be focused on the right thing, at the right time.

The top concern on American minds today is righting our Nation's economy, having an economy that creates private sector jobs. While we take different approaches to addressing this issue, I think the Congress is genuinely united in understanding what the goal should be; we just have such a difference of opinion as to how to get there.

What role does infrastructure play in private sector job creation and competition? It plays a critical role. In fact, it is one of the few places where the Federal Government actually can take actions that specifically create private sector jobs.

Roads and bridges are maintained and kept clean and kept open and supervised by State and local authorities, but they are built by private sector contractors. So that is a good thing. The question is, What is the best way to get there? Unfortunately, we are 2 years removed from the expiration of the last surface transportation bill, and we are talking in the Transportation Committee—I am told; I am not on that committee—I know Chairman BOXER and the ranking Republican, Mr. INHOFE, are talking about how you can have another 2-year extension of that bill. It is unfortunate we are not talking about the 4- or 5- or 6-year surface transportation bill we have traditionally talked about because that is the kind of time it takes to really make a project that matters work.

We have been holding the surface transportation bill together with duct tape and Super Glue for a couple of years now, and the last time we did this, in September, we extended that bill for 6 months. The President frankly began to put his energy behind this different proposal that I have lots of concerns about. But I have even greater concerns about the fact that the energy and focus is there instead of on how do we get at least a 2-year extension of a transportation bill, a surface transportation bill that would work.

I said we were holding the bill together—the legislation together—by duct tape and Super Glue. Unfortunately, that is how we are also holding the transportation system together, because you cannot have the Eisenhower vision that was mentioned earlier of an interstate system, you cannot have an Eisenhower vision that has a 6-month shelf life or a 6-month window of opportunity. If you are going to have that kind of system put in place, you have to have a system that is put in place with an understanding that this is an ongoing program, that we have ongoing sources of funding, that we have an ongoing ability to contract.

That is why we need to be talking about the best way to find new and innovative ideas to invest in our infrastructure development. I am increasingly concerned that this legislation we are talking about today takes a short-term ''Federal bureaucrat knows best'' approach, rather than the approach we have had good success with in the country when we were building roads and bridges and airports and infrastructure in ways that mattered.

In all of our home States, certainly in my home State of Missouri, community leaders and job creators tell me that they are clearly looking for more certainty of how to create jobs. They need the ability to look beyond 3 or 6 months in order to plan and anticipate investment levels to expand their operations. We need to make smart investments in our Nation's infrastructure so people who build infrastructure can look forward with certainty, and communities that are dependent on infrastructure can look forward with certainty, and a business that is thinking about making a job-expanding commitment to a community knows what the highway plan is for the decade, not for the next day.

We have to get there, and you cannot get there 6 months at a time. This piecemeal approach, including the continuing resolution, and the so-called stimulus bill, and other things that postpone other efforts for communities to get funding, the whole idea of an infrastructure bank that would go for projects that had some ability to pay for themselves—when you ask questions about that, nobody knows what that means. Nobody knows why. If these things have an ability to pay for themselves, States could bond them out tomorrow. If you have a revenue stream that will pay off the building of a bridge, if you figured out how to create that revenue stream, States could issue that bond right now.

The only reason to have a Federal infrastructure bank is because the infrastructure bank is insolvent and not planned to be solvent, and only the Federal Government can give it the credibility it needs so it can ever possibly be used. But that is not the long-term solution to infrastructure.

As we have witnessed in recent months, the President's idea of a jobs plan apparently is focused on holding press conferences in front of bridges—he had one today—to sell the idea that another stimulus bill will create more jobs. How does the President ever expect shovel-ready projects to be shovel ready? They only get to be shovel ready if you have a lot of time to plan and you know what the funding source is, and you know how you are going to not just start the project but complete the project—bridge replacement and major infrastructure investment and critical projects.

But if this bill does become law, 10 percent of the money, the Congressional Budget Office estimates, would be spent between now and September 30 of next year. So this is no economic recovery plan. It is also no long-term highway plan. And 10 percent of the money spent in the next 11 months is not what it takes to get this job done.

Of course, 50 percent of that—of all of the money—would be spent by the Federal highway department rather than allocated, as we have allocated Federal highway money since the 1950s, back to the States with incentives for them to match that money and to do the best they could to have a fair distribution of highway and surface transportation money across the country.

These piecemeal solutions will not work. There are many examples of communities that are facing challenges and they want to know how that question is going to be met. In Washington, MO—not Washington, DC, but Washington, MO—there is an 80-year-old bridge that goes across the Missouri River. It needs to be replaced. It has needed to be replaced for some time now. But are we going to let the President of the United States decide if that is the bridge we replace? There are some things that the President should not decide. The President is without any question in the best position to decide what is the best way to go into Abbottabad and get Osama bin Laden. The President is not in the best position to decide what are the bridges to be built between Kentucky and Ohio.

I know he likes to give that example a lot because the Republican Senate leader is from Kentucky and the Republican Speaker of the House is from Ohio. And he says, we need a bridge between Ohio and Kentucky. That may actually be true. But the President of the United States is not the best person to solve that problem. The best people to solve that problem are the people in Kentucky and Ohio who get their gas tax money, their transportation money, whatever kind of funding we can figure out meets the needs of the future and say, here is our 10-year plan. Here is how we are going to fund our 10-year plan. In year one we are going to do the bridge planning for which of these bridge possibilities we need. In year two we are going to plan the bridge we decided we needed. In year three we are going to build the bridge. Maybe by year six or seven someone is using the bridge. This is the idea. These ideas, these short-term solutions, simply do not work.

State departments of transportation are hesitant to commit to long-term projects without the assurances of a funding stream in the future. The President's bus tour will not provide individuals with more certainty, but instead a long-term investment plan would work to answer these questions.

We need a clear Federal infrastructure blueprint to help county commissioners, to help contractors and cities, to help statewide departments of transportation lay the groundwork to plan, to assess local needs, to hire more employees, to make the decisions necessary to encourage economic growth.

In addition to the short-term approach that I think this bill has, I am concerned with some of the policies included in this proposal. With the increased funding for discretionary proposals, grant programs such as the Federal TIGER grants and now the infrastructure bank, the message being sent to the States is that Washington bureaucrats will set the priorities. Our entire infrastructure network is in desperate need of comprehensive updating that refuses to be put off any longer. We need to refocus all our efforts on the modes of transportation, the flexibility between them. Why we continue to rely on fragmented programs makes no sense to me or lots of other people. The answer is not to continue writing blank checks to the administration and then hoping that the people who will make the decision—with zero accountability, frankly—will somehow make that in the best interests of all of our States. We need to do the hard work of crafting and investing in a formula that works for the future.

Chairman BOXER and Ranking Member INHOFE have been working hard putting together a new reauthorization bill. I wish that were a 6-year bill, not a 2-year bill. But I tell you, a 2-year bill has far greater possibilities for success than a 6-month bill that will go away before it is able to do any good.

I look forward to starting the work. I hope we can stop taking time on things that will not work and start solving the problems that have to be solved for the country, that have private sector job recovery that we need to be prepared for the next century, as people in this body worked in the 1950s to see that we could be prepared for the last 50 years of the last century.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. GRASSLEY. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. GRASSLEY. Mr. President, most every Republican in this body and probably outside of this body would admit that President Obama inherited a very bad economy by the time he was sworn in. The only thing is, by every measure of the economy, this economy is much worse now than what he inherited.

The Obama economy is bad because there is a prospect of taking more money from the American taxpayers with the biggest tax increase in the history of the country next year; and many brand new regulations that are very costly to the economy. Particularly small businesses do not know where they are going to be hit next and where their costs will be.

We have this big budget deficit that is a damper on the economy. In every respect, things this administration are doing are putting a wet blanket on the economy. We have wrongheaded energy policies as well.

We hear the President say, when he puts forth his jobs bill, touring the country in his bus: Pass this bill right now. Pass this bill right now. We have had some experience with efforts to pass bills ''right now.'' They got passed, like the stimulus bill, 1 month after he was sworn in, which was supposed to keep unemployment under 8 percent. But it has never been under 8 percent since 1 month after that time. We have to pass the health care reform bill ''right now.'' And the health care reform bill was passed that very first year when the other party controlled everything, all three political branches of government. They had everything their way. And it was passed ''right now.''

We are finding out that passing something right now is not the way to do business, particularly if it is done in a partisan way. I think the extent to which the President would lead instead of being on the fringe would help this process along, because he is the only elected official in this country who speaks for the national voice. Each one of us representing our constituencies has a national perspective, but we also have to be worried about the needs of our constituents.

Let's go to what the latest effort is of this President to turn this economy around his way and get this bill passed ''right now.''

Just a few weeks ago, the Senate considered a so-called jobs bill that would have provided $35 billion of the $447 billion for the purpose of creating or saving jobs for teachers and policemen and firefighters. This bailout was included by President Obama in this $447 billion stimulus bill No. 2 that he proposed in his speech before Congress this September.

When it became apparent the Senate leadership didn't have the necessary votes for the whole package, then Majority Leader REID chose to move this bill in parts instead of in one big package. Most of the reason he had to do that is because people in his caucus were not ready to vote for big tax increases or taking more money away from the American people and sending it to Washington.

Proponents of that bill argued that this $35 billion bailout was necessary to prevent the layoff of teachers and public safety employees. Don't forget, this isn't the first time the Senate has considered this type of bailout because it was that bailout that just had to pass ''right now,'' in February of 2009, which was supposed to keep employment under 8 percent. That was the $814 billion stimulus bill Congress enacted in early 2009. It included bailout money for State and local governments.

That is one of the reasons it didn't work, because whether it is the State, local, or Federal government, governments consume wealth. They don't create wealth. When we put half of that $814 billion bill into public employment, it doesn't create jobs. That money should have been used to stimulate private sector employment.

President Obama stated that bill would save or create up to 4 million jobs over the following 2 years. That bill was supposed to create or save 150,000 jobs for teachers, nurses, firefighters, and police officers according to our President.

Then, in August 2010 Congress passed another State and local bailout, this time sending $26 billion to States to save or create public sector jobs. At that time, Robert Gibbs, the White House spokesman, stated that this bill was ''a very important proposal, particularly to ensure that 160,000-plus teachers don't get fired as a result of bad State budgets.'' This $26 billion was the second effort by Congress to help States plug their budget holes while claiming that we were saving the jobs of teachers and other government workers.

The truth is, these efforts to save State and local public sector jobs are more simply a bailout of State and local governments that have failed to rein in their own spending. State and local governments became addicted to tax-and-spend big government policies, and Federal bailouts have only aided the addiction.

Rather than making the necessary and difficult budget decisions, these State and local governments come to rely on the spendthrift behavior of their Congress to spend more and plug budget holes. Nationally, the debt held by States is approaching $3 trillion. That doesn't even figure in unfunded pension liabilities. Some of the States in the worst trouble are Massachusetts, Rhode Island, New York, New Jersey, Connecticut, Illinois, and California. The increase in debt has had a significant impact on their budgets or on their bond rates and their ability to find competitive bond rates and competitive financing.

The free-spending State legislatures, coupled with a huge public work force, have driven up the cost of doing business in these States. It has negatively impacted their unemployment rate and their economic growth.

For much of the history of our country, States have been responsible for financing their schools, police, firefighters, first responders, and other public employment. We know that throughout the 224-year history of our country most of the time these State and local governments have done a pretty darn good job. States that have done well have grown economically and attracted more jobs. With economic

growth we are going to have more taxpayers. What this country needs is more taxpayers, not more taxes.

States that haven't managed their budgets well have had, as you might expect, the opposite result. This competition among States has created a system that demands and rewards good government and, in the process, attracts employers and workers.

A Federal bailout of States upsets this balance. It rewards bad behavior and ultimately hurts the American economy. Federal bailouts eliminate the risks associated with poor economic policies. The moral hazard of Federal bailouts is that it sends a message to bad actors that there are no negative consequences for their failure to effectively govern.

At the same time, this type of Federal stimulus is ineffective at saving or creating jobs, and it does nothing to promote private sector growth. Annual Federal deficits are close to about 8 to 9 percent of GDP, and our national debt is $15 trillion. We cannot afford to bail out States and continue to encourage poor fiscal behavior by our States.

The bailout of Democratic Governors and State legislatures—and I suppose I ought to include Republican Governors and Republican State legislatures, as well—and public employees may be good politics, but it is terrible economics and creates even worse fiscal situations. Rather than propose political solutions during this economic downturn, the President should work with Congress to find real, authentic, genuine solutions to our economic and unemployment problems.

The recession began in December 2007, and nearly 1 in 10 Americans remain unemployed today. More than 26 million Americans are either unemployed or underemployed. The policies of the past 2½ years have not worked; they have made things worse.

Now, for the benefit of people—and maybe we can't say this too often because it looks strictly partisan—but we all ought to admit that this President inherited a bad economic situation. It is nothing to be proud of for a Republican President or any of us Republicans who were in office at that time. But by any measure of the economy, this President has made things worse.

The time for political documents has long past. It is time to govern, to work together, to get our economy growing again, and move the Obama economy into a bipartisan economy, at least to job creation.

For those who are unemployed, it is a depression. It is time we did something to help turn this situation around. Private sector employers need an international trade agenda that opens new doors to sell U.S. agricultural goods and manufactured products and services. Obviously, I am glad the President finally sent to the Senate three trade agreements and that they were passed last month. They were delayed, though, unnecessarily for years, and the rest of the world is moving ahead without us. We are more than capable of increasing exports, but we need the markets to do it. It is very simple. Why worry about exports? Because only 4 percent of the people on the face of the Earth live in the United States. The other 96 percent live outside the United States. Who are we going to market to, the 4 percent? Yes. But if we are going to expand our economy, we are going to have to market to the other 96 percent.

Thank God, President Obama has set an agenda that he wants to double exports. But in order to reach this goal and do everything possible to generate economic activity and opportunity in the United States, the President needs to move forward on other job-generating and trading initiatives without delay.

It is time to put an end to job-killing Federal regulations—as I move on to a new subject of why the economy is not so good. New regulations from EPA, the Department of Labor, National Labor Relations Board, and others are making it harder for businesses to grow. Understand that I said ''new'' regulations. I think sometimes people, when they hear us talk about a moratorium on regulations, they think we ought to take all of the present regulations off the books. They may not necessarily be good, but the economy has accounted for them already.

When we have 9.1 percent unemployment, and we have all these new regulations coming out—66,000 pages of new regulations so far just this year—that just makes it very hard to decide whether we ought to hire somebody—particularly, for small business.

Remember, small business creates 70 percent of the new jobs and about 25 percent of all employment in America. In some cases, new regulations are actually destroying jobs. With unemployment at 9.1 percent, it is time for the Federal bureaucracy to stop harmful, job-killing, new regulations.

What we are calling for is not to stop ever regulating into the future, but to put a short-term moratorium on regulations so that people have a chance to get us out of the hole we are in with this 9.1 percent unemployment—let's say a measure of getting unemployment down to 7 percent before we have new regulations.

It is also time to develop domestic energy resources that will create jobs while increasing domestic energy supplies. Nobody seems to be very concerned about spending $830 million every day—just in case that sounds phenomenal, $830 million a day is the amount of money we send overseas to bring oil into this country. That is a terrible subsidy to the volatile Middle East, which wants to train Americans to kill us or to reward Hugo Chavez, who badmouths us almost every day.

We need to make more energy available, driving down prices, making our country more energy independent. The President's energy agenda is moving us backward because of not enough emphasis on the fossil fuels that are available in this country. It was only 3 years ago that natural gas was $14, $15 per unit because we thought we were using it all up in America. Recent discoveries tell us that we have natural gas for maybe 100 years. It is down to around $4 or $5 now per unit.

But it is not a case of finding fault with the President on green energy because whatever source of energy we have, if we want a growing economy, we are obviously going to use more energy. We just must use it more conservatively. We ought to encourage conservation, and we should also encourage the use of fossil fuels wherever it can be found. It ought to encourage all sorts of green energy, and that is all the biofuels we in the Midwest talk about—the wind energy that my State is second in production of, and it is also solar, biomass, cellulosic, biofuels, all of the above.

I said conservation, and I guess the fourth one would be nuclear energy. It is time to change course and develop energy sources at home and create jobs in the process.

Finally, in 2009, President Obama said we don't raise taxes in a recession. He stated his position clearly: The last thing you would want to do is raise taxes on anyone during a recession because it would harm businesses and economic growth. We know when he said that unemployment was under 8 percent. So if we have 9.1 percent unemployment now and will for quite a bit into the future, aren't we still in a recession? So isn't the President's own benchmark the benchmark we ought to be using yet today? Yet we have the biggest tax increase in the history of the country—taking more money away from the taxpayers and sending it to Washington—coming up next year.

Wouldn't it do a great deal of economic good if this President said exactly what he said about the time he was sworn in; that we shouldn't increase taxes during a recession. Yet we have all these jobs packages put before the Senate that include job-killing tax hikes. That is why they have been received with bipartisan opposition. To those who say the packages the President has proposed have been killed by Republicans, one of the reasons the majority leader had to change the President's tax packages for a vote here a couple weeks ago is because there is opposition within his own conference about that. A few courageous Senate Democrats have consistently said no to their leadership when it comes to raising taxes on small business and other job creators.

The only bipartisanship we have seen so far is the bipartisan opposition to ill-conceived political documents. The Democratic majority needs to get serious about addressing our economic problems. It is time to consider policies that will get people back to work without harming the economy. It is time to stop the political aspects of this debate. The best way to do that, it

seems to me, is to look at the other body—controlled by Republicans—that has passed 15 pieces of legislation that will help turn this economy around. We haven't taken up any of them, although I think we are about ready to take up, thank God, one of the 15 that is referred to as the ''3-percent withholding.'' Unemployed Americans need to know we are going to do something to help create jobs and grow the economy, and taking up more of those 15 bills would be getting something done in a bipartisan way. Unfortunately, so far the Democratic majority and President Obama are more interested in political strategies than creating jobs and economic growth. The only reason I say that is it seems to me there is little intellectual honesty on the part of the President when in a speech given to a joint session of Congress one evening—as he did in September—he would plead for bipartisan support and then, the very next day, go out on the road on a political venture and say he can't get the cooperation of the Republicans—pass that bill right now.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. HARKIN. Mr. President, later this week—I assume sometime tomorrow—the Senate is expected to vote on the Rebuild America Jobs Act. This is a practical, commonsense piece of legislation that does two urgent and important things: It will help to modernize America's crumbling infrastructure, and it will help to put Americans back to work and get our economy going again.

Not surprisingly, this bill enjoys overwhelming popular support among the American people. Every day, Americans see the infrastructure crisis with their own eyes. They see interstate highways increasingly overwhelmed—potholes everywhere. They see bridges and overpasses that are structurally unsound and in danger of collapse. Need I mention the gridlock in some of our major cities because of inadequate roadways and access points for automobiles? China and Brazil are building world-class seaports, while ours are left over from early in the last century.

We know we need to make major Federal investments in modernizing America's infrastructure, so why not do it now, at a time when our Nation is suffering from the most protracted period of joblessness since the Great Depression. The construction sector is the hardest hit part of our economy. We can put those people back to work renewing our infrastructure and, again, as I said, boosting our economy.

Why aren't we doing this? The answer is, Republicans have made it clear they intend to block this legislation tomorrow, just as they have blocked so many other bills designed to put Americans back to work and get the economy moving again. They filibustered and killed the American Jobs Act. Two weeks ago, they filibustered and killed the Teachers and First Responders Back to Work Act. It seems to me if the word ''no'' were removed from the English language, our Republican friends would be rendered speechless.

Let me state the obvious. The word ''no'' will not put 28 million Americans back to work. The word ''no'' will not allow us to strike a balanced agreement to bring deficits under control. The word ''no'' will not allow us to undertake a robust program to modernize our transportation system.

The job-creating investments in this bill are fully paid for with a tiny fractional tax on the richest of the rich in the United States. These wealthy Americans would pay a 0.7-percent surtax on incomes in excess of $1 million a year. Let me repeat that. This infrastructure jobs bill we will be voting on tomorrow, which the Republicans have indicated they are going to filibuster and kill, is fully paid for with a 0.7-percent surtax on incomes in excess of $1 million a year. If those making more than $1 million a year even noticed such a negligible tax, I would be astonished. Still, the Republicans say no.

Let's put this in context. Just last week, the nonpartisan Congressional Budget Office reported that over the last three decades the aftertax income of millionaires and billionaires increased by 275 percent. That is correct. The Congressional Budget Office said over the last three decades the aftertax income of millionaires and billionaires increased 275 percent. During the same 30 years—the same three decades—the average take-home pay of middle-class workers in America actually declined. So is it any wonder the middle class is upset when they see what has happened to them over the last 30 years—flat, slightly declined in terms of their living standards and their income—while the superrich increased their take-home by 275 percent.

The top 1 percent of income earners in America now take home more than half of all the money earned each year in America. Again, that needs repeating. The top 1 percent of income earners in America take home over half of all the money earned in America every year. Mind-boggling, isn't it? Mind-boggling. Yet Republicans adamantly oppose any tax increase on these people—even 0.7 percent—which would go toward the infrastructure of America and putting people back to work.

Certainly, no one questions the solicitude of Republicans toward the rich and the superrich. I just wish they would show even a fraction of that concern on behalf of the besieged middle class in this country. Republicans on this so-called supercommittee are willing to block all progress in order to prevent any tax increase at all on the rich, but they are demanding—demanding—deep cuts to Social Security, Medicare, student loans, and other Federal programs that undergird the middle class in the United States. Meanwhile, Republicans in the Senate continue to block the bills we have proposed in order to put people back to work and get the economy moving again.

Some pundits have speculated that, for political reasons, Republicans are deliberately blocking any legislation that would boost the economy or create jobs because that would make President Obama maybe look good. These pundits point out the Senate's minority leader has been explicit in stating that his No. 1 priority is to prevent the reelection of President Obama. So many of the pundits say that, to the extent Republicans can prevent us from doing anything—keep this place in gridlock, keep us from having a jobs program—and the economy gets worse, then they will say to the American people: See, President Obama is not doing his job. The economy is getting worse.

I just heard my colleague from Iowa. In his speech, he was at least honest enough to say President Obama had inherited a bad economy. That is true. He admitted that. My friend from Iowa, my colleague, went on to say, however, that President Obama has made it worse; that he hasn't improved anything over the last 2½ years; that his plan hasn't worked.

I daresay it is the Republicans who have been blocking anything we could do to put America back to work, including their voting no tomorrow, which I understand they will, in order to prevent us from getting this infrastructure and jobs bill through.

A more charitable explanation is Republican ideology is simply that government can't create jobs. This may be a sincere belief of most Republicans, but I must point out it is sincerely wrong. Across our Nation's history, an often visionary Federal Government has funded and spearheaded initiatives that have expanded private commerce, given birth to countless inventions and new industries and created tens of millions of jobs in the process.

Let's take a look at history. One of the most visionary advocates of Federal investment to create jobs was, believe it or not, the father of the Republican Party—Abraham Lincoln. Despite the disruption of the Civil War, Lincoln insisted on moving the Nation forward through bold Federal investments and initiatives. For example, in 1862, he signed the Pacific Railway Act, authorizing huge Federal land grants to finance construction of the transcontinental railroad—one of the great technological feats of the 19th century. To produce the rails for this railroad, he enacted a steep tariff on foreign steel in order to get the American steel industry going.

There is a story—I don't know if it is real or apocryphal—about Abraham

Lincoln. He was approached by, I guess, the free traders of his time who said: If you are going to build this transcontinental railroad, it would be cheaper to import the rails from England. They have the steel mills, they know how to do it, and it would be cheaper to build them in England and ship them here. It is said Lincoln thought about this for some time and came back and said: Well, it seems to me, however, if we buy the rails from England, they have our money and we have the rails. But if we build the rails here, we have our money here and we have the rails.

As I said, I don't know if that story is true, but I have heard it many times in my lifetime. Thus, he put in place a steep tariff, kept England's rails out, rebuilt our steel industry, and, as they say, the rest is history.

These and other Federal initiatives during Lincoln's Presidency had a transformative impact on the U.S. economy—creating new industries and millions of new jobs. Again, Lincoln did this despite the fact the Federal Government was deeply in debt—deeply in debt—and running huge deficits to finance the Civil War.

It is almost humorous to imagine how today's Republicans would have reacted to Lincoln's agenda. No doubt they would have attacked him as reckless and irresponsible. They would whine that we are broke and can't afford to invest in the future. I keep hearing this all the time: We can't afford to do this. We can't afford that. We are broke. We are broke. Doesn't anybody understand we are broke?

I keep pointing out the United States is the richest country in the history of mankind—the richest country in the history of mankind. We have the highest per capita income of any nation in the world. So if we are so rich, why are we so broke? We have got to keep asking that question. I am sure the tea party contingent would have demanded that Lincoln be expelled from the party, all of which reminds us how far the modern-day Republican Party has strayed from its progressive, forward-thinking beginnings. Indeed, the present-day Republican Party would have excoriated President Reagan. I see they just put a new 9-foot statue of him out at National Airport. They should put underneath it, ''He raised taxes in 1982, 1983, and 1984.'' Yes, President Reagan raised taxes in 1982, 1983, and 1984.

Dwight Eisenhower, another Republican, championed one of the greatest public works projects in our history, and that is the building of the Interstate Highway System. A 1996 study of the system concluded that:

> The interstate highway system is an engine that has driven 40 years of unprecedented prosperity and positioned the United States to remain the world's preeminent power into the 21st century.

And, of course Franklin Roosevelt in the depths of the Depression put a lot of people to work, and they built a lot of good things. So I thought I would bring this over here. I hang this on the wall in my office. This is my father's—not my grandfather's—WPA card. For all you young people here, you can read your history. WPA stands for the Works Project Administration. It was instituted in the Depression to put people back to work building public works projects. So this is my father's WPA card because he was out of work, and he went to work on WPA. It has his name here, Patrick F. Harkin, Cumming, IA. It says here: You are asked to report, ready for work at once at a project as a laborer, $40.30 per month, 138 hours max, Warren County. Signed by my father.

So my father went to work on WPA, and this is his card. I keep it as a reminder of a lot of things, but also a reminder of the good things the government can do. They gave my father a job. He was married and had five kids and the sixth one on the way—me; no work, no income. Of course, that was before Social Security or Medicare or anything else.

What did they do? Did they stand around doing nothing? Years later, my father took me out to visit some of the projects he worked on, on WPA. There is a place out in Des Moines called Lake Ahquabi. It is a huge State park, it is a recreational facility, campgrounds, Boy Scouts, a big lake there, conference centers, still being used today, built by my father. Well, not by him alone, but he worked on it in the WPA, still being used today. You can go in and look at the high school built by WPA, still being used today, I might add. My father was rather proud of the things he worked on.

When they built the high school, did the government do it? Was it some kind of government entity that built it? No, it was a private contractor. Who dug out the lake and built the things at Lake Ahquabi? Private contractors.

The bill we are going to vote on tomorrow, the public works bill, the putting America back to work jobs bill, would put people all over America back to work on highways and bridges, and sewer and water systems and things such as that, who would be employed by the private sector, by private companies to do the work. And the work needs to be done.

Many of the things my father and others in the WPA worked on in the 1930s still are being used today, although they are crumbling. Someone recently said that we are still driving on Eisenhower's highways and going to Roosevelt's schools.

What is our generation going to do to rebuild that infrastructure for future generations? Well, I guess we are going to sit around here and do nothing, because the Republicans continue to filibuster and block any meaningful jobs bill getting through the Senate.

Mr. McCAIN. Will the Senator yield for a question as to how much more time the Senator will be taking, so we can adjust?

Mr. HARKIN. I would say to my friend from Arizona, less than 10 minutes, about 7 minutes.

Mr. McCAIN. I thank the Senator.

Mr. HARKIN. I thank the Senator.

Investments such as these, investments such as what Abraham Lincoln did or what Eisenhower did or Franklin Roosevelt did, investments that were led by Lyndon Baines Johnson to educate our workforce and to retrain our workforce, to make sure every child had a good education in America, all of these helped people who were unemployed, helped them to get jobs, helped them to become taxpayers, and it set the stage for economic growth in our country.

To me, the most obvious and quickest way to dramatically ramp up our Federal investments in infrastructure is to pass this jobs bill. The American Society of Civil Engineers estimates that America faces a $2.2 trillion infrastructure backlog. Bringing the U.S. infrastructure into the 21st century would rapidly create millions of private sector jobs, especially in the hard-hit construction industry, while modernizing our arteries and veins of commerce.

There could be no economic recovery without robust, forward-thinking investments to boost our competitiveness and put people back to work. This means to invest in education, innovation, the infrastructure in America. It means restoring a level playing field with fair taxation, a good ladder of opportunity to give every American the education they need to gain decent employment and achieve the American dream.

Again, it is all wrapped up in the Rebuild America Jobs Act that we will be voting on here tomorrow. I wish I could say I am hopeful that we could pass it, but I understand the Republicans are going to filibuster it and we won't have the 60 votes needed. That is a shame, because we need to put people back to work and we need to rebuild our infrastructure, and we can't wait much longer to do it.

Mr. President, I yield the floor and I note the absence of a quorum.

The PRESIDING OFFICER (Mr. FRANKEN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from South Dakota.

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

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

UNANIMOUS CONSENT REQUEST—S. 720

Mr. THUNE. Mr. President, I ask unanimous consent that the Committee on Finance be discharged from further consideration of S. 720 and the Senate proceed to its immediate consideration; that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. ROCKEFELLER. Reserving the right to object, which this Senator does, I want to make a comment and then I will give my answer.

Mr. President, the good Senator, who is on the Finance Committee, wants to repeal the CLASS Act. It is called long-term care. To be sure, the CLASS Act is not perfect, but little of what we do in the Senate is perfect. But if there is anything in this country that we ought to be driving toward, it is a long-term care policy, which right now consists of impoverishing yourself and getting rid of your assets, homes, house, whatever, car, in order to classify for Medicaid. That way you can get it. It is called the humiliation of Americans with legitimate health care needs.

The CLASS Act could be amended through the regular legislative process to make it sustainable over the long term, but always our friends on the other side of the aisle find it easier to object and repeal. ''Let's repeal something.'' You don't have to have an alternative in mind. You can leave people in the same sense of suffering as we found way back during the Pepper commission, where people would prostrate themselves in order to qualify for Medicaid, in which they would have a chance at getting some long-term care. We need to discuss this, because it is a huge problem.

In 2008, 21 million Americans had a condition that caused them to need help with their health and personal care. Why? Because Congress has shied away from this subject forever. We have made a habit of shying away from it. Medicare does not cover long-term services and other supports, yet about 70 percent of people over age 65 will require some type of long-term services and support at some point during their lifetime—70 percent of people over 65. As our population ages, the need for services will grow. A little known fact is that about 40 percent of the individuals who need long-term care are under the age of 65, and long-term care services and supports can help these individuals be more independent and be part of the workforce and to have a sense of self-esteem.

Medicare, as I say, does not cover these services. The difference between Medicare and Medicaid and what each of their roles should be is such that there is now a separate agency in Health and Human Services, which I helped promote, which is now sorting out what is the best relationship between the two so they don't have to duplicate each other and so they can clarify roles and get at the problems.

Medicare doesn't cover these services, so Medicaid is in fact the real, de facto, long-term care program in the country. That is what it is. Only after middle-class Americans impoverish themselves are they allowed to get into that situation.

Again, the CLASS Act is not complete as an answer, but it was at long last an attempt on the part of the Congress to do something about it. That in itself was a signal victory. An attempt to help people live with dignity in their homes and communities is not something which we should consider a frivolous matter.

Those who are gloating today about the administration's decision not to carry forward with the CLASS Act are not the fiscal heroes they make themselves out to be. They have no answers. They have no answers. They have no alternatives. But if you can repeal something, boy, you can take that home and people say, Boy, they got rid of that part of government, not having any understanding of what it does to people who have situations either of age or other problems which they cannot help. And they are called people.

Instead, they use this as a political opportunity to bash the President. I was disappointed when the President did this. I was very disappointed. But it doesn't mean we have to go along. Imagine that, bashing the President, using seniors and people with disabilities as a political prop instead of putting forward real solutions. What this place lacks is in fact real solutions. A lot of people like to tease the health care bill. They are, for the most part, wrong. Not entirely wrong. But one thing they can't tease is the fact that a whole bunch of people called Senators and Congressmen and staff members worked hard for a very long 2 years to try and come up with answers. And we did.

Let's have a serious discussion how to meet the current and future needs of seniors and people with disabilities. They are all of our friends. We know them. Those needs are not going away.

Having said that, I object to the Senator's request.

The PRESIDING OFFICER. Objection is heard.

Mr. THUNE. Mr. President, I appreciate the objection of the Senator from West Virginia and I appreciate his comments about the importance of long-term care. I agree, it is something we need to address in this country. There are other ideas out there, and I think better ideas, ideas that are based upon incentives as opposed to creating a new government program. But let me get, if I might briefly here, for a moment at what I believe is the real issue.

This was a program destined to fail. It was clear from the beginning many of us said that. There were 12 of my colleagues on the other side, 12 Democrats who voted to strike this particular provision from the health care bill back in December of 2009. I think at that time many of us were making the same arguments the experts are now conceding at the Department of Health and Human Services. In fact, there were colleagues on the other side, one of my Democratic colleagues, who called this ''a Ponzi scheme of the first order, the kind of thing that Bernie Madoff would be proud of.'' That is how it was described before it was voted on and put into the health care bill to help demonstrate the health care bill would actually reduce the deficit.

The fact is, after having had several months to look at this, here we are 19 months or so later, the Department of Health and Human Services has concluded that this doesn't work. They can't make it work. Now the CBO has come out and said it doesn't impact the budget. My view is we ought to pull this, we ought to get it off the books, and we ought to address the issue in a way that makes sense for the American people, not in a way that adds trillions of dollars of additional debt.

If we look at what we have today in terms of unfunded liabilities, we have $61.6 trillion in unfunded liabilities in this country or $528,000 for every family. That is five times what most families have in terms of home mortgages, car mortgages, other types of debt. That is what we are piling on the American people today. This would have been yet another unfunded liability, and the experts warned us at the time.

Now, we did an investigation of this. It was published in September. I worked with some of my House colleagues on it. It was ''The CLASS Act, The Untold Story.'' It concluded that the actuaries at HHS were saying before this bill was even passed that it would be a recipe for disaster, that it would lead to an insurance death spiral, and the Chief Medicare Actuary at HHS said at the time:

> . . . 36 years of actuarial experience lead me to believe that this program would collapse in short order and would require significant Federal subsidies to continue.

That is what the experts were saying about this program way back before it was even voted on in 2009.

I think we ought to acknowledge what now everybody concludes to be the case; that is, this program will not work. It is actuarially unsound. We ought to repeal it. We ought to get it off the books, and that was simply what my motion would do. I regret that the other side has objected to it, but I have some of my colleagues today who have been very active on this issue.

I say to my colleague from Arizona, in light of this report that came out from the HHS last month outlining exactly why they cannot move forward with CLASS, it seems difficult to understand why the administration doesn't support repeal of this program. Can my colleague make any sense out of this contradiction and apparent hypocrisy to say a program doesn't work, yet we want to keep it on the books?

Mr. McCAIN. I say to my colleague I do not quite understand it either.

In response to the comments of the Senator from West Virginia about the importance of long-term care, I think all of us understand that. I think all of us who meet and have interface with our constituents recognize that the issue of long-term care is one of transcendent importance. The Senator

from West Virginia said he would be glad to make some changes or tweaks to the program. We would be eager to hear of those. We would be eager to hear how we could change the program, the CLASS Act, so it is not, as Senator CONRAD, the chairman of the Budget Committee, said of the CLASS Act, ''a Ponzi scheme of the first order, the kind of thing that Bernie Madoff would have been proud of.''

I think it is pretty clear if we accept Senator CONRAD's and other objective assessments of the CLASS Act that we have to go back to square one. We are not going to be able to fix a program about which, the Congressional Budget Office said:

> . . . the programs would add to budget deficits in the third decade—and in succeeding decades—by amounts on the order of tens of billions of dollars for each 10-year period.
>
> The CLASS program would add to budget deficits in future decades even though the proposals require the Secretary of Health and Human Services to set premiums to ensure the program's solvency for 75 years.

I would like to interject. I know my colleagues share my view. When Senators leave we kind of forget them. Maybe we do not mention them anymore. But we owe a debt of gratitude to Senator Gregg, former Senator from New Hampshire, who put in this provision that required solvency over a period of 75 years before it could be implemented. If it had not been for that provision, we would now be moving forward with a program that, according to the CBO, would add tens of billions of dollars to the deficit in each 10-year period.

Wherever you are, Senator Gregg, and I know you are happier than if you were here, I offer my appreciation and my thanks.

I note the presence of Dr. BARRASSO. I think there is something we ought to understand about the CLASS Act. It did have a short-term impact according to the way the Congressional Budget Office ''scores'' things, tells us how much things will add or detract from the deficit, either plus or minus. The fact is, the CLASS Act, in the first 10 years, because younger people would be paying in premiums and would not have gotten to the point where they are eligible for the benefits, it disguised the cost of what we know now as—what we call ObamaCare.

Because of the way they are restricted on scoring, the CLASS Act, at least for 10 years, contributed $70 billion and helped them estimate that the Health Care Reform Act, known as ObamaCare, would have $122 billion in savings, when in reality after the first 10-year period it was tens of billions of dollars in added deficit and burdens on average Americans.

I ask my colleague, Senator BARRASSO, Isn't there a way we could address the long-term care problem in America? Isn't there a way we could address this issue without piling on, as the CBO judged the CLASS Act, an increase of tens of billions of dollars to the deficit, which we all know right now is $44,000, I believe, for every man, woman, and child in America?

Mr. BARRASSO. I respond to my colleague from Arizona that we all have concerns for the people of America. That is why we were here trying to offer constructive ideas to make sure people would get the care they need, from the doctor that they want, at a price they can afford.

We heard the President make promises that the cost of premiums would go down $2,500 a family. We have seen instead the premiums have gone up.

We heard the President say: If you like what you have, you can keep it. We saw that we lost out on that. So many people are going to lose the health coverage they like under this new health care law. So I say to my colleague, absolutely there are things we can do and should be doing.

It is astonishing. I received through my medical office the AARP Bulletin. On the cover of this AARP Bulletin for this past month, October 2011, the headline is, ''Senate Leader Reid: The Health Care Law Is Already Working.'' This is what the Senate majority leader has said on the cover of the AARP Bulletin. Yet the Kaiser survey that tracks public views about health care every month has come out with their recent numbers, and the results are astonishing. The American people have seen through this health care law to the point that a majority of Americans now have an unfavorable view of the health care law.

Mr. MCCAIN. So we now have about two-thirds of what was advertised as a savings now going by the boards; in other words, $70 billion of the advertised $122 billion in total savings that we voted on not that long ago; is that correct?

Mr. BARRASSO. That is exactly the way I read it, that is the way the American people read it, which is why the overall favorability of the health care law now stands at only 34 percent, an all-time low.

Mr. THUNE. Mr. President, I ask unanimous consent we be able to enter into a colloquy now for 25 minutes?

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

Mr. THUNE. I would simply say—we have the ranking member of the Budget Committee here too—that it strikes me that there were probably lots of other budget gimmicks in the health care law that are going to come to the surface in the same way this CLASS Act gimmick has. The Senator from Arizona pointed out they tried to understate the true cost by taking a lot of savings in the early years as people were paying premiums, knowing full well in the outyears it was going to add billions of dollars to the deficit. So it was a gimmick that was used, again, to make this salable to the American people and salable here.

In spite of that, there was still a majority of Senators who voted again against this, who actually voted to strike the provision from the health care bill in December of 2009 when I offered that amendment.

It seems to me at least we ought to have bipartisan support now that everyone has come out and recognized what we were trying to tell them in advance: this doesn't work, it was a gimmick, and we ought to get it off the books.

I ask my colleague, the ranking member of the Budget Committee, about this budget gimmick that was used. Is it illogical to think if we have this $2.5 trillion expansion of government in the form of this new health care bill that somehow it is going to reduce the Federal deficit because that was the argument that was made at the time, and that is one of the reasons they were able to make that argument? I suggest there are going to be lots of other gimmicks we are going to uncover to demonstrate this thing was way out of line at the time, but I ask for his comments as being the ranking member of the Budget Committee.

Mr. SESSIONS. Mr. President, Senator THUNE deserves a lot of credit for pursuing this issue tenaciously and seeing his prediction validated now by President Obama's own Secretary that this cannot be a viable program. But he is exactly correct. One of the greatest financial misrepresentations in history, if it continues to be on the books, will be the contention that this health care bill would actually create money for the U.S. Treasury, actually produce a surplus.

They used a 10-year scoring model; $70 billion, 60 percent or so of the total savings this bill is alleged to produce—not savings, actual revenue, net revenue increase—was this program. Now it is gone.

As Senator MCCAIN correctly said, Judd Gregg deserves great credit for it because he put in the bill that the Secretary had to certify that this was a sound program. So after all the political smoke had been going on, after the bill had been passed, while they were defending it as a viable CLASS Act program that would actually produce revenue for the government, when she had to certify it, I suppose, under penalty of perjury—she could go to jail if she didn't do it correctly—she said she could not do so.

It was never possible this bill was going to be a moneymaker for the U.S. Treasury. They double-counted, maybe $300 billion, $400 billion, $500 billion in money that is Medicare money also counted as income to fund an entirely new bill. That is going to come out also.

As Senator BARRASSO has noted, their estimates have been wildly inaccurate concerning the ability to bend the cost curve down, to actually reduce health care costs. This was something a lot of people thought was a good idea. This was going to produce a reduction in our insurance premiums, and since the bill was passed they have gone up dramatically, just the opposite of what was promised.

I think this is a death knell for the entire health care concept. This is just one more example of it. I thank the Senator.

Mr. MCCAIN. I say to my colleague, what is a little hard to understand—maybe Dr. BARRASSO understands it—the Secretary of Health and Human Services said they can find no way to implement it, after nearly 2 years. So why would there be an objection to Senator THUNE having just moved to repeal the CLASS Act?

If they tried for all of these months since the passage of the bill to figure out a way they can meet the Judd Gregg proviso that required the 75-year sustainability, then one would wonder why—one would wonder why we would not just go ahead and repeal it. If there is a better proposal, as we have all agreed, to address the long-term care issue in America, then why don't we sit down at the drawing board and find a way to care for people who, in their most vulnerable years, need government assistance?

I know of no one in this body who is opposed to a viable, reasonable, fiscally sound long-term care program. This is not it. This is not it. It is not even close. So I wondered why my colleagues on the other side of the aisle would refuse to repeal it unless it is some distorted pride in authorship.

Mr. THUNE. I would say to our colleague from Wyoming, who is a physician and has a lot of experience on these issues, who comes down every week with a second opinion talking about all the various issues regarding the health care bill—the more recent one, as we have all seen now is contrary to predictions—health care costs are going up. The predictions were that they would go down. That is also something many of us saw coming.

The question is if we leave this on the books, and if they decide at some point to resurrect it—after they have already acknowledged it doesn't work—and come up with some new language that does away with the Judd-Gregg proviso, what are the fiscal consequences of this program being resurrected? We talked about this, and there were lots of predictions made at the time.

In fact, the Senator from Arizona had statements from some of our colleagues who said on the floor at the time how this was going to be a great deal and how it was going to work. The administration said at the time that this was not a budget gimmick. That is what they were quoted as saying. Clearly this was a budget gimmick. We all know that now. It is a Ponzi scheme. Clearly that is what the actuaries are saying at Health and Human Services.

If, in fact, we don't get this repealed and at some point this program ends up being resurrected, what are the fiscal consequences and implications for the country and future generations who will be saddled with yet another unfunded liability, another entitlement program that is not paid for?

Mr. BARRASSO. I think this is devastating for the country. I told the President directly that overall I thought his proposal was going to bankrupt the country. We stood here and debated over a year ago the fact that the Democrats in this body were voting to take $500 billion away from our seniors on Medicare—not to save Medicare, but to start a whole new government program for somebody else. And when we talk about long-term care and what people need over the course of their lifetime, they took money away from hospice. They took money away from home health. They continue to take money away from hospitals and the physicians who take care of our seniors.

Mr. MCCAIN. The popular Medicare Advantage Program.

Mr. BARRASSO. Which has an advantage because it coordinates care. It does a number of things that are important. I believe this is the reason why last week in the Kaiser poll, the number of individuals who have a very favorable view of the overall health care law has dropped to 12 percent, an all-time low. The number of people who think they will personally be better off under the health care law is only 18 percent, an all-time low. The number of people in the country who think that the country as a whole will be better off due to the health care law stands at 28 percent, an all-time low. The American people realize we need truth, honesty in budgeting.

I know my colleague from the Budget Committee is working on that. He has an op-ed I read and has a proposal and is working on that. That is what the American people want. They want some honesty in budgeting, not the kind of politics and budget gimmicks and tricks we see happening here. The American people are tired of being misled and sold a bill of goods. They see through it. They don't like it, they don't want it, and that is why all of the polling on the health care law shows it at an all-time low.

Mr. THUNE. We all saw this coming and we tried our best to prevent it, but now we know and we have these statements that came out as part of the report that was done by the House and Senate, an investigative report called the CLASS Act, the untold story. It was published in September. What it revealed was that the Health and Human Services Department actuaries—the people who are the experts, not the politicians, not those of us who are making many of these statements during the political debate we are having here in the Senate—who are actually responsible for doing the math on this came up and called the CLASS program a recipe for disaster. Those were in internal e-mails we discovered when we were doing this investigation.

Prior to their announcement in October that HHS is not moving forward with the CLASS program at this time, Secretary Sebelius and other officials at the Health and Human Services Department claimed through much of 2011 that the Department had sufficient authority to modify it. What they were trying to suggest is that we can make this work. Yet these internal documents cast significant doubt on all of those assertions.

I will repeat this because I think this is important. The Chief Actuary, during 2009, when this program was being debated—it was a part of the health care bill. It was during the debate here in the Senate. Richard Foster said:

> . . . 36 years of actuarial experience lead me to believe that this program would collapse in short order and require significant Federal subsidies to continue.

That was what they were saying in 2009 before this vote ever occurred. He also went on to say:

> . . . this would end in an insurance death spiral because the coverage would only be attractive to sicker people who will need costly services. This will force premiums higher and deter healthy individuals from enrolling.

You have all the experts who were putting all this information out there and sharing this with their superiors, all of who were out there on the record promoting this as being something that would work and something that is not a budget gimmick, but actually could, in fact, be actuarially sound. We all know now it was not. It wasn't then and isn't now and that is why we ought to repeal it.

Again, I appreciate my colleagues' input and work on this. I think this is something we ought to end. We need to put the final touches on this program and end it once and for all so it doesn't come back in some other form and saddle future generations with trillions of dollars of additional unfunded liabilities and debt. There are ways we can approach this issue.

In fact, I have some ideas that I introduced in 2007 that deal with long-term care and providing incentives for people that we all are going to be faced with at some point in our lives. But this is the wrong way. It was the wrong prescription at the beginning. It is the wrong prescription now. That is why it ought to be repealed.

Mr. SESSIONS. If I recall, Senator THUNE quoted the Chief Actuary, Richard Foster, in his statement that this would collapse during the debate on the floor. This was talked about, but the administration and our Democratic colleagues refused to listen. They continued to repeat the idea that they would have this large surplus. They counted this money as surplus money in justifying voting for passage of this bill when common sense told us in a host of areas, including this one, it was not going to produce a surplus. It goes to mean something systemic about our problem and why this Congress now going into the third year will be borrowing 40 percent of the money the United States spends. It is because the politics here is that we want to pass the bill. When somebody shows it is not actuarially sound and it is going to cost money in the outyears, they don't

worry about that; somebody will take care of that in the outyears. It is that kind of mentality that I think has helped overrule commonsense budgeting.

We have not had a budget now in over 900 days in this Senate. So this is not the kind of responsible approach to managing the taxpayers' money.

I know Senator BARRASSO raised this repeatedly, that this should not be counted, but did we hear Secretary Sebelius at that time? Back in 2009 she wrote to Senator Kennedy and said to express the administration's support for inclusion of this bill, calling it an innovative bill. They were supporting it, promoting it, totally ignoring the critics and, as a result, they got the bill passed on a straight party-line vote. As a matter of fact, I believe had Senator BROWN from Massachusetts taken office 2 weeks sooner, there would not have been the 60 votes necessary to pass it. There would have only have been 59 and the bill would not be law today.

I thank both Senators for their consistent, steadfast explanation of the financial danger of this legislation and their willingness to continue to carry on that fight. I hope we learned something throughout our whole budgetary and financial process here. We cannot continue to play games with the American people's money. We have to be honest with them—honest about our budget, honest about what things are going to cost, and only then can we get the country on a sound footing.

Mr. THUNE. We have to quit making promises we cannot keep. What we are seeing today in Europe and the meltdown that is occurring in the economies over there is a result of too many promises that were made, too much government debt, governments that have gotten too big, that can no longer be supported by the economy in those countries.

That is where we are headed. That is why we have to start living within our means. We have to quit spending money we don't have, and this was a perfect example of the tendency around here to want to grow government, to have a government answer, a government solution for everything, when this makes matters not better but much worse. It makes it much worse for hardworking taxpayers in this country and for future generations of Americans for whom this would become an enormous liability added already to the $528,000 that every family in this country owes, the mortgage they have on their families already as a result of the unfunded liabilities we have already racked up. We cannot keep making promises we cannot keep.

I hope we can get this repealed, and I appreciate my colleagues' hard work in that regard and look forward to getting an opportunity to get it voted on. I am sorry our request this afternoon to repeal it was rejected, but I hope we will get another opportunity to revisit that and perhaps a vote that will actually put people on the RECORD. I believe there is a majority of Senators who agree with us on this point.

Mr. SESSIONS. I would say a couple of weeks ago the Wall Street Journal, after all of this happened, wrote that ''including this CLASS Act was a special act of fiscal corruption.''

If a private business said: Invest in our company; I have a plan that is going to be sound and it is going to make money in the future, trust me, invest your money with me, vote for me, yet they knew and had evidence in their files and their own employees were saying it was not sound, it was actually going to cost money, I wonder what would happen to them.

Mr. BARRASSO. You would hear about it. This speaks to the problems we have in this body. When they write legislation in the cloak of darkness, behind closed doors, and come in and vote at 1 in the morning and try to jam things through at a time when an administration calls for openness and transparency and then they do this sort of thing with the books in a manipulative way and try to come up with ways to say that it saves money—in any other true, real business, people would go to jail for this sort of behavior, I would assume. Is it wrong? All the way wrong? We have seen other so-called bets that this administration has made which have the American people scratching their head.

Yesterday it was noted that at Fannie Mae and Freddie Mac, bonuses have been paid to 10 of their executives to the tune of over $12 million. I called for the President to cancel those bonuses. The White House is fairly silent on that. Yet when Senator Obama was running for President, he wrote a letter to the Treasury Secretary and said: Make sure no bonuses go to Freddie and Fannie. Now under his administration, $12 million, it was reported yesterday, went to 10 executives. It doesn't seem to be a problem now. The White House said there is nothing they can do about it. Well, why not get the Secretary of the Treasury involved? That is what Candidate Obama did in 2008. It is time for this White House to stand up and do what is right.

Mr. SESSIONS. Let me say a more accurate explanation of how this happened. The Congressional Budget Office scored this as a surplus, indeed, over 10 years. And, as Senator MCCAIN said, the benefits only come out after 5 years and these are people paying in, so the real benefits and payments take place in outer years.

The question is, Is the plan sufficient to be actuarially sound for the distant future when the payouts occur? So what happened was, Mr. Orszag had been CBO Director. He said it was not a gimmick and not a Ponzi scheme. In one sense, he was telling the truth. He was using a window score from the Congressional Budget Office over the first 10 years, when it didn't pay out any benefits and had a surplus, to claim that this was going to make the bill itself financially sound. In a sense, to me, it is these kinds of gimmicks that might keep somebody from being prosecuted and sent to jail if they were a private person.

This ought to end in the Congress. I think the American people are crying out for honesty in budgeting. They want us to be responsible. They want us to tell them the good news but to also tell them the bad news financially that we face.

They know we can't do things we would like to do if we don't have the money. They know we don't have the money to keep taking on new obligations. So I feel as though this is not healthy.

When Secretary Sebelius came along and had to certify that they had a 75-year actuarially sound program, there was no way she could do it. It knocks a gaping hole into the entire scheme, this health care bill.

I think it is a lesson for all of us. On every vote we do, we need to be sure we are honest not only in the short-term window but in the long-term window also.

Mr. THUNE. Too often, the practice around here is focused on the short term, the near term, the gain, to be able to have some sort of political victory at the expense of what is in the best interests of this country and our children and grandchildren. This is a perfect example of that. I appreciate my colleagues being here. This discussion will be continued.

I yield the floor.

Mr. BARRASSO. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. VITTER. Mr. President, I ask unanimous consent that Senator SESSIONS and I have up to 15 minutes for a colloquy.

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

LSU VERSUS ALABAMA

Mr. VITTER. Mr. President, Senator SESSIONS and I come to the floor following a discussion of a lot of important issues on the floor to discuss the most important issue back home for us this week, which is the upcoming regular season national championship game between LSU and Alabama. In the history of the SEC, this is the first ever regular season matchup between a No. 1 and No. 2 team in the SEC. As most folks probably know, LSU and Alabama are both 8 to 0 overall and 5 to 0 in the SEC.

Obviously, I know who is going to win. The Tigers are going to win. They have beaten five ranked opponents this year, three of those away from home, as we are going to have to play Alabama. They have outscored all opponents 314 to 92 this year. Not to get

cocky or anything, but LSU has beaten Alabama 8 out of the last 11 years, including 4 of the last 5 times in Tuscaloosa.

We have a lot of strengths. Our senior quarterback Jarrett Lee leads the SEC in passing efficiency. We have a ferocious defense led by lineman Sam Montgomery and defensive backs Tyrann Mathieu and Mo Claiborne. Tyrann, by the way, is much better known as Honey Badger. This is a prelude to the BCS championship which, by the way, is going to be in January in New Orleans in the Superdome.

So we feel great going into this game, and that is why I was very eager to get with both Senators from Alabama and have a friendly wager which the Senator from Alabama will explain. The loser is going to treat the winners to some great gulf shrimp and other seafood. We feel great about it, so we look forward to it.

As I turn the floor over to Senator SESSIONS, I would just summarize our feelings in Louisiana in a simple way: You all have a great team—maybe one of the best Alabama teams ever—but it doesn't matter who LSU's opponent is because, as we say in Louisiana, the Honey Badger takes what he wants. We are looking forward to doing that on Saturday night.

Mr. SESSIONS. Mr. President, I thank Senator VITTER for those comments. We are going to look forward to being very hospitable to the fabulous LSU fans who will be in Tuscaloosa for the ''Titanic tussle in Tuscaloosa,'' the game of the century, many are calling it, the match of the millennium, between Alabama and LSU. It is always a big game, and it is going to be a big game especially this year.

While we have a minute on the floor and there is no other business being conducted, I just wish to celebrate college football, particularly in the Southeastern Conference. When we go to those games and see the color and the crowd and the enthusiasm and the roar for the home team, it is a thrilling event. It is very special. The fans in Tuscaloosa are very sophisticated. They know this is a big game, one of the biggest games in the history of the University of Alabama, and they know when good plays are good and bad plays are bad. It is going to be exciting. They know LSU is consistently one of the great teams in America.

So Alabama is doing pretty well: Eight and zero, their all-star defense is No. 1 in scoring and No. 1 in total defenses. They also have their No. 1 rushing defense in the country, allowing only 44 yards per game, a historic number that ranks better than Alabama's national championship game in 1992 and the undefeated and untied 1966 team. So it is going to be a special time.

Our university is a great university. The University of Alabama has been growing in strength for years now. It has one of the greatest presidents in America: Dr. Robert D. Witt, who was my high school classmate, and Judy Bonner is the provost there, sister of Congressman JO BONNER. So it is an exciting time in Alabama in general. Academically and otherwise, the University of Alabama is doing great—one of its best years in its history.

I wish to also point out and thank the LSU fans and chefs John Folse and Rick Tramonto, along with Bob Baumhower and Steve Zucker from Alabama, for sponsoring the LouisiBama Gumbo Bowl to benefit tornado victims in Tuscaloosa. That shows true class in both of the schools' fan base. For all the talk going on this week, I hope to see the kind of respect this partnership indicates among all our fans.

While I don't think it will happen, should Les Miles and his team somehow manage to get out of Tuscaloosa with a victory, I would love to treat Senator VITTER and Senator LANDRIEU to some of the finest gulf seafood there is, healthy and straight from the Gulf of Mexico, which my colleague knows is fresher and cleaner and finer than it ever has been, and maybe we could garnish it with some of the best grass that marks the field at Bryant Denny Stadium. I understand Les Miles is a fan. I would also be more than happy to bring my friend, Senator VITTER, an Alabama tie on the Monday after the game, which I think would look good if he were to wear it on the floor of the Senate.

Mr. VITTER. Mr. President, should the unthinkable happen, I will do that. Should the unthinkable happen, I will deliver fresh, healthy gulf seafood to Senator SESSIONS' office as well as Senator SHELBY's. We have been in contact with Senator SHELBY's office and Senator LANDRIEU's office and they are part of this friendly arrangement as well. So we will look forward to that. But, most of all, we will look forward to a great game Saturday night, and we will both look forward to a win Saturday night. One of us will have to be disappointed—we will see who—but it is going to be a great game.

Mr. SESSIONS. I thank Senator VITTER for his friendship and good service in the Senate. We work on so many things together. But college football is special, and I think the game this weekend will be one of the great games in college history. I am so excited about it. I know the fans in both our States, and throughout the country, are excited about it.

Mr. VITTER. Amen.

With that, we yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. MENENDEZ. Mr. President, I came to the floor to speak about a different type of football. It seems to be a political football that some of our colleagues are playing on the question of getting America back to work again. I am amazed at the political posturing we have seen this year.

I know for some of our colleagues on the other side, this election cycle has been driven by tea party economics that demand political purity over good governance. They have said no to just about everything. The problem with no to everything is that no doesn't create a job, no doesn't build an economy, no doesn't create prosperity, no doesn't get America moving again. They have said no to every different venture we have had to try to put America back to work.

Certainly, back in my home State of New Jersey, what I hear from the average citizen is: Senator, help me get back to work. Because I have New Jerseyans who come up to me, sometimes with tears in their eyes, and say: This is the first time in my life I have been unemployed. While that has created a significant economic consequence to them and their family, it has shaken something even more profound, which is that social contract, that promise in America that if I prepare myself, work hard and sacrifice, I get ahead, and my children will do better than I did growing up. That has been shaken to the core by the economic challenges we inherited as a result of the crisis of 2008 and that we have been working out of.

So I have a problem when, every time we come to the floor to offer an opportunity to get those New Jerseyans, to get those Americans back to work, all I hear is no.

They say no, refusing to invest in rebuilding our infrastructure, to creating jobs, to keeping us competitive in a global economy.

They know roads and highways and bridges in their States—in every State—are in critical need of improvement, and yet we have to come here time and time again, day after day, to fight back a politically charged, ideologically fueled opposition that says one thing but does another.

The fact is, even those who oppose this legislation for political reasons know good governance means investing in our future. It means putting Americans back to work. In an economy in which 70 percent of GDP is consumer demand, if there is no job, there is no money, and if there is no money, there is no demand. So in addition to the lives of New Jerseyans and Americans which we could positively affect, this is about our global picture in terms of our economy. It means also keeping us competitive in this global economy.

Let me talk about that global economy for a moment because we are in it. We see what happens in Europe, and we see how we are affected here at home with our markets and whatnot. But let's look at a different place. Let's look at China. Let's look at the competition. According to China's 5-year

plan, they have a range of investment priorities for the future: clean energy technology; biotechnology, including pharmaceutical and vaccine production; high-tech equipment for manufacturing airplanes; a new space program and satellites.

In fact, this week they launched a satellite, the first step toward a Chinese space station by the end of the decade.

China is planning more high-speed rail, next generation powerplants and manufacturing facilities, new nuclear, solar, and wind energy technologies.

The plan calls for building new energy-efficient cars and adding 9,000 kilometers to their highway system, expanding their national high-speed rail system to 45,000 kilometers, and building light rail systems in 21 urban metropolitan areas.

They are planning 6 new heavy material ports, adding 440 new 10,000-ton shipping berths; a second Beijing airport; and 11 regional airports.

This is some pretty stiff competition that will allow Chinese businesses to thrive.

This is the challenge we have. Yes, we have a debt question in our country, and we must meet that challenge. There is no question we should and we can and we must. But by the same token, we need to grow this economy as part of meeting that challenge, an economy that was on the brink of ruin when this administration inherited it, an economy that—I will never forget that famous meeting or infamous meeting in September of 2008 that was called by the Chairman of the Federal Reserve that members of the Banking Committee and others were called to. I remember going to it and listening to him describe a series of financial institutions that were on the verge of bankruptcy and collapse and in doing so would have created systemic risk to the entire country's economy and being on the verge not of the great recession we talked about but a new depression. That is what we have been working out of.

But even in this economy, we have to make investments and build for a competitive future. We invest just 2 percent of our gross domestic product on infrastructure projects. Europe and China invest between 5 and 9 percent, respectively.

The President today called on Congress to up the ante. The American Jobs Act would invest $50 billion in our transportation infrastructure and $10 billion in a national infrastructure bank, putting hundreds of thousands of construction workers back on the job. But it is not just the construction workers. Certainly, we want to get them back to work. It is all the architectural firms, all the engineering firms, all the people who work at those firms who will help build this infrastructure. It is all the suppliers for all the materials that will be needed to do this and everybody who produces those supplies and everybody who transports it and everybody who installs it. So it is an enormous ripple effect in getting our people back to work—hundreds of thousands waiting to work, working for America's future.

Clearly, opposition to the Rebuild America Jobs Act is not about good governance because we have ways and we have offered ways to pay for this fully. It is about politics. It is about playing political games. But it is playing political games with the lives and livelihoods of American families.

While China is planning major investments in retooling for their new economy, we cannot even seem to agree to fix our own roads. It is akin to the story of Nero fiddling while Rome burned, except American families and businesses are the ones who are going to get burned in this story.

The President today released a report that highlights the importance of rebuilding our roads and bridges and railways and airports and has cited important projects around the country. They include over 17,000 jobs in New Jersey that would put people to work making our future brighter.

One of the projects the President's report highlights as an example of success is in New Jersey: the Route 52 causeway bridge replacement between Somers Point and Ocean City in Atlantic and Cape May Counties. This is a critical emergency evacuation route for Ocean City during floods and hurricanes. The new bridge eliminates the need to raise the drawbridge at the old section that is still being replaced. This is a critical $400 million project that is an investment in New Jersey, in our community, in our infrastructure that will upgrade an old bridge to meet today's needs, protect the community, and put people to work.

We can make these investments and still find ways to responsibly reduce the deficit. An investment is not even just about new projects, of course. It is about maintaining the very infrastructure we have already spent money on in the past that we need to preserve for future use.

Thirty-six percent of New Jersey's bridges are structurally deficient or functionally obsolete. Seventy-eight percent of New Jersey's major roads are listed in poor or mediocre condition. Sixty-four percent of New Jersey highways are chronically congested because of a 29-percent increase in vehicle travel on New Jersey's highways from 1990 to 2007. All of that, and we already have $13 billion worth of maintenance projects on hold because we do not have the money to pay for them.

Those are just numbers in one respect, but those numbers are about lives. Because when we have infrastructure—major roads, major highways—that are in bad condition, it means we are sitting more time in traffic and less time being productive at work or having more quality time with our families. It means businesses that have a product they need to get to the marketplace are going over an infrastructure that means it takes more time. It takes longer to get that product to market. It has consequences. It adds to the costs. It creates an uncompetitive set of circumstances. It is about the quality of our lives and our economy at the same time.

That $13 billion is not to add even any capacity to New Jersey's transportation system. It is just to keep the status quo. As I have said for quite some time, as we have attempted, with my colleague, Senator LAUTENBERG, to build a new Trans-Hudson Passenger Rail Tunnel, which is critically needed in that region—and we have learned since September 11 that multiple modes of transportation are incredibly important so that, God forbid, if we have a tragedy again—we learned on that day, when all the bridges were closed and all the tunnels were closed that ferries brought people out of downtown Manhattan to New Jersey, ultimately, to be taken to hospitals—multiple modes of transportation and options are critical for our economy. They are also critical for our security. Yet we cannot even keep up-to-date that which we have, much less create a new Trans-Hudson tunnel that would open the entire region with its economic opportunities. We cannot grow if we are stuck. In that region, as in many regions of the country, we are stuck.

We can begin the long-overdue process of maintaining, rehabilitating, and replacing if we pass this legislation. We can do it if we act together as a nation, as we did in 1956. In 1956, it was a Republican administration that created the Interstate Highway System, and now we cannot seem to get one Republican to vote to maintain that system. In 2011, we cannot get one Republican to vote to help keep us competitive and put Americans back to work.

We need our Republican colleagues in Congress to end the roadblock and fix the roads. They need to vote yes to providing every State with the resources they need to repair and rebuild aging roads and bridges and put people back to work.

Think of the jobs we could create nationwide if we publicly committed to investing enough to keep up and stay competitive with the Chinas of the world. Even if China is able to meet only a fraction of its ambitious goals, it will be far beyond the course we are presently on.

In 1956—I want to go back to that history—under a Republican President, Dwight Eisenhower, Congress passed the Federal Aid Highway Act. It took 35 years, but we committed this Nation to building 46,876 miles of highway—one of the largest public works projects at that time in the Nation's history. Why? Because a young Army officer, Dwight Eisenhower, saw the need.

He drove across the country in an Army convoy that left Washington on July 7, 1919, went to Gettysburg, and took the old Lincoln Highway to San Francisco. On the journey, bridges

cracked and had to be rebuilt, vehicles got stuck in the mud, equipment broke, and they did not arrive on the west coast—they left on July 7—they did not arrive on the west coast until September 6—a 2-month journey that gave birth to the American Interstate Highway System.

Let's not be so shortsighted that we will turn back the clock to the days of the old Lincoln Highway. I understand the need to reduce our deficit, and these provisions I have talked about that I support are paid for. But I do not understand the blind commitment to doing nothing, refusing to invest in our future and create American jobs in the process and calling it good governance.

Good governance is what President Eisenhower did when he signed the Federal Highway Act into law. Now it is up to us to invest in maintaining it. Let's be honest with ourselves about the fact that good governance means investing in our Nation, in our people, in our progress, in our prosperity, in our future. Investing in our infrastructure is an investment in our country and in our future. Let's put today's ideologically driven politics aside and recall the practical Republican politics of President Eisenhower who saw a national need and had the will and the wisdom to put the Nation to work to build it.

So I ask my colleagues: Where is the Grand Old Republican Party that united America behind an interstate highway system and put government and people to work to make it happen?

If we put aside the ideological posturing, if we put aside the suggestion I have heard many times that the major goal is—by some of our Republican colleagues—to make Barack Obama a one-term President and then, ultimately, use both the filibuster to stop progress in the Senate and/or use a constant ''no'' vote to stop progress for the Nation under the guise that is the way President Obama will fail—the problem with that is, that is, at the end of the day, in my mind, not about President Obama failing, that is about the Nation failing at one of the most critical times in our country's history and one of the most critical times in our economy.

If we can put aside the ideological posturing, if we can put aside the political strategy and gamesmanship, if we are honest with ourselves about what good governance means and what it means to American families to invest in creating jobs and keeping us globally competitive so that we can continue to grow that economy and create other jobs for individuals that will help them realize their hopes and dreams and aspirations, that will help them contribute to the Nation, that will create new revenues that will be part of meeting our debt challenge, we would pass this legislation and make it happen. That is the opportunity before the Senate. It is one I hope our colleagues will grasp.

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

The PRESIDING OFFICER (Mr. WHITEHOUSE). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

SANCTUARY CITIES

Mr. SESSIONS. Mr. President, earlier today my friend and colleague from Illinois, Senator DURBIN, came to the floor and criticized—wrongly, I believe—my State of Alabama and the State of Arizona for something that I would think we would all want every State and locality to do; that is, cooperate in the enforcement of Federal immigration law.

Alabama and Arizona are undertaking a legitimate effort in attempting to help enforce the laws of the United States when this administration too often has failed to do so. The American people and the rule of law in our country have suffered as a result.

This administration has flatly refused to enforce our national laws—generous immigration laws that they are—despite the fact that there is on the books extensive and a fair code of laws designed to facilitate substantial, legal immigration into our country. Moreover, the Obama administration is systematically going after States that attempt to assist—Arizona, Alabama, now South Carolina, and Indiana next. Even more egregious is that the administration has refused to take any action against States and localities that affirmatively, proactively, and intentionally impede the immigration enforcement in the United States. These jurisdictions include San Francisco County, Santa Clara County, Washington, DC, and perhaps the most egregious example: Cook County, IL, which recently passed an ordinance—passed an ordinance directing local Illinois law enforcement officials to ignore U.S. Immigration and Customs Enforcement detainers.

The detainers are sent to local jails, and they request that officials at those jails detain illegal aliens for an additional 48-hour period, statutorily provided, after that local jurisdiction's business with that immigrant ceases so that an ICE officer may place an alien into Federal custody. This is done on all kinds of crimes throughout the country. People are arrested in Alabama; Georgia has charges against them, and they send a detainer. If someone is arrested in Illinois and the Federal Government has a charge against them, they place a detainer. So when they are finished in that trial or with their sentence, before they are released out on the street, they are turned over to the other jurisdiction. Maybe it is a murder charge. Maybe it is a serious felony charge. This happens every day in America. It is common practice. If it were to cease, law enforcement in this country would be dealt a devastating blow.

Cook County has decided that it gets to decide who gets deported from the country and when, and acting in this way directly undermines Federal law enforcement. When testifying before the Senate Judiciary Committee last week, Department of Homeland Security Secretary Janet Napolitano said, incredibly, that she has had no contact with Cook County and has had no discussions with the Attorney General of the United States on this issue.

So today Senators GRASSLEY, CORNYN, COBURN, and I sent a letter to Secretary Napolitano, and we requested that she and others in the administration consider taking action against Cook County and other local jurisdictions that purposefully and deliberately undermine the laws of the United States and offer sanctuary to illegal aliens who have broken our laws by entering the country illegally. Is there no consequence to that in this country now? If that is so, aren't we, in fact, putting up a sign on our borders that says: Just get by the border and you are home free, nothing will ever happen to you. Isn't that a magnet to more illegal immigration? Isn't that a mixed message to the world? Don't we need to be sending a good and decent message; that is, we believe in immigration. We are a nation of immigrants. We have the most generous immigration laws in the world, but you must comply with them. We can't accept everybody who would like to come whenever they would like to come. We have to ask people to file applications, meet certain qualifications, and come when your time has come to come to America.

That is what law is all about. That is why people want to come to this country, frankly, because in their countries they have no law, and they don't have the opportunity to earn something and be able to keep it.

Since the implementation of this ordinance in Chicago, over 40 suspected illegal aliens arrested on felony charges have been released from Cook County jails. Last week, the Executive Associate Director of Enforcement and Removal Operations at the Federal Department of Immigration and Customs Enforcement, ICE, told my staff that Cook County presents a major problem for immigration enforcement efforts. In fact, he said that Cook County, IL, is the most egregious example of sanctuary city policies and is ''an accident waiting to happen.'' Yet the head of the Department of Homeland Security stands silent, and the Justice Department is too busy prosecuting States that are trying to cooperate and uphold the law of the United States.

Senator DURBIN said that no State is above the law, but it is these sanctuary jurisdictions, such as Cook County, and not States such as Alabama, Arizona, South Carolina, and Indiana that need to remember they are not above the law.

The truth is that this is yet another example of a longtime trend in Chicago

of elected officials placating immigration law breakers while thumbing their noses at Federal law enforcement, jeopardizing public safety, and pretending that what they do is honorable and good and for the taxpayers who elected them. But releasing dangerous criminals is a dangerous thing to do. Releasing dangerous criminals—it could be a person who goes and murders someone, as we have seen time and time again.

The Cook County commission passed this order less than a month after Chicago-based open-borders group National Immigrant Justice Center sued the Department of Homeland Security, challenging the constitutionality of these ICE detainers—things that have been done by every State, city, and county throughout America for decades, hundreds of years—since the founding of our Republic, I suppose. The lawsuit undoubtedly influenced the Cook County commission. They decided they would be open about it in voting in favor of this ordinance. So if one of those illegal aliens arrested on felony charges and released by Cook County commits a crime now, Cook County officials are to blame for it.

We should not release someone when the Federal authorities place a detainer on them. They do not do that very often. They do not do it nearly enough, frankly. So there will be a good reason for sure if they place a detainer on them, and to ignore that is really stunning.

So sanctuary jurisdictions such as Cook County, IL, undermine the ability of law enforcement personnel to enforce the laws that are on the books now and represent a threat to our security. These jurisdictions cannot choose if and when they will turn over illegal aliens charged with a crime and wanted by ICE.

So if we are going to talk about who is and who is not above the law, I suggest that my good friend—and we have worked together on a number of things, some of them criminal justice issues—the Senator from Illinois needs to clean up his own backyard rather than casting unfounded criticisms on States that are taking up a valuable effort to see that our immigration laws actually are enforced, to help end the lawlessness that has caused so much disruption in our country and upset the American people.

The American people are not anti-immigrant. We are a nation of immigrants. The American people are not opposed to people being able to come to our country. The American people do not dislike people who are here. Their anger is basically addressed to those of us in authority who are failing to maintain a lawful system of immigration, one that we can be proud of, one that is consistently enforced throughout the country. I believe that is what we should be striving for in our Nation, and if somebody wants to change the law and allow more people to come or fewer people to come, let's vote on it and have it right here on the floor of the Senate, and maybe we can have some changes.

But, fundamentally, it is the duty of Homeland Security, it is the duty of the Department of Justice to enforce the laws as they exist. They do not get to make the laws and enforce them. It is the duty and responsibility of Cook County to participate with the Federal Government in fulfilling its basic duties, such as honoring detainment. When you do not have that, we have a real problem in our country.

So I would suggest that the Attorney General take a little timeout from his lawsuit against Arizona or Alabama or other States and focus a little bit of his attention on a major jurisdiction such as Cook County that is willfully and deliberately acting to undermine Federal law enforcement.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mrs. HUTCHISON. Mr. President, I rise today to speak on the bill before the Senate—the Rebuild America Jobs Act. The Rebuild America Jobs Act contains a variation of a bill that I cosponsored with Senator KERRY—we call it the BUILD Act. It is the Building and Upgrading Infrastructure for Long-Term Development Act, and so we call it BUILD. But the changes that have been made in the bill that is before us today are untenable, and I cannot support it.

Last March, I introduced the bipartisan BUILD Act along with Senators KERRY, WARNER, and GRAHAM. It puts forward a method of addressing our infrastructure needs that I think is the right way forward. The need and demand for greater infrastructure investment is unprecedented. The American Society of Civil Engineers estimates that a $2.2 trillion investment is needed over the next 5 years to restore our infrastructure to an adequate condition. Ignoring these needs hampers our economic growth, impedes the flow of inter- and intrastate commerce, and slows the development and distribution of domestic energy production. We should consider new, innovative ways of financing our infrastructure. Traditional government mechanisms alone cannot keep pace with our national demand.

Our legislation—Senator KERRY's and mine—creates the American Infrastructure Financing Authority. This would be an independent authority designed to facilitate private investment in critical infrastructure projects. It is designed like a bank, providing loans or loan guarantees for regionally or nationally significant projects in transportation, energy and water sectors.

Let me emphasize that this will not provide grants. Grants will not be given. They will not be allowed. Nationally significant projects or regional projects would be at least $100 million. There is a $25 million category for rural areas, but we are not looking at a stimulus where we go in and provide financing for small projects. This is for dams, for desalination plants, or for an electric grid that isn't working and causing brownouts in major areas.

We are talking about big dollars that are not easily raised in the government sector or the private sector alone because it doesn't make economic sense, unless we put the loans and the loan guarantees together. There is a prohibition against spending more than 50 percent of the project cost, and the other 50 percent has to have come from another source—a private source or a State or local government source.

In addition, there has to be a revenue stream that will have the ability to pay this loan back. We want the loans paid back so that more infrastructure can be built. So we are talking about a revenue stream from, say, water bills, if it is a water desalination plant that is going to provide water for economic development, or if it is a dam that is going to provide electricity, we have electric bills. But we have to have a revenue source. So we have narrowed our legislation so that it will have the ability to pay back the loan. It is going to be something that can work.

In its first 10 years, it is estimated that our BUILD Act would provide $160 billion in financial assistance for major projects like this. So if it would be highways or bridges, there would be a toll that would be necessary for the transportation—something that would have a revenue stream to pay these back but allow them to be built because the private sector is sitting on the sidelines right now.

The bank would not replace our existing Federal funding mechanism, but it would supplement them for the large projects that have a major public benefit. The bank administering this fund would apply sound underwriting principles to assess the risk of a loan or loan guarantee.

The BUILD Act would require an initial appropriation. Senator KERRY and I have committed to identifying a reasonable offset. Additional deficit spending has never been an option for the BUILD Act. So it would be $10 billion that would be taken from a program today and put into this long-term bank so we can match loans and loan guarantees with private funds or State or local funds and do big things, not little things, except in rural areas where there is a $25 million threshold. It is going to be $100 million or more, and no more than 50 percent of it can be from this program.

I appreciate the fact the bill before us incorporates some elements of the BUILD Act and seeks to correct some of the flaws in the previous infrastructure bank proposals that have been put

forward by the administration. However, I think the differences between our BUILD Act and the legislation brought forward by the majority leader take away the bipartisan appeal of the bill.

Let me also say there is in this legislation—in addition to the $10 billion in the long-term plan Senator KERRY and I introduced—a $50 billion stimulus package, which is why I couldn't possibly support this bill. It is another $50 billion stimulus package. I appreciate the need for investment—obviously, that is why I support the BUILD Act—but $50 billion in the bill in addition to the $10 billion bank is more of the same type of stimulus that has not worked. It is more debt. Well, I guess it isn't more debt because they pay for it with a tax, which is even worse. The bill before us has the $50 billion added to it, and it is paid for with a surtax on people who are making more than $1 million a year, and mostly from their businesses. That is why I can't support it. It proposes a permanent tax increase to pay for a temporary spending program. That is bad policy in itself.

Raising taxes on incomes that would harm business owners and job creators is part of the reason people aren't hiring today. The President keeps talking about more taxes on business. On top of the Obama health care plan, it is causing businesses not to hire people, and we have a 9-percent unemployment rate in this country.

So I think it is important we defeat the bill before us and try to come up with something that is more akin to the BUILD Act that Senator KERRY and I have put forward. Data from an August 2011 Treasury report says four out of five people who would be hit by the surtax are business owners—the same people we need to encourage to create jobs.

I think it is going to be essential, if we are going to try to create jobs in our country, that we stop talking about surtaxes on businesses. We have to stop talking about more costs, and we have to stop the overregulation. We have overregulation, the talk of more taxes, and we have the Obama health care plan that is going to have fines and taxes that are coming after the next election when that all comes together. Businesspeople are seeing this and saying: I am going to hold where I am now instead of hiring people and getting our economy jump-started.

So I think job creation should be the key of anything we do in this Congress. It should be our focus. It should be the priority, and that means we should have conditions in the private sector that will create job growth. The bill before us today is simply another $50 billion stimulus plan that we have already seen doesn't work, and it is paid for with a new tax that is going to further stifle business hiring.

Now more than ever we must focus our efforts in this Congress on commonsense measures that will jump-start the economy and make our businesspeople think it is worth hiring. Then we will have a surge in the private sector, which is the sector that can create jobs that will last.

So I am not going to be able to vote for the bill before us, but I would like to urge my colleagues to look at the Kerry-Hutchison bill that offers a long term approach. It is not going to be immediate because it would take up to a year to set up this bill. But we shouldn't be just talking about today. We shouldn't just be talking about something that will jump-start the economy between now and the end of the year. We should also be looking at the long term as well. We should be looking at the long term fiscal situation and how we assure that not only are we trying to jump-start right now but that we are looking forward to the future. That is what a true BUILD Act would do. That is what an infrastructure bank that is put in place with solid principles would do.

The Kerry-Hutchison bill is such a bill. The bill that is before us is not.

I hope we will be able to have a chance for our bill to go through the Finance Committee and to get suggestions from our colleagues on ways to strengthen it. But the bill before us today would hurt our economy, hurt job creation, and that is not the direction we should be going.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. BENNET). The Senator from Illinois.

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

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

Mr. DURBIN. I ask unanimous consent to speak as in morning business.

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

Mr. DURBIN. Mr. President, I just left a meeting with President Obama at the White House, and we discussed the jobs bill that is pending before the Senate. It is a bill which the President put together and presented to Congress almost 2 months ago. He invited the Republicans at that time to come forward with their ideas, and hoped that we could come up with a bipartisan approach to dealing with the 9-percent-plus unemployment in our country and the 14 million people out of work, not to mention another 10 million who are underemployed and could do better with a better job.

We had a briefing this morning from an economist from labor and business who talked about some of the realities facing America today, and they are daunting: that one out of five men in this country is out of work; that we have seen, since 1969, a 28-percent decline in the purchasing power of working families in America; that we are seeing growth rates which are at least anemic and maybe even worse in terms of the future of our economy.

There are those who are criticizing the President and saying his approach is all wrong. But what those who criticize him offer is nothing. Nothing. There is no Republican plan for creating jobs in this country. It is a litany of complaints that they have had about the Federal Government for decades. For example, they argue there are too many rules and regulations, and that is what is impeding job growth.

I spent 2 straight weeks going across Illinois visiting businesses, large and small, that have done well in this recession. Not a single one has raised that issue. None. I don't think that is a real issue. It is an issue that we should be concerned about when it comes to job creation. It is not an issue for causation.

Secondly, the Republican approach has been, and consistently so, that the most important thing they can do is to protect the income taxes paid by the wealthiest people in America. That is not why I was sent to Congress. I believe my responsibility is to look to the common good and beyond the wealthiest in this country, particularly to help working families who are struggling so much.

The bill that will come up tomorrow will give the Republicans a chance to join us again in part of the jobs bill which they used to support. Some of the elements of that bill are pretty straightforward: $60 billion that will be spent on infrastructure, $50 billion for transportation funding, and another $10 billion for the infrastructure bank. Of that, $27 billion is for highways across America. I will take a big chunk of that in Illinois, and I will bet you will in Colorado. There is plenty to be done out there to alleviate congestion, to make the roads safer. There is another $9 billion for mass transit. We need it desperately. Mass transit, of course, keeps people off the highways, moves them back and forth to work in a most economical way. Our mass transit systems in Illinois and most places could use a shot in the arm with an investment for safety and for reliability. There is $4 billion for high-speed inner city passenger rail corridors. That is working in Illinois, proof positive, almost $1 billion in our State. We got the money, incidentally, that the Republican Governor of Wisconsin said he didn't want. We said we will take it in Illinois and the people in Wisconsin can wave as the train goes by. We are going to put that money into better rail beds, faster service, more reliability.

We broke all records in Amtrak passenger volume a few weeks ago, 30 million passengers, the most ever in any 1 year in Amtrak history. Eighty-two percent of passengers say they are satisfied with the good service of Amtrak. It is an enterprise that has a lot of support in America, and we want it to grow. Unfortunately, the other side has come out against it many times. So the

President has put $2 billion directly into Amtrak. They can use it for new trains, new locomotives, and passenger cars built in America. How about that? Good-paying jobs in our country. There is $3 billion for TIGER and TIFIA grant loan assistance, $2 billion for FAA improvement grants, $1 billion for FAA NextGen air traffic control. And for the record, those of us who fly on airplanes every week think this is long overdue. The air traffic control system in America is based on science that is decades old and goes back to World War II, and it is time to move beyond it. And we can, but we need to invest to make sure that happens. Then there is $10 billion for the national infrastructure bank. That is absolutely critical for us so that we can continue to grow and continue to build.

When I look at this, what it translates into is pretty amazing. It would put people to work upgrading 150,000 miles of road in America, laying or maintaining 4,000 miles of train tracks, restoring 150 miles of runways at airports, and putting in place a NextGeneration air traffic control system to reduce time delays and add safety. The plan includes $27 billion for roads and bridges, $9 billion, as I mentioned, for transit systems, and money for a competitive grant program, $5 billion, $4 billion for construction of high-speed rail. It is no wonder this has been supported not only by the labor unions—they want to put people back to work—but by businesses all across America that have an interest in highway construction.

The national infrastructure bank, of $10 billion, will leverage private and public capital to fund a broad range of infrastructure projects. The bank would be based on a bill introduced by Senators JOHN KERRY and KAY BAILEY HUTCHISON of Texas, which has been endorsed by the U.S. Chamber of Commerce. So if you think these are all Democratic ideas with no business support, one of the central elements here, the infrastructure bank, has the support of the Chamber of Commerce. It builds on legislation offered by Senators ROCKEFELLER and LAUTENBERG, and long-time bank champion Congresswoman ROSA DELAURO.

How do we pay for this? I think that is where the conversation starts falling apart on the floor of the Senate. We pay for it and don't add to the deficit by adding a new income tax surtax on those making over $1 million a year. Listen carefully. Those making over $1 million a year. So you have to already be making $20,000 a week before you pay the first penny in new taxes, and the tax just applies to the additional money over $1 million, and it is 0.7 percent.

I want to apologize, for the record. I think I misstated this earlier when I said that for the first $100 of new income over $1 million, that those who were millionaires would pay 7 cents more in taxes. I misstated it. I missed it by a factor of 10. It turns out to be 70 cents instead of 7 cents. So the burden is 10 times what I suggested.

For every $100 a millionaire earns over $1 million, under this bill to put America to work, they would have to pay 70 cents. The Republicans have said, ''Unacceptable.'' It is unconscionable that we would tax what they call the job creators.

We did a survey, incidentally, and found out that 1 percent of small business owners make $1 million or more—1 percent. For 99 percent of small business owners this is no tax increase, so it is not hurting job creators. It is creating jobs and that is what we need to do, and I cannot believe we are going to see this fail tomorrow again because we do not want millionaires to pay 70 cents out of every $100 more they make beyond $1 million, 70 cents in taxes. I think it is worth a lot more than 70 cents to get America back to work, and I think the sooner we do it, the better.

The Congressional Budget Office released a report that highlights the trend in household income between 1979 and 2007. As I mentioned earlier, American families, working families, have fallen further and further behind. The data showed that the top 1 percent of earners saw a dramatic increase in their share of household income. The remaining 99 percent were relatively unchanged.

The share of aftertax household income for the top 1 percent of the population more than doubled, climbing to 17 percent in 2007 from 8 percent in 1979. For the top 1 percent of household earners, the highest earners in America, average real aftertax household income grew by 275 percent between 1979 and 2000.

What happen to the others? The top quintiles were receiving 53 percent of aftertax household income in 2007, up from 43 percent in 1979. People in the lowest fifth of the population received about 5 percent of aftertax household income—that is 20 percent of the people receiving about 5 percent of aftertax household income in 2007, going down from 7 percent in 1979.

People in the middle? Three-fifths of the population saw their share of aftertax income decline by 2 to 3 percent in those years, 1979 to 2007.

If you wonder why people are sitting in tents in these ''occupy'' areas and why there is a rage across America, it has a lot to do with this. People are working hard, playing by the rules, and falling further and further behind. They are looking up at the top and saying, I don't understand this. Why is it that the bank CEOs are getting multimillion dollar bonuses and the management of my company is getting a dramatic increase, while they tell us we are the most productive workers in the world? It is understandable they want a fair shake, and it starts with putting people to work.

With 14 million people out of work today, getting them jobs where they can start paying taxes instead of drawing benefits is something they want and we should want. It is worth saying to the wealthiest in America, pay your fair share; maybe a little bit more than you did today. If it makes America a stronger nation and the economy stronger, my guess is those folks making over $1 million a year will prosper too. That has been the story of America. I am sure that story will be repeated.

The question tomorrow is whether there will be a single Republican vote to support us. I am not certain. I have to think back. I do not believe we have had one Republican vote supporting the President's jobs bill so far, any aspect of it. We are going to keep trying, and the American people expect us to.

The President spoke today at Key Bridge, right here between Arlington, VA, and DC, a bridge right near where I went to college and crossed hundreds of times. It is a bridge that needs some work and he was making that point, let's put Americans to work right there, creating good American jobs with this jobs bill. The President made a point of noting that while we are talking about passing a jobs bill in the Senate, the House of Representatives is talking about commemorative coins and reaffirming our belief in the phrase ''In God we trust.'' The President said in the speech there is no doubt in his mind that people do trust in God, they just don't trust in the House of Representatives to get the job done here, to pass a jobs bill that will get people back to work.

That is the challenge we face. That is the challenge America faces, and a bipartisan solution will serve the Nation well.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. UDALL of Colorado. Mr. President, I come to the floor tonight to discuss an issue I have addressed many times in this Chamber over the course of the past few years, and that is the urgent need for this Congress to come together to pass policies that will spur job creation in our country. I know the Presiding Officer, my colleague from Colorado, has done so in powerful ways himself. I want to talk specifically about the Rebuild America Jobs Act, legislation that is pending as I stand here and as you sit here for Senate debate.

We both know that the Rebuild America Jobs Act is one component of President Obama's comprehensive job creation package which he and the American people have been urging us in this Congress to pass. But my colleagues on the other side of the aisle, the Republicans, have uniformly filibustered the President's comprehensive

job creation package, so we are now attempting to debate the package in smaller legislative pieces. This week we are attempting to begin debate on the Rebuild America Jobs Act, which would put hundreds of thousands of Americans back to work rebuilding our crumbling bridges, our roads, and our airports. It is an important bill. It is worthy of this Chamber's debate consideration. It should not be subject to another filibuster that leaves the American people wondering why the heck we cannot charter a path forward that would help create jobs and build our economy.

Before I specifically address what is in the Rebuild America Jobs Act, I thought it would be informative to briefly talk about how our economy got in the rough place it is in today. We are 3 years removed from a near global economic meltdown. If you think about it, in the final year of the Bush administration we lost nearly 4.5 million jobs. That is very significant. Our economy was bleeding over 800,000 jobs a month when President Obama was sworn in. Credit markets were frozen, job losses mounted, and there was real concern that we as a nation risked slipping into another Great Depression. The Presiding Officer remembers all too well, as we all do, the concerns and the dynamics that were present at that point.

Fortunately, President Obama took a leadership role and the Congress worked with him to take steps to avert a catastrophe. But we are left with an enormous hole we are trying to climb out of. Beginning in 2009, we slowed the economic free fall that we passed and we put an end to the great recession—at least on paper. The Presiding Officer knows that. But, as typical of any recession, let alone the great recession, job growth has trailed economic growth.

Under the President's leadership, in the last year and a half, the economy has added nearly 2 million jobs. We are nearly halfway restoring the jobs lost under the Bush recession. Yet with unemployment standing at 9.1 percent nationwide, we still have a long way to go.

As I mentioned at the beginning of my remarks, in order to speed up economic recovery and bring down this stubborn unemployment rate, the President presented to us a few months ago an ambitious job creation package called the American Jobs Act. The bill, which consisted of bipartisan proposals, as we well know, proposals that both parties had supported time and time again, ran into a wall of uncooperative partisanship in this Chamber and was grounded by a Republican filibuster.

Mr. President, you and I both adhere to the concept of bipartisanship, working with the other party, but this kind of obstructionism has become way too common in the modern Senate and it truly is getting in the way of our capacity, our desire to create jobs. I say that in a plain and simple way. It has put in jeopardy our future, frankly. We have to win a global economic race. We have traded the burden of governing—I should say also the responsibility of governing and legislating—for seemingly a set of ideological positions and gamesmanship, and you know and I know Coloradoans are flat out tired of it. They want their elected leaders to lead, to work across the aisle and produce some results that will help working Americans, will help small businesses.

I could not agree more with our citizens at home. I have to say that I think impartial observers would say with regularity, tea party interests in the Congress have taken our economy, have walked our economy, driven our economy to the edge of a cliff with the repeated threats of a government shutdown. If I could use the words of my colleague from Colorado: Can you imagine a city government leader allowing Denver, for example, to forfeit and default on its financial obligations? It would not happen. It feels as though we are creating in this Congress crises out of thin air, to rattle our economic markets.

You do not have to look back to August, to those dark days when the debate over the debt ceiling and then threat of default was an economic crisis completely of this element's own making. Then what followed? What was predicted to follow: Our credit was downgraded and it had economic effects.

I have been meeting with businesspeople this week who can give you example after example. I was a businessman in the private sector. My colleague from Colorado was. We know the Federal Government can only do so much to grow jobs and positively affect the economy. But when you have self-inflicted wounds, such as those that were produced in August, you are going to stifle recovery and you are going to create real business uncertainty in the private sector.

If we were serious about economic recovery, we would stop taking the Federal budget to the brink of disaster at every opportunity. I know there are people in this town who want to score points, but hard-working Americans, hard-working Coloradoans, and our businesses ultimately pay the price for this kind of increased uncertainty. If we were serious about providing businesses, particularly small businesses, with the capital they need, we would look for opportunities to do so.

One of the ways I believe the Senate could help would be to consider and pass a bipartisan piece of legislation that I have introduced now in a series of Congresses that will double the amount of loans credit unions can offer to small businesses.

This would literally help tens of thousands of Americans. It would allow businesspeople to create jobs for hundreds of thousands of Americans and there would be no cost to the American taxpayer. This is a form of lifting a regulation. Credit unions are overly regulated and this simple change in the policy that applies to their access to the small business sector would make a difference.

Instead—and this pains me to say—what I hear from the other side of the aisle, what my Republican colleagues offer are proposals that rely almost entirely on attacking the administration or suggesting that we implement the failed policies that got us into this situation in the past. This is one area where the commonsense rules that protect our consumers and preserve our clean air and our clean water are designated as the problem. There is, frankly, scant evidence to support their regulatory boogeymen. They offer no hard evidence of these claims. I am convinced the constant drumbeat about regulations is more harmful to our country's job creation potential than the alleged effect of the regulations themselves.

In fact, a recent Bloomberg study noted that this administration has issued 5 percent fewer regulations than the Bush administration at the same juncture. Economic data shows that these regulations have a minor effect, if at all, on the economy. I have in hand studies that show the right kinds of regulations, particularly when it comes to protecting the public's health, that actually can create jobs. The Assistant Secretary of Economic Policy at the Department of the Treasury recently wrote: ''None of these data support the claim that regulatory uncertainty is holding back hiring.''

On the contrary, she found that a lack of demand in the market and global financial and economic conditions are the primary culprits for our slow recovery.

This jives with what we hear generally from business leaders who, by large margins, point to a lack of demand and uncertainty in the marketplace as the primary barriers to their businesses, not Federal regulation. What feeds this uncertainty and lack of demand is the constant political threats to send our economy off a cliff and the constant scare campaign that tells Americans to fear the Obama administration.

I am not unsympathetic to the plight of the regulated sectors of our economy. President Obama said it well. He said: ''We should have no more regulation than the health, safety, and security of the American people require,'' and we should make compliance with the ones we do have as easy as possible. I don't want to overstate this, but that is why I have taken steps to eliminate unnecessary Federal redtape, such as easing the cap on how much credit unions can loan to small businesses. But to constantly spread fear about our Government's work to provide oversight and protect clean air and clean water is a further uncertainty and worsen the lack of demand we see in the economy.

To break through this nonsense—and I don't use this word lightly—this ''nonsense'' about the effect regulations are having, President Obama has offered a real path forward based on sound economics and bipartisan ideas. The Rebuild America Jobs Act was introduced yesterday. As I said, it is a part of the President's overall comprehensive approach. I hope we can move to debate this important infrastructure bill.

We are going to have a vote tomorrow morning, I believe, that would allow the Senate to move to actually debating the bill, and it would significantly and immediately boost job creation across the country. We would be able to ensure that we keep our roads and our bridges and other infrastructure safe, while investing in new projects that will stimulate businesses to invest and begin to create new, good-paying, American-based jobs, the type of jobs that cannot be shipped overseas. The American people, without question, overwhelmingly support the ideas in this projobs bill. It is all about investing in the future of hard-working Americans and making sure they have the tools to achieve the American dream.

In Colorado alone, the investments for highway and transit projects in the bill are estimated to support the creation of at least 6,400 local jobs. We would accept those jobs in a minute. We know those people. We know the construction sector is one of the ones languishing in our State. These are trained, committed Coloradans who are dying to improve our State, to improve our infrastructure, to improve our economy. Why is that important beyond our State or beyond our country? We cannot compete if we do not have the infrastructure that allows commercial activity to thrive. That has been one of our competitive advantages for decades. Our competitors are not sitting back and waiting for us. They are investing in their infrastructure now. We don't have to go any further than China, India, Africa, South America. Those countries and continents are investing in their infrastructure.

What was heartening is that recently we have seen a great coalition, one that maybe we could mirror in the Congress, to support the President's proposal. That is the AFL–CIO, the leading labor organization in the United States that speaks for all the various unions across our country, allied with business interests such as the U.S. Chamber of Commerce. These are diverse interests. They are often at loggerheads. They have come together to urge us to pass such a measure that would build America.

The bill will not solve all our infrastructure challenges. It will not respond to every infrastructure opportunity we have. For example, we ought to reauthorize the Federal Aviation Administration. That is another less-than-valiant effort we made this year. As the Presiding Officer knows, we left in August with the FAA not funded and that cost us some economic growth. It put people out of work. Even for a week or two, that was too much time to be out of work. We ought to fully reauthorize the Federal Aviation Administration and in the process upgrade our national system of air travel.

I served in the House. I worked on the NextGen concept, which would upgrade the way in which we direct airplanes to travel across our country using satellite technology. Now we use radar technology. That is a 20th century technology. We need a 21st century technology. So let's pass a full authorization of the Federal Aviation Administration. We ought to pass a robust highway bill. For too long we have not had the full funding and full direction on a robust highway bill. I wish to applaud the bipartisan work that has gone into that. Senators BOXER, INHOFE, and VITTER have taken the first steps on a bipartisan proposal to do just that.

I note that many of my Republican colleagues object to the Rebuild America Jobs Act on the grounds that we would pay for it with additional revenue from those who make annually more than $1 million. I wish to point out that the American people disagree with them. Polls show close to 70 percent of Americans support offsetting the costs of the bill—because we are going to pay for this. We heard that message loudly and clearly; that those who make over $1 million a year could help shoulder more of the burden. I know I talked to people who have done quite well at home in Colorado who are willing to make that kind of investment if they see the return on the investment. The American people are ahead of us on this. They know it is a matter of simple fairness.

If I were in an ideal world—therefore, I am running the show—I would make some changes to the bill to address our broader infrastructure challenges. I would fold in the FAA; I would fold in the highway bill I mentioned. But let's take the first modest step. Let's open the floor of the Senate to debate on the Rebuild America Jobs Act just like the American Jobs Act more generally. We could discuss how to pay for it and what are the best mechanisms. Perhaps there is another way to pay for it, but let's begin the process.

I wish to close by focusing on our home State of Colorado. I return home, as the Chair does, almost every weekend and take the time to hear out my fellow citizens and those who hired me to represent them in the Senate. They will briefly complain about our inability to get things done, as we know, even the simplest things it seems like this year. I know my colleagues have similar experiences. But they quickly move to what they are doing at home and how they are making their lives better. I get energized by their commitment to working in their own communities. The other thing I don't hear much at home is a litmus test as to what political party we are a member of or what their concerns are about who is up for reelection next year. They come together all across our State, in Alamosa and Durango and Grand Junction, Sterling, and the list goes on and on of communities that come together. That isn't to say there isn't disagreement or that the solution comes easy, but they don't deal in the kind of partisan bickering that has become so common here.

I know the Presiding Officer feels that sense of possibility at home. So let's match that sense of possibility. Let's match their energy. We can take some heart from the fact that our economy is beginning to show some signs of improvement.

The Department of Commerce report showed a 2.5-percent growth in Gross Domestic Product. That is welcomed news and signals that we are slowly making progress. I want to underline unemployment remains stubbornly, maddeningly high at 9.1 percent. We must do better. I hope we can start by a minimum voting tomorrow to at least debate the Rebuild America Jobs Act.

Let's end the filibusters, particularly when it comes to starting a debate. Literally, we are not even going to debate this bill. If we were to open the debate tomorrow, in a few days' time, we would have to have an additional cloture vote to end debate on the vote itself. If the minority and my Republican colleagues don't want to move to end debate, they certainly have that option at that time.

Let's keep faith with the description of the Senate, which was one of my motivations for wanting to represent Coloradans here, which is the most deliberative legislative body in the world. If we are the Chamber that many look to for debate, for time spent to understand the best policies for the country, let's keep faith with that. Let's keep faith with our obligations as Senators. So the time for filibusters is over. Let's go to work on behalf of the American people.

I remain optimistic. I think we can bring forth creativity and a sense of cooperation. That is what we see at home. That is what happens in Colorado. That is what happens in all the States that are represented here. That is the American way. Let's bring the American way to the Senate and put Americans back to work.

I thank the Chair for his patience, his interest, his partnership, his service to the State of Colorado and the United States itself.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, I ask unanimous consent that on Thursday, November 3, 2011, when the Senate resumes consideration of the motion to proceed to S. 1769, the Rebuild America Jobs Act, it be in order for the Republican leader or his designee to move to proceed to S. 1786; that the motions to proceed be debated concurrently, with the time until 3 p.m. equally divided between the two leaders or their designees prior to votes on the motions to proceed in the following order: Reid motion to proceed to S. 1769 and McConnell or designee motion to proceed to S. 1786; that the motions to proceed each be subject to a 60-affirmative-vote threshold; that if the Reid motion to proceed is agreed to, the vote on the McConnell or designee motion to proceed be delayed until disposition of S. 1769; finally, that the cloture motion with respect to the motion to proceed to S. 1769 be vitiated.

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

MORNING BUSINESS

Mr. REID. I now ask unanimous consent to move to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

THE DREAM ACT

Mr. DURBIN. Mr. President, what if I came to the floor today and said I have a new law I want to introduce, and here is what it says: If you stop motorists across America, anywhere across America—for speeding, reckless driving, driving under the influence—you can not only arrest that motorist, you can arrest the child in the backseat. You can tell that child in the backseat, maybe 2 years old or 5 years old, you have to pay a price because your parent broke the law. People would laugh me out of the Senate Chamber. That is not right. That is not the way we handle justice in America. You do not impose a penalty on children because of the wrongdoing of their parents.

Keep that in mind for a moment because I want to tell you a story, a story that goes back 10 years in Chicago, IL, when a Korean-American woman called my office in Chicago and said, I have a problem. Actually, I have a good thing to tell you, she said. My daughter, who is graduating from high school, is an accomplished concert pianist. She has gone through the Merit Music Program in Chicago, a wonderful program that allows kids—not from the wealthy families but kids from families of lower income groups—a chance to own musical instruments or take musical lessons and see if they thrive—and they do; 100 percent of them go to college.

Her daughter was one of them, a concert pianist graduating from high school, and her mom said: She has been accepted at the Julliard School of Music in New York. We cannot believe it. She said: I run a dry cleaner and my daughter is going to the best music school in America, and the Manhattan Conservatory of Music has also accepted her. She sat down and she was filling out the application, and she came to the box which said nationality, citizenship, and she said: USA, right? And her mom said: You know, we brought you here when you were 2 years old, from Korea, and we never filed any papers. So I don't know what to call you at this point, I don't know what your legal status is. Your brother and sister were born here and they are American citizens. The mom said, I am a naturalized citizen but we never filed any paperwork for you. I don't know what to tell you. They called my office. We checked the law. Do you know what the law said? The law said that young girl had to leave the city of Chicago and America for 10 years—10 years—and then apply to come back in. You see, her mother did not file the papers, and at age 2 she became undocumented and illegal.

That is not right. It is no more just than to arrest the child in the backseat for the speeding parent. But it was happening right before our eyes. We started looking at it, and said the only way to deal with this is to change the law, and here is what we said. If you came to the United States as a child under the age of 16—as a child; if you finished high school; and if you had no problems, no significant criminal record—we will give you two chances to become a legal person in America. First chance: Enlist in our military. If you are willing to risk your life for this country, you deserve a chance to be a citizen. Second: Finish at least 2 years of college. Not a lot of kids do that, but if you finish 2 years of college we will give you a chance to be legal. We called it the DREAM Act. For 10 years I have been standing on the Senate floor trying to pass the DREAM Act.

Time and again we have had a majority vote here. The last time I think there were 55, if not 53, Senators. But because it is controversial, someone objected and we needed 60 votes and we failed.

When I first introduced this bill, I would stand up in the Hispanic neighborhoods of Chicago and I would talk about it. A lot of people would listen intently. Then I would leave and go outside to my car to leave and, without fail, usually in the dark of night, there would be a young person standing by my car and that person would say to me: Senator DURBIN, I am one of those kids. Can you do something to help me? Can you pass the DREAM Act? Many of them with tears rolling down their cheeks, and they would tell me their stories, how they had no future, no place to go. They couldn't go to college. If they graduated from college, and some of them had, they could not become engineers or doctors or lawyers or what they wanted to be. They were without a country.

Time has changed that approach. These young people no longer stand in tears in the darkness. They filled the galleries last December when we voted on this. They were all over the galleries with caps and gowns like graduates, and signs that said, ''I am a DREAMer.'' They waited and watched, and the bill failed.

It broke my heart, and many of them left in tears. But they are standing up to tell their stories now and some of them are brave enough to stand up and let America know who they are and why they should have a chance. I think they deserve a chance.

Let me tell you right off the bat I have a conflict of interest on this bill. I guess Senators in this time of ethical considerations should confess and make public their conflict of interest. See, my mother was an immigrant to this country. She would have been a DREAMer in her day. She was brought in at the age of 2 from Lithuania 100 years ago. It was only after she was married and had two children that she became a naturalized American citizen. I have a naturalization certificate upstairs in my office. I am very proud of it. She passed on. She saw me sworn into the Senate and passed on a few months after that.

As her son, first-generation American, son of an immigrant, I stand here as a Member of the Senate, a privilege which barely 2,000 Americans have ever had. It says a lot about my family but it says a lot about America that I had my chance; the fact that my mother came here at the age of 2, perhaps under suspicious circumstances, and was given a chance to become an American citizen, raised a family, worked hard, sent her kids to school, and saw one of them actually end up with a full-time government job as a U.S. Senator.

That is why when I hear this debate across America on immigration I wonder who these people are who are talking about how evil and negative it is to have immigrants in our country. I just left an historic ceremony a couple of hours ago. It was at the hall in the new Visitor Center, Emancipation Hall. I could not believe my eyes. It was a special Congressional Gold Medal honoring those Japanese Americans who served in World War II. What astounded me was the number who showed up. These are men who have to be in their eighties and nineties, who came there to be honored with this Congressional Gold Medal, people of Japanese ancestry, whose parents and relatives were often sent to interment camps, and asked for the chance to risk their lives and serve America in World War II and ended up being some of our most heroic warriors.

I looked at that audience and I wondered if some of the critics of immigration would criticize these men and their families, men who had literally risked their lives—some lost their lives—many of whom were seriously injured.

I am honored serving with so many great people in this Senate, but none

more than DANNY INOUYE, who is in my estimation a true American hero, a recipient of the Congressional Medal of Honor for his service in the 442nd, and a man who still comes and leads the Senate as chairman of the Senate Appropriations Committee. Here was a person who was frowned on and even being spit on for being Japanese at a time when Pearl Harbor was still fresh in the minds of many people. But he said: ''Sign me up, hand me a uniform, give me a gun and I will die for this country.'' He risked his life like thousands of others and I am glad this honor was given today. But it is a constant reminder that we are a nation of immigrants, we are a diverse nation, and it is in that diversity we find our strength. We come from so many different corners of the world and we come to America to call it home. These children are in that same position.

When I see the argument being made in Arizona and Alabama, the anti-immigrant argument being made, I am thinking to myself they are ignoring the reality. The reality is the diversity of our Nation is its strength, the fact that we come from so many different places, drawn and driven to this great country for the opportunity it offers. The Arizona law that was passed last year requires police officers to check the immigration status of any individual if they have ''reasonable suspicion'' that he or she may be undocumented. Under this law, any undocumented immigrant can be arrested and charged with a State crime solely on the basis of their immigration status, if they did nothing wrong. It is a crime for a legal immigrant to fail to carry documents proving their legal status at all times in the State of Arizona.

It doesn't sound right to me in this Nation of immigrants. Last year it was Arizona. This year it is Alabama. Arizona Gov. Robert Bentley recently signed H.R. 56, Alabama's immigration law that requires police officers to check immigration status of any individual they suspect is undocumented. Any undocumented immigrant can be arrested and charged with a State crime. Legal immigrants must carry documents proving their legal status at all times.

It is wrong to criminalize people based solely on their immigration status. That is not the way we treat immigrants in our country and that is not the way our criminal justice system should work. It is not right to make criminals of people who go to work each day, cook our food, clean our hotel rooms, and care for our children and parents. It is not right to make criminals of those who worship with us in our churches, synagogues, and mosques, and send their children to school with our own kids.

I think about this and I think about what a blind eye some of the backers of these laws have when they walk into a restaurant in a major city and don't look up and notice who is cooking, who is cleaning the dishes, who is taking care of their parents at the nursing homes, who cut the grass at the golf course. Many of these people are undocumented. We know it but we are not calling for them to leave. They are serving us, right? No, with these laws we are condemning those in similar status.

Here is the reality. Criminalizing immigrants will not help combat illegal immigration. Law enforcement does not have the time or resources to become the immigration office of America. That is why the Arizona Association of Chiefs of Police opposes the Arizona law. It makes it more difficult for them to keep people safe—not easier, more difficult. Immigrants will be much less likely to cooperate with police who can arrest them on the spot.

Alabama's law goes even further. Most contracts with undocumented immigrants are declared null and void, including, for example, rental agreements and child support agreements. Schools have to check the immigration status of every student and parent and report that information to the State. Schools are authorized to report students and parents they believe to be undocumented to the Federal Government.

I am concerned about the use of our schools in enforcing immigration laws. The Supreme Court has made it clear that it is constitutional to provide elementary education to children and not discriminate based on their immigration status. The Education Department of our Federal Government has warned States, including Alabama, not to use education as a device to exclude those students who are otherwise eligible to be taught.

It is good to tell these stories. It is good to speak to these issues. But what I found over the years—and I am sorry it has been years; I wish we had passed this long ago—the best way to tell the story of the DREAM Act is to tell the story of the DREAMers. Let me tell you a couple at this moment.

The first is about Amanda Uruchurtu. Here is Amanda. She is a pretty young woman. She was brought to the United States at the age of 10. She lives in Tuscaloosa, AL. When Amanda first arrived here she did not speak a word of English. She sent me a letter about what it was like, and here is what she said:

> I remember how frustrating it was in school because I had no clue what was going on, but I told myself that all the frustration and fear should be blocked and I should concentrate on learning English. . . . Some made fun of the way I talked but that helped because it made me work even harder and try to assimilate even more. Little by little I worked with my accent to the point that it was hardly noticeable.

There is Amanda. When she started high school she decided she knew what she wanted to do with her life. She wanted to serve in the U.S. military. She was No. 5 in her high school class. She was a member of the National Honor Society and, listen to this, she received the Daughters of the American Revolution award at her high school. Amanda overcame great obstacles and wants to be part of America's future.

She asked, when she wrote to me, if I would tell her story and let those who hear it know that Amanda wants to serve in the U.S. military, but under our law she cannot. She is undocumented. If the DREAM Act passed she would have her chance.

Here is another story, another lovely young lady, Karla Contreras, brought to the United States at the age of 3. Today Karla is 16. She lives in Pelham, AL. She is a sophomore in high school.

She is a leader in the Alabama Dreamers for the Future, an organization of students of similar status, in her State. Her dream? To become an attorney. Her family's considering moving to Washington State because of this new Alabama law, this anti-immigrant law. Here is what Karla wrote to me:

> I have never really lived anywhere besides Alabama. I have been here practically all my life. Alabama is my home.

Karla sent me a powerful essay about the Alabama immigration law. She said:

> All that people want is a better future, a job to maintain them in an average way, a place they can call home with no fear of being kidnapped by a drug dealer, a place where they are not afraid to walk out to their yard. It is so hard for me to see how these things could be a crime in anyone's eye. This law is putting children in fear for their parents. Now tell me who on earth would want to purposely frighten a child.

In 1982, Texas passed a law that allowed elementary schools to refuse entrance to undocumented children. The Supreme Court of the United States of America struck down that law. As a result, millions of children have received an education and millions have become citizens. They are doctors, soldiers, policemen, lawyers, engineers, and businesspeople who make America a better nation. Imagine what would have happened if the Texas law had been allowed to stand. Incidentally, that is exactly what Alabama wants today. Alabama should know—every State should know—that no State is above the law. No State is above the findings of our Supreme Court.

The American people have a right to be frustrated. Congress has repeatedly failed to fix our broken immigration system. The casualties—many are young DREAMers whom I talked about today, and many have been around many years and still live in the shadows and live in fear every single day. We are a better nation than that. We are a nation of immigrants, a nation of justice, and a nation that can find its way to give an opportunity to young people who have attended school every day, stood, put their hand over their heart, and pledged allegiance to the only flag they have ever known. They are asking for a chance to be part of the future of America.

I urge my colleagues on both sides of the aisle to help me pass the DREAM Act.

CRIME VICTIMS' RIGHTS ACT

Mr. KYL. Mr. President, I ask unanimous consent to have printed in the RECORD a letter to Attorney General Holder.

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

U.S. SENATE,
Washington, DC, November 2, 2011.

Hon. ERIC H. HOLDER, Jr.,
Attorney General, U.S. Department of Justice, Washington, DC.

DEAR ATTORNEY GENERAL HOLDER: I am writing to follow up regarding my June 6, 2011 letter to you concerning the Justice Department's implementation of the Crime Victims' Rights Act—an Act that I co-sponsored. I am writing to ask why the Justice Department persists in taking the view that the CVRA does not extend rights to crime victims until the formal filing of criminal charges.

As I explained in my earlier letter to you, Congress intended the CVRA to broadly protect crime victims throughout the criminal justice process—from the investigative phases to the final conclusion of a case. Congress could not have been clearer in its direction that using ''best efforts'' to enforce the CVRA was an obligation of ''[o]fficers and employees of the Department of Justice and other departments and agencies of the United States engaged in the detection, investigation, or prosecution of crime. . . .'' 18 U.S.C. §3771(c)(1) (emphasis added). Congress also permitted crime victims to assert their rights either in the court in which formal charges had already been filed ''or, if no prosecution is underway, in the district court in the district in which the crime occurred.'' 18 U.S.C. §3771(d)(3) (emphasis added).

As you know, it has now been more than four months since I sent the letter to you explaining this clear point. In those four months, I have not received any response from you. Instead, during that time, on October 1, 2011, you promulgated new Attorney General Guidelines for Victims and Witness Assistance. These Guidelines persist in misconstruing the CVRA so that it does not extend any rights to victims until charges have been filed. Your Guidelines state: ''CVRA rights attach when criminal proceedings are initiated by complaint, information, or indictment.'' Guidelines at 8.

The Guidelines you have promulgated now conflict quite clearly with the CVRA's plain language. This is not simply my view. One court of appeals has addressed the issue of whether the CVRA applies only after charges have been filed. In In re Dean, 527 F.3d 391 (5th Cir. 2008), the Department took the position that crime victims had no right to confer with federal prosecutors until the Department had filed a plea agreement in court. The agreement involved a corporation (BP Products North America) whose illegal actions had resulted in the deaths of fifteen workers in an oil refinery explosion. In rejecting the Department's position that it did not have to confer with victims earlier, the Fifth Circuit held that ''the government should have fashioned a reasonable way to inform the victims of the likelihood of criminal charges and to ascertain the victims' views on the possible details of a plea bargain.'' Id. at 394.

In spite of this binding decision from the U.S. Court of Appeals for the Fifth Circuit, you have now promulgated guidelines that directly conflict with that decision. As a result, it continues to appear to me (as I noted in my earlier letter) that your prosecutors are failing to extend rights to potentially thousands of crime victims within the Fifth Circuit in Louisiana, Mississippi, and Texas.

The Fifth Circuit's decision is hardly an outlier. To the contrary, so far as I have been able to determine, the Fifth Circuit's position is supported by all other court decisions that have decided the issue. For example, in United States v. Rubin, 558 F.Supp.2d 411, 419 (E.D.N.Y. 2008), the court discussed a claim by various movants that they had been victimized by a criminal fraud. The court explained that CVRA can attach before charges are filed:

Quite understandably, movants perceive their victimization as having begun long before the government got around to filing the superseding indictment. They also believe their rights under the CVRA ripened at the moment of actual victimization, or at least at the point when they first contacted the government. Movants rely on a decision from the Southern District of Texas for the notion that CVRA rights apply prior to any prosecution. In United States v. BP Products North America, Inc., the district court reasoned that because §3771(d)(3) provided for the assertion of CVRA rights ''in the district court in which a defendant is being prosecuted for the crime or, if no prosecution is underway, in the district court in the district in which the crime occurred,'' the CVRA clearly provided for ''rights . . . that apply before any prosecution is underway.'' United States v. BP Products North America, Inc., Criminal No. H–07–434, 2008 WL 501321 at *11 (S.D. Tex. Feb. 21, 2008) (emphasis in original), mandamus denied in part, In re Dean, 527 F.3d 391 (5th Cir. 2008). But, assuming that it was within the contemplation and intendment of the CVRA to guarantee certain victim's rights prior to formal commencement of a criminal proceeding, the universe of such rights clearly has its logical limits. For example, the realm of cases in which the CVRA might apply despite no prosecution being ''underway,'' cannot be read to include the victims of uncharged crimes that the government has not even contemplated.

Rubin, 558 F.Supp.2d at 419.

United States v. Okun, 2009 WL 790042 (E.D. Va. 2009), also reached the same conclusion that CVRA rights can apply before charges are filed:

Victims have been permitted to exercise CVRA rights before a determination of the defendant's guilt. See, e.g., United States v. Edwards, 526 F.3d 747, 757–58 (11th Cir. 2008); In re Mikhel, 453 F.3d 1137, 1138–39 (9th Cir. 2006) (per curiam); see also United States v. Rubin, 558 F.Supp.2d 211, 418 (E.D.N.Y. 2008) (anyone the government identifies as harmed by the defendant's conduct is a victim). Furthermore, the Fifth Circuit has noted that victims acquire rights under the CVRA even before prosecution. See In re Dean, 527 F.3d 391, 394 (5th Cir. 2008). This view is supported by the statutory language, which gives the victims rights before the accepting of plea agreements and, therefore, before adjudication of guilt. See 18 U.S.C. §3771(a)(4).

Okun, 2009 WL 790042 at *2.

Also agreeing that at least some CVRA rights apply before charging is In re Peterson, 2010 WL 5108692 (N.D. Ind. 2010). The court acknowledged that some rights in the CVRA do not apply before charges have been filed. But the court also specifically held that ''a victim's 'right to be treated with fairness and with respect for [his or her] dignity and privacy,' 18 U.S.C. §3771(a)(8), may apply before any prosecution is underway and isn't necessarily tied to a 'court proceeding' or 'case,' In re Dean, 527 F.3d 391, 394 (5th Cir. 2008); United States v. BP Products North America, Inc., 2008 WL 501321 (S.D. Tex. 2008).'' Peterson, 2010 WL 5108692 at *2.

The most recent court decision to carefully review the Justice Department's position is Jane Does #1 and #2 v. United States, No. 08–80736–CIV–MARRA/JOHNSON (S.D. Fla. Sept. 26, 2011). In that case, the court flatly rejected the Department's claim that rights attach only after charges are formally filed:

The Court first addresses the threshold issue whether the CVRA attaches before the government brings formal charges against the defendant[.] The Court holds that it does because the statutory language clearly contemplates pre-charge proceedings. For instance, subsections (a)(2) and (a)(3) provide rights that attach to ''any public court proceeding . . . involving the crime.'' Similarly, subsection (b) requires courts to ensure CVRA rights in ''any court proceeding involving an offense against a crime victim.'' Court proceedings involving the crime are not limited to post-complaint or post-indictment proceedings, but can also include initial appearances and bond hearings, both of which can take place before a formal charge. . . .

Subsection (c)(1) requires that ''Officers and employees of the Department of Justice and other departments and agencies of the United States engaged in the detection, investigation, or prosecution of crime shall make their best efforts to see that crime victims are notified of, and accorded, the rights in subsection (a).'' (Emphasis added). Subsection (c)(1)'s requirement that officials engaged in ''detection [or] investigation'' afford victims the rights enumerated in subsection (a) surely contemplates pre-charge application of the CVRA.

Subsection (d)(3) explains that the CVRA's enumerated rights ''shall be asserted in the district court in which a defendant is being prosecuted for the crime or, if no prosecution is underway, in the district court in the district in which the crime occurred.'' (Emphasis added). If the CVRA's rights may be enforced before a prosecution is underway, then, to avoid a strained reading of the statute, those rights must attach before a complaint or indictment formally charges the defendant with the crime.

Id. at *3–4.

In sum, the plain language of the CVRA—and every reported court decision I have been able to find—all clearly indicate that the CVRA does extend rights to crime victims even before charges are filed. Yet in spite of this, the Justice Department has apparently prepared a new form letter to be sent to victims that specifically tells crime victims that they lack any rights in federal criminal cases before charges have been filed in federal court. As I understand it, this letter will be sent to victims in federal cases around the country (including victims in the Fifth Circuit, the Eastern District of New York, the Eastern District of Virginia, the Northern District of Indiana, and the Southern District of Florida) telling them that they should ''[p]lease understand that these rights only apply to victims of the counts charged in federal court. . . .''

Compounding the confusion is the fact that your own Guidelines make it a matter of policy to confer with victims about plea negotiations even before charges have been filed. The new Attorney General Guidelines for Victims and Witness Assistance specifically state: ''In circumstances where plea negotiations occur before a case has been brought, Department policy is that this should include reasonable consultations prior to filing a charging instrument with the court.'' Guidelines at 41. I can only assume that this new policy has been put in place to avoid the outrageous situations that occurred in the Dean case and the Jane Does case, where prosecutors did not confer with victims before the Government reached final agreements with defendants. But the policy would seem to be a complete dead letter if you

never notify victims that they have a right under the CVRA to confer with the prosecutors.

In light of all this, I am writing to ask you several questions. First, when will you send an answer to the questions I raised in my June 6, 2011 letter? Second, why is the Department failing to follow the CVRA's plain language, as interpreted by these court decisions, and delaying extending crime victims their CVRA rights until after formal charges have been filed? And third, what is the Department doing to implement the Fifth Circuit's binding decision in In re Dean that crime victims can have rights under the CVRA even before criminal charges are filed?

Sincerely,

JON KYL,
United States Senator.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT

CDBG FUNDING

Mr. CONRAD. Mr. President, as the chairman and ranking member of the Transportation-HUD appropriations subcommittee are aware, I, along with Senators HOEVEN, LEAHY, SANDERS, BLUNT, MENENDEZ, LAUTENBERG, GILLIBRAND, BAUCUS and SCOTT BROWN have filed an amendment, Senate amendment No. 839, to add $600 million in supplemental community development block grant, CDBG, funding. We deeply appreciate the inclusion of $400 million in supplemental CDBG funds to aid communities impacted by disasters this year. However, given the magnitude of the damage just in my State of North Dakota from flooding this year, I am deeply concerned that this level of funding will not meet the needs. As many of my colleagues know, the city of Minot, ND, was devastated by a historic flood that impacted more than 4,100 homes and forced the evacuation of 11,000 people. The road to recovery will be long. CDBG offers an important component of the flood recovery effort to assist with buyouts and assistance to homeowners and businesses to repair the damage. My State alone has identified a need of at least $235 million for CDBG funds. We would like to work with the chairman and the ranking member of the subcommittee in conference to make sure there are sufficient resources for CDBG to meet the needs that exist in my State as well as others most impacted by this year's disasters.

Mr. HOEVEN. Mr. President, we have seen flooding of historic proportion in North Dakota this year, and, as you know, other States have also sustained severe damages from hurricanes, tornadoes, wildfires and a range of natural disasters. In Minot, my hometown, friends and neighbors were forced to evacuate their homes and live day-to-day in makeshift accommodations. Some are not yet in temporary FEMA housing as winter approaches. Almost as severe as the impact of the floodwaters, however, is the anxiety of not knowing when and how much help is forthcoming from the federal government. The State of North Dakota, local communities, and the Federal Government are already providing extensive assistance, but uncertainty over housing and infrastructure persists in the aftermath of this disaster. We took an important step forward in the Appropriations Committee 6 weeks ago when we approved $400 million in supplemental CDBG funding, which goes directly to help with housing for people who have lost their homes. We are grateful to the subcommittee for approving that appropriation, but I am here to tell you there is more to be done. We look forward to working with subcommittee Chairwoman MURRAY and Ranking Member COLLINS to ensure that we do all we can to maximize CDBG assistance to those in need, not just in North Dakota, but across the Nation.

Mr. LEAHY. Mr. President, some of the worst damage caused by disasters around the country has been to the houses, mobile homes and apartments where families have built their lives and made their homes. In Vermont, entire mobile home developments were washed away in Hurricane Irene's fury. Where homes once stood, now lies a path of damage, destruction and heartbreak. Our small State's ability to build new homes depends greatly on support from Federal safety net programs, like the $400 million in emergency community development block grant funding that we have worked to include in this bill. While this emergency funding is a first step in addressing the urgent housing needs of States like Vermont that have been struck by natural disasters, we know that much more will be needed to help our decimated towns and communities, and their citizens, get back on their feet. I look forward to working with the chairman and ranking member of the subcommittee to ensure that homeowners, businesses and towns have the assistance they need to begin the long rebuilding process. I have not seen damage and destruction of this magnitude in Vermont in my lifetime. Vermont and other states that were hit by Irene are stretched to the limit right now, and just as the victims of past disasters throughout the country were able to rely on their fellow Americans' help in their time of need, so should Vermonters be able to count on a helping hand when they need it most.

Mrs. MURRAY. Mr. President, I recognize the incredible impact of the disasters in your States and other States across the country this year and agree that CDBG is an effective tool in helping aid recovery efforts. The Senators from North Dakota and the Senator from Vermont have been strong advocates for this badly needed assistance. I pledge to work with them to ensure that communities impacted by this year's disasters have the support they need to recover.

Mr. BLUNT. Mr. President, over the past year, Missouri and the entire country have faced numerous natural disasters that devastated the livelihoods of people in our communities. As we work to rebuild, the scope of these events has placed unusual logistical and financial pressures on rebuilding efforts. Disaster community development block grants provide communities with vital short-term and long-term recovery funds that pick up where FEMA funding leaves off. The $400 million that is included in the transportation; housing and urban development appropriations bill is a step in the right direction. I am thankful for the opportunity to join with Chairman MURRAY, Ranking Member COLLINS and my other colleagues in expressing the importance of these funds for the communities rebuilding after disaster. I look forward to continuing our work together to make sure that disaster community development block grants get the funds necessary to meet disaster needs in Missouri and throughout the country.

Ms. COLLINS. Mr. President, disasters have affected nearly every State this year, and several States were hit particularly hard with devastating tornadoes and historic flooding. CDBG disaster recovery funding is an important tool that has helped States and communities address recovery needs related to infrastructure, housing, and economic development. I recognize that supplemental CDBG funding is important for communities recovering from disasters, and I look forward to working with my colleagues to help communities throughout the Nation.

Mr. CONRAD. Mr. President, I thank the chairman and the ranking member for their support. We look forward to working with them to ensure our communities have the resources necessary to recover from these devastating disasters.

EMERGENCY JUDICIAL RELIEF ACT

Mr. GRASSLEY. Mr. President, I would like to alert my colleagues that I intend to object to any unanimous consent agreement for the consideration of S. 1014, the Emergency Judicial Relief Act of 2011. While the sponsors of the legislation adopted one amendment I offered during debate in the Judiciary Committee, and that amendment improves the legislation, the bill remains deeply flawed and I cannot support it.

I oppose S. 1014 in its current form for a number of reasons, and I will just briefly describe them here. First, I believe strongly that we should analyze critically any expansion of the Federal Government, and first and foremost, determine whether there is a more efficient and cost effective way to allocate taxpayer resources. This is especially true during a time when our Federal debt is at historic levels.

In its current form, this legislation creates 10 new judgeships and converts two judgeships from temporary to permanent. The legislation does not pay

for the increased spending by cutting a corresponding amount of Federal spending. Rather, it raises the filing fees imposed on litigants.

The sponsors of the legislation have argued, based on caseload statistics, that these districts have some of the highest caseloads in the country. That may be true if you believe that the caseload statistics accurately describe how busy a particular district is. I am not arguing, today, that these statistics are necessarily inaccurate, but I would simply note that there have been some questions raised over the years regarding how well those statistics describe the caseloads. Regardless, based on those same statistics, there are other districts that are slow and getting slower.

If we conclude that some districts are disproportionately busy, and therefore conclude that we should increase the number of judgeships in those districts, then it only makes sense to offset the increase in judgeships by reallocating judicial resources away from districts that are slow. For this reason, I offered an amendment in the Judiciary Committee that would have reduced the number of judgeships in other districts by a total of 10. I will not take the time here to go through the statistics in each of the districts where I proposed eliminating judgeships. Suffice it to say, in each district slated for a reduction, the caseloads have decreased over the last 5 years, with the exception of 1 district, where the caseload has remained flat. And, even after you reduce the number of judgeships in these districts, they would still have caseloads that are well below the national average, across all 94 districts. If we are going to add judgeships, I believe this is the most appropriate way to do it.

The amendment I proposed in committee would also have delayed the effective date for the creation of the new judgeships until after the next Presidential election. Because none of us knows for certain who will be sworn in as President in January 2013, delaying the effective date would remove politics from the debate. Not only would it remove politics from the discussion, but it is consistent with how this issue was handled in the past. For instance, when the chairman of the committee introduced legislation to create additional judgeships during the 110th Congress, this is the approach he embraced.

Finally, I would note that the sponsors of the bill agreed to adopt a separate amendment I offered in the Judiciary Committee that would extend Whistleblower protection to Judicial Branch employees. This is an improvement. My amendment ensures that Judicial Branch employees are not simply left without redress when they face retaliation for blowing the whistle on fraud, waste, abuse, and mismanagement. While I appreciate the bill's sponsors' willingness to adopt my amendment, and I believe it is an improvement, the underlying legislation remains deeply flawed for the reasons I have discussed. Therefore, I must oppose it. I urge my colleagues to do the same.

ADDITIONAL STATEMENTS

TRIBUTE TO JOHN BRUCE

• Mr. LEVIN. Mr. President, John Bruce will retire as the associate director for the Support Equipment Product Support Integration Development on December 3, 2011, his 94th birthday. His retirement is particularly noteworthy because John enjoys the distinction of being the oldest and longest-serving employee of the U.S. Army. This momentous occasion will be fittingly marked by a celebration in his honor with his colleagues, family and friends in Warren.

John Bruce began his service in the U.S. Army in 1942 during World War II as a member of the Army Signal Corps. He was stationed in the South Pacific as an intercept operator. After being honorably discharged in 1946, John began his civilian career at the Detroit Arsenal in Warren, MI as a cost/price analyst. In the ensuing decades, Mr. Bruce has held a number of positions of increasing responsibility at the Detroit Arsenal. He was an integral contributor to the reorganization of the Defense Department and helped to consolidate and centralize the Military Services field activities, which later became the Defense Logistics Agency.

John Bruce has dedicated his life to serving our country and has accomplished much in his long and illustrious career. John's accomplishments throughout his career have been publicly recognized through a number of citations and awards, including the 1975 Secretary of the Army Award; 1983 Commanders Award for Exceptional Civilian Service; 1990 Meritorious Civilian Service Award; 1991 Achievement Medal for Superior Civilian Service; and 2002 Department of the Army Decoration for Exceptional Service.

I know my Senate colleagues join me in congratulating John Bruce and honoring his distinguished record of service to our country as he retires on his 94th birthday. John has left a lasting impact on our Nation's security, and he will be deeply missed by his colleagues. I wish him the best as he embarks on the next chapter of his life.•

TRIBUTE TO DR. VIVIAN PINN

• Ms. SNOWE. Mr. President, please allow me to join with family, friends, and colleagues in extending my heartfelt congratulations to Dr. Vivian Pinn on her retirement as Director of the Office of Research on Women's Health at the National Institutes of Health after two decades of exceptional service for women in our Nation.

First and foremost, let me say it has not only been a privilege to work with her over the years to advance women's health policy, but to call her my friend as well. In fact, just this past February, Vivian was in my office where I had the extraordinary honor of receiving the prestigious Women's Health Research Visionary Award. As one of two recipients this year the other being my good friend and colleague, Senator BARBARA MIKULSKI of Maryland, one of the Senate's greatest advocates and indeed voices for women, I can tell you this is an accolade I will cherish forever. And that it was presented to me by such a remarkable woman made the occasion all the more poignant and special.

Indeed, Vivian is as phenomenal as she is inspirational—and her monumental legacy at the National Institutes of Health and across the country will reverberate for generations. Nearly 20 years after she first took the helm of the Office of Research on Women's Health and a career later, it is incredible to see how far we have come due in no small part to her indelible efforts as a legendary and tireless advocate.

Simply put, Vivian paved the way in America for women's health research and continues to be an unrivaled force for the greater good. In addition to her many accomplishments at the Office of Research on Women's Health, her numerous awards and honors—including her induction as a fellow of the American Academy of Arts and Sciences in 1994, the Elizabeth Blackwell award from the American Medical Women's Association, and her election to the Institute of Medicine in 1995, just to name a few—are truly indicative of her selfless and boundless commitment. And we couldn't be more grateful.

The timeline of America's consciousness about women's health fittingly parallels Vivian's unmatched trajectory of public service in medicine. In 1990—with Vivian's help and my strong support in close bipartisan, bicameral collaboration with Representative Pat Schroeder—with whom I cochaired the Congress—Caucus for Women's Issues, Representative Connie Morella who succeeded me as co-chair, Senator BARBARA MIKULSKI—our vital compatriot in the Senate, as well as dedicated patient advocates across the country, the groundbreaking Office of Research on Women's Health was established at the National Institutes of Health, with Vivian as the first full-time director in 1991.

Throughout her tenure, she worked endlessly to ensure that women's health became a priority at the National Institutes of Health, and have helped increase the number of women in leadership roles in research and academic institutions. Working with Vivian, our allies in Congress, leaders at the National Institutes of Health like Dr. Bernadine Healy, the former director who sadly passed away in August, as well as many other stakeholders nationwide, we secured more funding and greater attention to breast cancer, osteoporosis, ovarian and cervical cancer research through groundbreaking

programs like the Women's Health Initiative.

Vivian, you are a trailblazer, a pioneer, a visionary, and frankly, an icon of medicine. You saw what others could not see and led where others would not act, and for that we are forever in your debt. You have my very best wishes and my profound gratitude for all you have achieved for women and the Nation.

Thank you for allowing me to share my thoughts as Vivian embarks on this next chapter in her life.●

RECOGNIZING ISLANDPORT PRESS

● Ms. SNOWE. Mr. President, small businesses are the backbone of America's economy. These small firms, which number over 27 million, endeavor to create jobs and bring a sense of fiscal security into their local communities. That alone is commendable, but what is truly rare among small businesses is the one that seeks to promote their home State's vast historical and cultural heritage, igniting a sense of deep pride in the community and sharing this pride with others. With this rare quality in mind, today I recognize and commend Islandport Press, an independent book publisher, located in the coastal Maine town of Yarmouth.

Eleven years ago, Dean Lunt had a dream of publishing books which detail the historical and cultural riches of Maine and New England. Growing up in Maine, Dean's grandmother encouraged him to write and share, with the rest of the world, the history of their own Long Island, a small island located off the coast of Maine. This inspired Mr. Lunt to write and publish Islandport Press's first book ''Hauling by Hand: The Life and Times of a Maine Island.'' This first book sold 3,000 copies, and inspired Mr. Lunt to continue publishing several books, always with an eye on increasing awareness about this historic region of our country.

In its efforts to continually develop and grow, Islandport Press has expanded into the ever vast literary world, publishing several categories of books that reflect the vast diversity of New England's people and places, and has simultaneously established itself as an award-winning publisher for children's books. In 2010, Islandport Press was honored with its first Moonbeam Children's Book Award, receiving the gold medal award in the category of Picture Book, All Ages, for ''The Fish House Door'' by Robert F. Baldwin and illustrated by Astrid Sheckels. Moonbeam Children's Book Awards honor exemplary children books with the goal of increasing childhood literacy and inspiring life-long reading. There are 38 award categories, ranging from Pictures Books, to Pre-Teen Fiction, to Best Book By A Young Author.

This year, Islandport Press was again honored with three books receiving awards. ''Mercy'' by Sarah Thompson was awarded the silver medal for Young Adult Fiction-Horror/Mystery; ''Farmyard Alphabet'' by Dahlov Ipcar was awarded the bronze medal for Best Board Book; and ''My Cat, Coon Cat'' by Sandy Fuller and Jeannie Brett, was awarded a silver medal in Best Picture Book for Ages 4–8. While these awards are certainly remarkable accomplishments for the individual authors and illustrators, they are also a testament to the keen eye that Dean has for promising and talented authors who offer substantive new literature.

Islandport Press is uniquely dedicated to promoting Maine and New England as part of its mission. Each Moonbeam award is a well-deserved reminder of the hard work and tireless effort of a dream that Dean Lunt had, to share his piece of Maine with the world. I am proud to extend my congratulations to everyone at Islandport Press for their dedication to excellence, and offer my best wishes for their continued success.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 10:49 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1280. An act to amend the Peace Corps Act to require sexual assault risk-reduction and response training, the development of a sexual assault policy, the establishment of an Office of Victim Advocacy, the establishment of a Sexual Assault Advisory Council, and for other purposes.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1002. An act to restrict any State or local jurisdiction from imposing a new discriminatory tax on cell phone services, providers, or property.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 13. Concurrent resolution reaffirming ''In God We Trust'' as the official motto of the United States and supporting and encouraging the public display of the national motto in all public buildings, public schools, and other government institutions.

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 31. Concurrent resolution directing the Secretary of the Senate to make a correction in the enrollment of S. 1280.

ENROLLED BILL SIGNED

At 12:36 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 368. An act to amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, and for other purposes.

The enrolled bill was subsequently signed by President pro tempore (Mr. INOUYE).

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1002. An act to restrict any State or local jurisdiction from imposing a new discriminatory tax on cell phone services, providers, or property; to the Committee on Finance.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 13. Concurrent resolution reaffirming ''In God We Trust'' as the official motto of the United States and supporting and encouraging the public display of the national motto in all public buildings, public schools, and other government institutions; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and ordered placed on the calendar:

S. 1786. A bill to facilitate job creation by reducing regulatory uncertainty, providing for rational evaluation of regulations, providing flexibilities to States and localities, providing for infrastructure spending, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–3720. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Salvage Discount Factors for 2011'' (Rev. Proc. 2011–54) received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2011; to the Committee on Finance.

EC–3721. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Unpaid Loss Discount Factors for 2011'' (Rev. Proc. 2011–53) received during adjournment of the Senate

in the Office of the President of the Senate on October 27, 2011; to the Committee on Finance.

EC–3722. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''2012 Cost-of-Living Adjustments to the International Revenue Code Tax Tables and Certain Other Tax Items'' (Rev. Proc. 2011–52) received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2011; to the Committee on Finance.

EC–3723. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Eligibility for Exemption from User Fee Requirement for Employee Plans Determination Letter Applications Filed After January 31, 2011'' (Notice 2011–86) received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2011; to the Committee on Finance.

EC–3724. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Guidance Regarding the Treatment of Stock of a Controlled Corporation under Section 355(a)(3)(B)'' ((RIN1545-BH49)(TD 9548)) received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2011; to the Committee on Finance.

EC–3725. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Applicable Federal Rates—November 2011'' (Rev. Rul. 2011–25) received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2011; to the Committee on Finance.

EC–3726. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Deduction for Qualified Film and Television Production Costs'' ((RIN1545-BJ24)(TD 9552)) received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2011; to the Committee on Finance.

EC–3727. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Disregarded Entities; Excise Taxes and Employment Taxes'' ((RIN1545-BH90)(TD 9553)) received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2011; to the Committee on Finance.

EC–3728. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, certification for the export of firearms, to include technical data, and defense services to the Government of India, Ministry of Home Affairs in the amount of $1,000,000 or more; to the Committee on Foreign Relations.

EC–3729. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement to include the export of defense articles, including, technical data, and defense services to the United Kingdom for the manufacture of an integrated network to be used for command and control functionality to support military and civil defense applications for chemical, biological, explosive, and radiological detection equipment; to the Committee on Foreign Relations.

EC–3730. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement to include the export of defense articles, including, technical data, and defense services to Australia to support the manufacture and transfer of the Optus-10 Commercial Communication Satellite in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–3731. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement to include the export of defense articles, including, technical data, and defense services to support the Configuration 3 Upgrade and Refurbishment of the Patriot Missile Air Defense Systems and Radar for end-use by the Royal Saudi Air Defense Force in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–3732. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a technical assistance license agreement to include the export of defense articles, including, technical data, and defense services to Singapore to support the integration of Satellite Communication (SATCOM) radios and Helicopter Integrated Electronic Warfare System (HIEWS) equipment for the upgrade of AH-64D Apache helicopters in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–3733. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement to include the export of defense articles, including, technical data, and defense services to the Republic of Colombia for the repair, modernization, standardization, follow-on support and performance upgrade of UH-60A helicopters in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–3734. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a technical assistance agreement to include the export of defense articles, including, technical data, and defense services to the United Kingdom relating to the Fine Track System Kits in the amount of $100,000,000 or more; to the Committee on Foreign Relations.

EC–3735. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a manufacturing license agreement to include the export of defense articles, including, technical data, and defense services for the manufacture and sales of Distraction Chaff Rounds in the amount of $13,200,000 or more; to the Committee on Foreign Relations.

EC–3736. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the proposed removal from the U.S. Munitions List of all chemical toilets and their related components; to the Committee on Foreign Relations.

EC–3737. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2011–0161—2011–0166); to the Committee on Foreign Relations.

EC–3738. A communication from the Chair of the U.S. Preventive Services Task Force, transmitting, pursuant to law, a report entitled ''First Annual Report to Congress on High-Priority Evidence Gaps for Clinical Preventive Services''; to the Committee on Health, Education, Labor, and Pensions.

EC–3739. A communication from the Chair of the Community Preventive Services Task Force, transmitting, pursuant to law, the Task Force's first Annual Report to Congress; to the Committee on Health, Education, Labor, and Pensions.

EC–3740. A communication from the Director, Office of Labor-Management Standards, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Labor Organization Officer and Employee Reports; Final Rule'' (RIN1215-AB74 and RIN1245-AA01) received during adjournment of the Senate in the Office of the President of the Senate on October 28, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC–3741. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from the Piqua Organic Moderated Reactor in Piqua, Ohio, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–3742. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from the Norton Company in Worcester, Massachusetts, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–3743. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Investment Advice—Participants and Beneficiaries'' (RIN1210-AB35) received during recess of the Senate in the Office of the President of the Senate on October 25, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC–3744. A communication from the Deputy Administrator, Wage and Hour Division, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Nondisplacement of Qualified Workers Under Service Contracts'' (RIN1215-AB69; RIN1235-AA02) received during recess of the Senate in the Office of the President of the Senate on October 25, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC–3745. A communication from the Special Master, Civil Division, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''James Zadroga 9/11 Health and Compensation Act of 2010; Final Rule; Correction'' (RIN1105-AB39) received in the Office of the President of the Senate on October 20, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC–3746. A communication from the Section Chief of the Division of Individual Exemptions, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Prohibited Transaction Exemption Procedures; Employee Benefit Plans'' (RIN1210-AB49) received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC–3747. A communication from the Archivist of the United States, National Archives and Records Administration, transmitting,

pursuant to law, a report relative to the Administration's Fiscal Year 2011 Commercial Activities Inventory and Inherently Governmental Inventory; to the Committee on Homeland Security and Governmental Affairs.

EC–3748. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''CBP Audit Procedures; Use of Sampling Methods and Offsetting of Overpayments and Over-Declarations'' (RIN1515-AD65) received in the Office of the President of the Senate on October 19, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–3749. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–198 ''New Issue Bond Program Tax Exemption Amendment Act of 2011''; to the Committee on Homeland Security and Governmental Affairs.

EC–3750. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–199 ''The Park at LeDroit Designation Act of 2011''; to the Committee on Homeland Security and Governmental Affairs.

EC–3751. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–200 ''Closing of a Portion of a Public Alley in Square 1027, S.O. 06–5762, Act of 2011''; to the Committee on Homeland Security and Governmental Affairs.

EC–3752. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–201 ''Health Benefits Plan Grievance Temporary Amendment Act of 2011''; to the Committee on Homeland Security and Governmental Affairs.

EC–3753. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–202 ''Child Abuse and Treatment Temporary Amendment Act of 2011''; to the Committee on Homeland Security and Governmental Affairs.

EC–3754. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–203 ''Residential Parking Protection Pilot Temporary Amendment Act of 2011''; to the Committee on Homeland Security and Governmental Affairs.

EC–3755. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–212 ''Public Sector Workers' Compensation Return to Work Clarifying Temporary Amendment Act of 2011''; to the Committee on Homeland Security and Governmental Affairs.

EC–3756. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–209 ''Rita B. Bright Family and Youth Center Designation Act of 2011''; to the Committee on Homeland Security and Governmental Affairs.

EC–3757. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–210 ''Closing of a Portion of the Public Alley in Square 2905, S.O. 11–4751, Act of 2011''; to the Committee on Homeland Security and Governmental Affairs.

EC–3758. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–211 ''Martin Luther King, Jr. Drive Designation Act of 2011''; to the Committee on Homeland Security and Governmental Affairs.

EC–3759. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–213 ''Public Space Permit Fee Waiver Temporary Amendment Act of 2011''; to the Committee on Homeland Security and Governmental Affairs.

EC–3760. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–214 ''Green Building Technical Corrections Temporary Amendment Act of 2011''; to the Committee on Homeland Security and Governmental Affairs.

EC–3761. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–215 ''Meridian Public Charter School-Harrison Campus Property Tax Exemption Temporary Amendment Act of 2011''; to the Committee on Homeland Security and Governmental Affairs.

EC–3762. A communication from the Chairman of the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the Inspector General's Semiannual Report for the six-month period from April 1, 2011 through September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–3763. A communication from the Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Preventing Personal Conflicts of Interest for Contractor Employees Performing Acquisition Functions'' ((RIN9000-AL46)(FAC 2005–54)) received in the Office of the President of the Senate on October 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–3764. A communication from the Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Successor Entities to the Netherlands Antilles'' ((RIN9000-AM11)(FAC 2005–54)) received in the Office of the President of the Senate on October 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–3765. A communication from the Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Labor Relations Costs'' ((RIN9000-AL39)(FAC 2005–54)) received in the Office of the President of the Senate on October 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–3766. A communication from the Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Technical Amendments'' (FAC 2005–54) received in the Office of the President of the Senate on October 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–3767. A communication from the Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Small Entity Compliance Guide'' (FAC 2005–54) received in the Office of the President of the Senate on October 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–3768. A communication from the Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2005–54; Introduction'' (FAC 2005–54) received in the Office of the President of the Senate on October 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–3769. A communication from the Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Notification of Employee Rights Under the National Labor Relations Act'' ((RIN9000-AL76)(FAC 2005–54)) received in the Office of the President of the Senate on October 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–3770. A communication from the Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Certification Requirement and Procurement Prohibition Relating to Iran Sanctions'' ((RIN9000-AL71)(FAC 2005–54)) received in the Office of the President of the Senate on October 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–3771. A communication from the Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Small Disadvantaged Business Self-Certification'' ((RIN9000-AL77)(FAC 2005–54)) received in the Office of the President of the Senate on October 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–3772. A communication from the Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Sudan Waiver Process'' ((RIN9000-AL65)(FAC 2005–54)) received in the Office of the President of the Senate on October 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–3773. A communication from the Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Set-Asides for Small Business'' ((RIN9000-AM12)(FAC 2005–54)) received in the Office of the President of the Senate on October 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–3774. A communication from the Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Representation Regarding Export of Sensitive Technology to Iran'' ((RIN9000-AL91)(FAC 2005–54)) received in the Office of the President of the Senate on October 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. ROCKEFELLER for the Committee on Commerce, Science, and Transportation.

*Michael A. Khouri, of Kentucky, to be a Federal Maritime Commissioner for a term expiring June 30, 2016.

*Albert DiClemente, of Delaware, to be a Director of the Amtrak Board of Directors for a term of five years.

*Robert L. Sumwalt III, of South Carolina, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2016.

*Coast Guard nomination of Capt. Kurt B. Hinrichs, to be Rear Admiral (Lower Half).

*Coast Guard nominations beginning with Captain Mark E. Butt and ending with Captain Joseph A. Servidio, which nominations were received by the Senate and appeared in the Congressional Record on September 15, 2011.

Mr. ROCKEFELLER. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

*Coast Guard nomination of Gregory L. Parsons, to be Lieutenant Commander.

*Coast Guard nominations beginning with Michael B. Bee and ending with James W. Whitley, which nominations were received by the Senate and appeared in the Congressional Record on October 11, 2011.

*Coast Guard nominations beginning with Paul Albertson and ending with Michael L. Woolard, which nominations were received by the Senate and appeared in the Congressional Record on October 11, 2011.

*Coast Guard nominations beginning with Ricardo M. Alonso and ending with Torrence B. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on October 11, 2011.

*Coast Guard nomination of Kenneth W. Megan, to be Captain.

*Coast Guard nomination of Jennifer A. Ketchum, to be Commander.

*Coast Guard nominations beginning with Alonzo D. Alday and ending with Peter J. Zauner, which nominations were received by the Senate and appeared in the Congressional Record on October 31, 2011.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MERKLEY (for himself, Mr. ENZI, Mr. BARRASSO, Mr. SCHUMER, Mr. LEVIN, and Ms. SNOWE):

S. 1779. A bill to require the United States Trade Representative to notify the World Trade Organization if any member of the World Trade Organization fails during 2 consecutive years to disclose subsidies under the Agreement on Subsidies and Countervailing Measures, and for other purposes; to the Committee on Finance.

By Mr. HELLER:

S. 1780. A bill to amend the Communications Act of 1934 to consolidate the reporting obligations of the Federal Communications Commission in order to improve congressional oversight and reduce reporting burdens; to the Committee on Commerce, Science, and Transportation.

By Mr. BINGAMAN (for himself and Ms. COLLINS):

S. 1781. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes; to the Committee on Finance.

By Mr. LAUTENBERG (for himself, Mr. KERRY, Mr. MENENDEZ, Mr. BLUMENTHAL, Mr. AKAKA, Mr. FRANKEN, and Mr. DURBIN):

S. 1782. A bill to provide for the reduction in unintended pregnancy and sexually transmitted infections, including HIV, and the promotion of healthy relationships, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. LANDRIEU (for herself and Mr. VITTER):

S. 1783. A bill to amend title 46, United States Code, to require the Maritime Administrator, in making determinations regarding the non-availability of qualified United States flag capacity to meet national defense requirements, to identify any actions that could be taken to enable such capacity to meet some or all of those requirements, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HELLER:

S. 1784. A bill to amend the Communications Act of 1934 to provide for greater transparency and efficiency in the procedures followed by the Federal Communications Commission; to the Committee on Commerce, Science, and Transportation.

By Mr. BLUMENTHAL:

S. 1785. A bill to amend the Internal Revenue Code of 1986 to provide work opportunity tax credits for the hiring of long-term unemployed workers; to the Committee on Finance.

By Mr. HATCH:

S. 1786. A bill to facilitate job creation by reducing regulatory uncertainty, providing for rational evaluation of regulations, providing flexibilities to States and localities, providing for infrastructure spending, and for other purposes; placed on the calendar.

By Mr. HARKIN (for himself, Mr. SANDERS, and Mr. BROWN of Ohio):

S. 1787. A bill to amend the Internal Revenue Code of 1986 to impose a tax on certain trading transactions; to the Committee on Finance.

By Mr. REID (for himself and Mr. HELLER):

S. 1788. A bill to designate the Pine Forest Range Wilderness area in Humboldt County, Nevada; to the Committee on Energy and Natural Resources.

By Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. CARPER, and Mr. BROWN of Massachusetts):

S. 1789. A bill to improve, sustain, and transform the United States Postal Service; to the Committee on Homeland Security and Governmental Affairs.

By Ms. AYOTTE (for herself and Mr. MCCAIN):

S. 1790. A bill to modify the Financial Improvement and Audit Readiness Plan to provide that the full statement of budget resources of the Department of Defense is complete and validated by not later than September 30, 2014; to the Committee on Armed Services.

By Mr. BROWN of Massachusetts:

S. 1791. A bill to amend the securities laws to provide for registration exemptions for certain crowdfunded securities, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. WHITEHOUSE:

S. 1792. A bill to clarify the authority of the United States Marshals Service to assist other Federal, State, and local law enforcement agencies in the investigation of cases involving sex offenders and missing children; to the Committee on the Judiciary.

By Mr. WHITEHOUSE:

S. 1793. A bill to amend title 28, United States Code, to clarify the statutory authority for the longstanding practice of the Department of Justice of providing investigatory assistance on request of State and local authorities with respect to certain serious violent crimes, and for other purposes; to the Committee on the Judiciary.

By Mr. BLUMENTHAL:

S. 1794. A bill to correct and simplify the drafting of section 1752 (relating to restricted buildings or grounds) of title 18, United States Code; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WYDEN (for himself, Ms. AYOTTE, Mrs. SHAHEEN, Mr. BEGICH, Mr. MERKLEY, and Mr. HELLER):

S. Res. 309. A resolution supporting the preservation of Internet entrepreneurs and small businesses; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 296

At the request of Ms. KLOBUCHAR, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 296, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide the Food and Drug Administration with improved capacity to prevent drug shortages.

S. 431

At the request of Mr. PRYOR, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 431, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first Federal law enforcement agency, the United States Marshals Service.

S. 543

At the request of Mr. WYDEN, the names of the Senator from Florida (Mr. RUBIO) and the Senator from Nevada (Mr. HELLER) were added as cosponsors of S. 543, a bill to restrict any State or local jurisdiction from imposing a new discriminatory tax on cell phone services, providers, or property.

S. 604

At the request of Mr. WYDEN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 604, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the Medicare program, and for other purposes.

S. 687

At the request of Mr. CORNYN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 687, a bill to amend the Internal Revenue Code of 1986 to permanently extend the 15-year recovery period for qualified leasehold improvement property, qualified restaurant property, and qualified retail improvement property.

S. 720

At the request of Mr. THUNE, the names of the Senator from Illinois (Mr. KIRK) and the Senator from Ohio (Mr. PORTMAN) were added as cosponsors of S. 720, a bill to repeal the CLASS program.

S. 738

At the request of Ms. STABENOW, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 738, a bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of comprehensive Alzheimer's disease and related dementia diagnosis and services in order to improve care and outcomes for Americans living with Alzheimer's disease and related dementias by improving detection, diagnosis, and care planning.

S. 968

At the request of Mr. LEAHY, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 968, a bill to prevent online threats to economic creativity and theft of intellectual property, and for other purposes.

S. 1106

At the request of Mr. KOHL, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1106, a bill to authorize Department of Defense support for programs on pro bono legal assistance for members of the Armed Forces.

S. 1181

At the request of Mr. GRASSLEY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1181, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Future Farmers of America Organization and the 85th anniversary of the founding of the National Future Farmers of America Organization.

S. 1301

At the request of Mr. LEAHY, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1301, a bill to authorize appropriations for fiscal years 2012 to 2015 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in person, and for other purposes.

S. 1335

At the request of Mr. INHOFE, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1335, a bill to amend title 49, United States Code, to provide rights for pilots, and for other purposes.

S. 1392

At the request of Ms. COLLINS, the name of the Senator from Indiana (Mr. COATS) was added as a cosponsor of S. 1392, a bill to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes.

S. 1440

At the request of Mr. BENNET, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1440, a bill to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

S. 1460

At the request of Mr. BAUCUS, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1460, a bill to grant the congressional gold medal, collectively, to the First Special Service Force, in recognition of its superior service during World War II.

S. 1527

At the request of Mrs. HAGAN, the names of the Senator from Nevada (Mr. HELLER) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 1527, a bill to authorize the award of a Congressional gold medal to the Montford Point Marines of World War II.

S. 1539

At the request of Mr. CORNYN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1539, a bill to provide Taiwan with critically needed United States-built multirole fighter aircraft to strengthen its self-defense capability against the increasing military threat from China.

S. 1571

At the request of Mr. ISAKSON, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from North Dakota (Mr. HOEVEN) were added as cosponsors of S. 1571, a bill to amend title I of the Elementary and Secondary Education Act of 1965, and for other purposes.

S. 1575

At the request of Mr. CARDIN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1575, a bill to amend the Internal Revenue Code of 1986 to modify the depreciation recovery period for energy-efficient cool roof systems.

S. 1616

At the request of Mr. ENZI, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1616, a bill to amend the Internal Revenue Code of 1986 to exempt certain stock of real estate investment trusts from the tax on foreign investments in United States real property interests, and for other purposes.

S. 1651

At the request of Mr. SESSIONS, the names of the Senator from Utah (Mr. LEE) and the Senator from Kentucky (Mr. PAUL) were added as cosponsors of S. 1651, a bill to provide for greater transparency and honesty in the Federal budget process.

S. 1704

At the request of Ms. AYOTTE, the names of the Senator from Arizona (Mr. MCCAIN) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. 1704, a bill to amend title 10, United States Code, to modify certain authorities relating to the strategic airlift aircraft force structure of the Air Force.

S. 1707

At the request of Mr. BURR, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1707, a bill to amend title 38, United States Code, to clarify the conditions under which certain persons may be treated as adjudicated mentally incompetent for certain purposes.

S. 1731

At the request of Mr. GRASSLEY, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1731, a bill to improve the prohibitions on money laundering, and for other purposes.

S. 1762

At the request of Mr. BROWN of Massachusetts, the names of the Senator from New Hampshire (Ms. AYOTTE), the Senator from Wyoming (Mr. BARRASSO), the Senator from Missouri (Mr. BLUNT), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Oklahoma (Mr. INHOFE), the Senator from Nebraska (Mr. JOHANNS), the Senator from Idaho (Mr. RISCH) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S. 1762, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities and to amend the Internal Revenue Code of 1986 to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain healthcare-related programs.

S. 1769

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 1769, a bill to put workers back on the job while rebuilding and modernizing America.

At the request of Mr. ROCKEFELLER, his name was added as a cosponsor of S. 1769, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID (for himself and Mr. HELLER):

S. 1788. A bill to designate the Pine/Forest Range Wilderness area in Humboldt County, Nevada; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, I rise today to introduce the Pine Forest Recreation Enhancement Act of 2011.

The entire Nevada congressional delegation has joined together in support of this important legislation for northern Nevada. The Pine Forest Recreation Enhancement Act would designate 26,000 acres of public lands within the Blue Lakes and Alder Creek Wilderness Study Areas, WSAs, as the Pine Forest Range Wilderness Area while releasing 1,1500 acres of existing WSA lands. The bill also directs the

Bureau of Land Management, BLM, to exchange federal lands nearby ranches in Humboldt County for private parcels within the existing WSAs. These exchanges will allow the BLM to more effectively manage the wilderness area and increase the economic opportunities for the adjacent ranches by providing land for agricultural uses.

This bill is the product of a comprehensive local process that took into consideration the concerns of local landowners, sportsmen, conservationists, and other interested parties in Humboldt County. This diverse group of stakeholders came together to develop this compromise proposal through a series of public meetings and field trips. This process was so successful that, for the first time that I can remember, a wilderness proposal was presented to our delegation with almost unanimous support and the Nevada State Legislature passed a joint resolution endorsing the work of the County commission and the Pine Forest Working Group.

Beyond the widespread state and local support, there is no question that the pristine natural lands and wildlife habitat in the Blue Lakes and Alder Creek WSA should receive the strongest level of protection we can provide for public lands. Rising from the confluence of the Great Basin and Owyhee deserts, the Pine Forest Range boasts high alpine lakes surrounded by granite spires that are home to a variety of large trout including our Lahontan Cutthroat trout that is native only to Nevada. The thick forests of aspen and pine that blanket these mountains provide a stronghold for mule deer, pronghorn, and bighorn sheep. The area is also well known by sportsmen across the west for its world class chukar hunting; a favorite fall pastime for many Nevadans.

Protecting these untouched natural lands in Nevada is important to me and to the people of Humboldt County. I want to thank each member of the Humboldt County Commission, Garley Amos, Mike Bell, Tom Fransway, Dan Cassinelli, and Jim French as well as Bill Deese for their work to bring this legislation to fruition. I would also like to express my gratitude to Jim Jeffress from Trout Unlimited, Shaaron Netherton from the Friends of Nevada Wilderness, and the other members of the Pine Forest Range working group for their tireless efforts that have been universally recognized as the gold standard for developing wilderness proposals.

I look forward to working with Chairman BINGAMAN, Ranking Member MURKOWSKI and the other distinguished members of the Senate Energy Committee to move this legislation forward in the near future.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1788

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Pine Forest Range Recreation Enhancement Act of 2011''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.
Sec. 4. Addition to national wilderness preservation system.
Sec. 5. Administration.
Sec. 6. Adjacent management.
Sec. 7. Military overflights.
Sec. 8. Native American cultural and religious uses.
Sec. 9. Release of wilderness study areas.
Sec. 10. Wildlife management.
Sec. 11. Wildfire, insect, and disease management.
Sec. 12. Climatological data collection.
Sec. 13. Land exchanges.

SEC. 2. FINDINGS.

Congress finds that—

(1) public land in the Pine Forest Range contains unique and spectacular natural resources, including—

(A) priceless habitat for numerous species of plants and wildlife; and

(B) thousands of acres of land that remain in a natural state;

(2) continued preservation of the public land would benefit the County and the United States by—

(A) ensuring the conservation of ecologically diverse habitat;

(B) protecting prehistoric cultural resources;

(C) conserving primitive recreational resources; and

(D) protecting air and water quality; and

(3) designation of the Pine Forest Range as a wilderness area is supported by the State, units of local governments, and the surrounding communities.

SEC. 3. DEFINITIONS.

In this Act:

(1) COUNTY.—The term ''County'' means Humboldt County, Nevada.

(2) MAP.—The term ''Map'' means the map entitled ''Proposed Pine Forest Wilderness Area'' and dated May 4, 2011.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(4) STATE.—The term ''State'' means the State of Nevada.

SEC. 4. ADDITION TO NATIONAL WILDERNESS PRESERVATION SYSTEM.

(a) DESIGNATION.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 26,000 acres, as generally depicted on the Map is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the ''Pine Forest Range Wilderness''.

(b) BOUNDARY.—

(1) ROAD ACCESS.—The boundary of any portion of the wilderness area designated by subsection (a) that is bordered by a road shall be at least 100 feet away from the edge of the road to allow public access.

(2) ROAD ADJUSTMENTS.—The Secretary shall—

(A) reroute the road running through Long Meadow to the west to remove the road from the riparian area;

(B) reroute the road currently running through Rodeo Flat Meadow to the east to remove the road from the riparian area; and

(C) close, except for administrative use, the road along Lower Alder Creek south of Bureau of Land Management road #2083.

(3) RESERVOIR ACCESS.—The boundary of the wilderness area designated by subsection (a) shall be at least 160 feet downstream from the dam at Little Onion Reservoir to allow public access.

(c) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of the wilderness area designated by subsection (a) with—

(A) the Committee on Natural Resources of the House of Representatives; and

(B) the Committee on Energy and Natural Resources of the Senate.

(2) EFFECT.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the map or legal description.

(3) AVAILABILITY.—Each map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(d) WITHDRAWAL.—Subject to valid existing rights, the wilderness area designated by subsection (a) is withdrawn from—

(1) all forms of entry, appropriation, and disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

SEC. 5. ADMINISTRATION.

(a) MANAGEMENT.—Subject to valid existing rights, the land designated as wilderness by this Act shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in that Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(2) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary.

(b) LIVESTOCK.—Within the wilderness area designated by this Act, the grazing of livestock in areas administered by the Bureau of Land Management in which grazing is established as of the date of enactment of this Act shall be allowed to continue—

(1) subject to such reasonable regulations, policies, and practices as the Secretary considers to be necessary; and

(2) consistent with section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)), including the guidelines set forth in Appendix A of House Report 101–405.

(c) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest in land within the boundaries of the area designated as wilderness by this Act that is acquired by the United States after the date of enactment of this Act shall be added to and administered as part of the wilderness area.

(d) WATER RIGHTS.—

(1) FINDINGS.—Congress finds that—

(A) the land designated as wilderness by this Act is located—

(i) in the semiarid region of the Great Basin; and

(ii) at the headwaters of the streams and rivers on land with respect to which there are few, if any—

(I) actual or proposed water resource facilities located upstream; and

(II) opportunities for diversion, storage, or other uses of water occurring outside the land that would adversely affect the wilderness values of the land;

(B) the land designated as wilderness by this Act is generally not suitable for use or development of new water resource facilities; and

(C) because of the unique nature of the land designated as wilderness by this Act, it is possible to provide for proper management and protection of the wilderness and other values of land in ways different from those used in other laws.

(2) PURPOSE.—The purpose of this section is to protect the wilderness values of the land designated as wilderness by this Act by means other than a federally reserved water right.

(3) STATUTORY CONSTRUCTION.—Nothing in this Act—

(A) constitutes an express or implied reservation by the United States of any water or water rights with respect to a wilderness designated by this Act;

(B) affects any water rights in the State (including any water rights held by the United States) in existence on the date of enactment of this Act;

(C) establishes a precedent with regard to any future wilderness designations;

(D) affects the interpretation of, or any designation made under, any other Act; or

(E) limits, alters, modifies, or amends any interstate compact or equitable apportionment decree that apportions water among and between the State and other States.

(4) NEVADA WATER LAW.—The Secretary shall follow the procedural and substantive requirements of State law in order to obtain and hold any water rights not in existence on the date of enactment of this Act with respect to the wilderness area designated by this Act.

(5) NEW PROJECTS.—

(A) DEFINITION OF WATER RESOURCE FACILITY.—

(i) IN GENERAL.—In this paragraph, the term ''water resource facility'' means irrigation and pumping facilities, reservoirs, water conservation works, aqueducts, canals, ditches, pipelines, wells, hydropower projects, transmission and other ancillary facilities, and other water diversion, storage, and carriage structures.

(ii) EXCLUSION.—In this paragraph, the term ''water resource facility'' does not include wildlife guzzlers.

(B) RESTRICTION ON NEW WATER RESOURCE FACILITIES.—Except as otherwise provided in this Act, on or after the date of enactment of this Act, neither the President nor any other officer, employee, or agent of the United States shall fund, assist, authorize, or issue a license or permit for the development of any new water resource facility within a wilderness area, any portion of which is located in the County.

SEC. 6. ADJACENT MANAGEMENT.

(a) IN GENERAL.—Congress does not intend for the designation of land as wilderness by this Act to create a protective perimeter or buffer zone around the wilderness area.

(b) NONWILDERNESS ACTIVITIES.—The fact that nonwilderness activities or uses can be seen or heard from areas within the wilderness designated by this Act shall not preclude the conduct of the activities or uses outside the boundary of the wilderness area.

SEC. 7. MILITARY OVERFLIGHTS.

Nothing in this Act restricts or precludes—

(1) low-level overflights of military aircraft over the area designated as wilderness by this Act, including military overflights that can be seen or heard within the wilderness area;

(2) flight testing and evaluation; or

(3) the designation or creation of new units of special use airspace, or the establishment of military flight training routes, over the wilderness area.

SEC. 8. NATIVE AMERICAN CULTURAL AND RELIGIOUS USES.

Nothing in this Act diminishes—

(1) the rights of any Indian tribe; or

(2) tribal rights regarding access to Federal land for tribal activities, including spiritual, cultural, and traditional food-gathering activities.

SEC. 9. RELEASE OF WILDERNESS STUDY AREAS.

(a) FINDING.—Congress finds that, for the purposes of section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), the Bureau of Land Management land in any portion of the Blue Lakes and Alder Creek wilderness study areas not designated as wilderness by section 4(a) has been adequately studied for wilderness designation.

(b) RELEASE.—Any public land described in subsection (a) that is not designated as wilderness by this Act—

(1) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c));

(2) shall be managed in accordance with—

(A) land management plans adopted under section 202 of that Act (43 U.S.C. 1712); and

(B) cooperative conservation agreements in existence on the date of enactment of this Act; and

(3) shall be subject to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

SEC. 10. WILDLIFE MANAGEMENT.

(a) IN GENERAL.—In accordance with section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this Act affects or diminishes the jurisdiction of the State with respect to fish and wildlife management, including the regulation of hunting, fishing, and trapping, in the wilderness area designated by this Act.

(b) MANAGEMENT ACTIVITIES.—In furtherance of the purposes and principles of the Wilderness Act (16 U.S.C. 1131 et seq.), management activities to maintain or restore fish and wildlife populations and the habitats to support the populations may be carried out within the wilderness area designated by this Act, if the activities are carried out—

(1) consistent with relevant wilderness management plans; and

(2) in accordance with—

(A) the Wilderness Act (16 U.S.C. 1131 et seq.); and

(B) appropriate policies, such as those set forth in Appendix B of House Report 101–405, including the occasional and temporary use of motorized vehicles if the use, as determined by the Secretary, would promote healthy, viable, and more naturally distributed wildlife populations that would enhance wilderness values with the minimal impact necessary to reasonably accomplish those tasks.

(c) EXISTING ACTIVITIES.—Consistent with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and in accordance with appropriate policies such as those set forth in Appendix B of House Report 101–405, the State may continue to use aircraft, including helicopters, to survey, capture, transplant, monitor, and provide water for wildlife populations.

(d) WILDLIFE WATER DEVELOPMENT PROJECTS.—Subject to subsection (f), the Secretary shall authorize structures and facilities, including existing structures and facilities, for wildlife water development projects, including guzzlers, in the wilderness areas designated by section 4(a) if—

(1) the structures and facilities will, as determined by the Secretary, enhance wilderness values by promoting healthy, viable, and more naturally distributed wildlife populations; and

(2) the visual impacts of the structures and facilities on the wilderness areas can reasonably be minimized.

(e) HUNTING, FISHING, AND TRAPPING.—

(1) IN GENERAL.—The Secretary may designate, by regulation, areas in which, and establish periods during which, for reasons of public safety, administration, or compliance with applicable laws, no hunting, fishing, or trapping will be permitted in the wilderness areas designated by section 4(a).

(2) CONSULTATION.—Except in emergencies, the Secretary shall consult with the appropriate State agency before promulgating regulations under paragraph (1).

(f) COOPERATIVE AGREEMENT.—

(1) IN GENERAL.—The State, including a designee of the State, may conduct wildlife management activities in the wilderness area designated by this Act—

(A) in accordance with the terms and conditions specified in the cooperative agreement between the Secretary and the State entitled ''Memorandum of Understanding between the Bureau of Land Management and the Nevada Department of Wildlife Supplement No. 9'' and signed November and December 2003, including any amendments to the cooperative agreement agreed to by the Secretary and the State; and

(B) subject to all applicable laws (including regulations).

(2) REFERENCES; CLARK COUNTY.—For the purposes of this subsection, any reference to Clark County in the cooperative agreement described in paragraph (1)(A) shall be considered to be a reference to the Pine Forest Range Wilderness.

SEC. 11. WILDFIRE, INSECT, AND DISEASE MANAGEMENT.

(a) IN GENERAL.—Consistent with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), the Secretary may take such measures in the wilderness designated by this Act as may be necessary for the control of fire, insects, and diseases (including, as the Secretary determines to be appropriate, the coordination of the activities with a State or local agency).

(b) EFFECT.—Nothing in this Act precludes a Federal, State, or local agency from conducting wildfire management operations (including operations using aircraft or mechanized equipment).

SEC. 12. CLIMATOLOGICAL DATA COLLECTION.

If the Secretary determines that hydrologic, meteorologic, or climatological collection devices are appropriate to further the scientific, educational, and conservation purposes of the wilderness area designated by this Act, nothing in this Act precludes the installation and maintenance of the collection devices within the wilderness area.

SEC. 13. LAND EXCHANGES.

(a) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—The term ''Federal land'' means Federal land in the County that—

(A) is not segregated or withdrawn on or after the date of enactment of this Act;

(B) is identified for disposal by the Bureau of Land Management through the Winnemucca Resource Management Plan; and

(C) is determined by the Bureau of Land Management to be appropriate for exchange consistent with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(2) NON-FEDERAL LAND.—The term ''non-Federal land'' means land identified on the Map as ''non-Federal lands for exchange''.

(b) ACQUISITION OF LAND AND INTERESTS IN LAND.—

(1) IN GENERAL.—Consistent with applicable law and subject to subsection (c), the Secretary may exchange the Federal land for non-Federal land.

(2) INCORPORATION OF ACQUIRED LAND.—Any non-Federal land or interest in non-Federal land in, or adjoining the boundary of, the Pine Forest Range Wilderness Area that is acquired by the United States shall be added

to, and administered as part of, the Pine Forest Range Wilderness Area.

(c) CONDITIONS.—Each land exchange under subsection (a) shall be subject to—

(1) the condition that the owner of the non-Federal land pay not less than 50 percent of all costs relating to the land exchange, including the costs of appraisals, surveys, and any necessary environmental clearances; and

(2) such additional terms and conditions as the Secretary may require.

(d) DEADLINE FOR COMPLETION OF LAND EXCHANGE.—It is the intent of Congress that the land exchanges under this section be completed by not later than 5 years after the date of enactment of this Act.

By Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. CARPER, and Mr. BROWN of Massachusetts):

S. 1789. A bill to improve, sustain, and transform the United States Postal Service; to the Committee on Homeland Security and Governmental Affairs.

Mr. LIEBERMAN. Mr. President, today Senators COLLINS, CARPER, SCOTT BROWN of Massachusetts, and I are introducing bipartisan, compromise legislation to rescue the United States Postal Service, USPS, from financial ruin and secure its commercial health into the future.

Five years ago, Senators COLLINS and CARPER led Congress in the adoption of postal reform legislation. The speed of the migration to internet communications, combined with the recent economic downturn, means we need to revisit the Postal Service's financial viability again. This year, Senator BROWN and I joined Senators COLLINS and CARPER in proposing the 21st Century Postal Service Act.

The Postal Service needs a fundamental restructuring of the way it meets its obligations to the public, to its customers—including individual and business mailers—and to its employees. If our reform legislation is adopted, we are confident this time USPS, which was founded in the 18th century, will survive and flourish into the 21st.

Too many people still rely on the Postal Service for us to sit back and allow its demise. Despite a 22 percent drop in mail volume in four years, the Postal Service will deliver 167 billion pieces this year. It is the second largest private sector employer in our country after Wal-Mart and has 557,000 career employees. It has 32 thousand post offices, which represents more domestic retail outlets than Wal-Mart, Starbucks and McDonalds combined.

The financial health of the USPS has been deteriorating for years. But the rapid changeover to electronic communications and the recent economic downturn have swept it up into a financial death spiral. In this fiscal year, 2011, the Postal Service first projected a total loss of $8 billion. That was in July. By September, it revised its estimate and now says it will lose $10 billion. Unless major reform is adopted, the Postal Service will run out of money to deliver the mail sometime next summer.

That is why we are introducing this comprehensive legislation to put a number of cost saving measures in place. Let me summarize just a few of the most important provisions.

Of great interest to the American public will be our provision related to 5-day delivery. As you all know, the Postal Service has been pushing to reduce the number of days it delivers mail each week from six to five. USPS believes this will achieve $3 billion in savings.

Communities across the country, however, are deeply concerned about what this would mean for people who rely on Saturday delivery for critical medications or newspapers.

We are mindful of these concerns, so our legislation would bar the Postal Service from moving to 5-day delivery until two years after enactment of our bill and, in the meantime, reduce costs in other ways. The Government Accountability Office would have to verify that sufficient savings cannot be achieved without going to 5-day delivery. USPS also would have to identify customers and communities that might be disproportionately affected by 5-day delivery and develop remedies to address their concerns.

Our bill also recognizes that the Postal Service must continue to decrease the number of its employees. Thus, we authorize USPS to offer buyouts to help it transition to a smaller workforce. To ensure the Postal Service can pay for these buyouts, we direct the Office of Personnel Management to refund to the Postal Service what everyone agrees has been an overpayment by USPS into the Federal Employees Retirement System. Using this money to support buyouts, the Postmaster General believes he may be able to reduce the Postal Service workforce by as many as 100,000 employees over the next three years and save $8 billion a year.

To achieve healthcare savings, we would allow the Postal Service to work with its employee unions and the Office of Personnel Management to try to develop and agree on a new health plan for postal employees. The Postmaster General is confident that he and the postal unions can agree on an approach that could cut healthcare costs significantly, while retaining adequate benefits.

Finally, our bill would help USPS get out from under the onerous weight of its current pre-funding requirements for its retiree health benefits by recalibrating the payments and amortizing them over time. This, too, will provide significant financial relief to the Postal Service.

We know many of our proposals will be controversial. But without taking controversial steps, the Postal Service will not make it. We are pursuing broad changes rather than working around the edges to put the Postal Service back on the road to recovery. The Postmaster General has told us he needs to cut $20 billion from the USPS' annual budget, and we are giving him and his employees the tools to make that happen. The bottom line is we must act quickly to prevent a Postal Service collapse and we must act boldly to secure its future.

The U.S. Postal Service is not an 18th Century relic. It is a great 21st Century national asset. But times are changing rapidly and so too must the Postal Service, if it is to survive.

Mr. President, I ask unanimous consent that the text of the bill be printed In the RECORD.

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

S. 1789

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''21st Century Postal Service Act of 2011''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Definitions.

TITLE I—POSTAL WORKFORCE MATTERS

Sec. 101. Treatment of surplus contributions to Federal Employees Retirement System.
Sec. 102. Additional service credit.
Sec. 103. Medicare coverage for Postal Service Medicare eligible annuitants.
Sec. 104. Restructuring of payments for retiree health benefits.
Sec. 105. Postal Service Health Benefits Program.
Sec. 106. Arbitration; labor disputes.

TITLE II—POSTAL SERVICES AND OPERATIONS

Sec. 201. Postal facilities.
Sec. 202. Additional Postal Service planning.
Sec. 203. Area and district office structure.
Sec. 204. Retail service standards.
Sec. 205. Conversion of door delivery points.
Sec. 206. Limitations on changes to mail delivery schedule.
Sec. 207. Time limits for consideration of service changes.
Sec. 208. Public procedures for significant changes to mailing specifications.
Sec. 209. Nonpostal products and services.

TITLE III—FEDERAL EMPLOYEES' COMPENSATION ACT

Sec. 301. Short title; references.
Sec. 302. Federal workers compensation reforms for retirement-age employees.
Sec. 303. Augmented compensation for dependents.
Sec. 304. Schedule compensation payments.
Sec. 305. Vocational rehabilitation.
Sec. 306. Reporting requirements.
Sec. 307. Disability management review; independent medical examinations.
Sec. 308. Waiting period.
Sec. 309. Election of benefits.
Sec. 310. Sanction for noncooperation with field nurses.
Sec. 311. Subrogation of continuation of pay.
Sec. 312. Social Security earnings information.
Sec. 313. Amount of compensation.
Sec. 314. Technical and conforming amendments.
Sec. 315. Regulations.

TITLE IV—OTHER MATTERS

Sec. 401. Profitability plan.
Sec. 402. Postal rates.
Sec. 403. Cooperation with State and local governments; intra-Service agreements.
Sec. 404. Shipping of wine and beer.
Sec. 405. Annual report on United States mailing industry.
Sec. 406. Use of negotiated service agreements.
Sec. 407. Contract disputes.
Sec. 408. Contracting provisions.

SEC. 3. DEFINITIONS.

In this Act, the following definitions shall apply:

(1) COMMISSION.—The term ''Commission'' means the Postal Regulatory Commission.

(2) POSTAL SERVICE.—The term ''Postal Service'' means the United States Postal Service.

TITLE I—POSTAL WORKFORCE MATTERS

SEC. 101. TREATMENT OF SURPLUS CONTRIBUTIONS TO FEDERAL EMPLOYEES RETIREMENT SYSTEM.

Section 8423(b) of title 5, United States Code, is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following:

''(5)(A) In this paragraph, the term 'surplus postal contributions' means the amount by which the amount computed under paragraph (1)(B) is less than zero.

''(B) For each fiscal year in which the amount computed under paragraph (1)(B) is less than zero, upon request of the Postmaster General, the Director shall transfer to the United States Postal Service from the Fund an amount equal to the surplus postal contributions for that fiscal year for use in accordance with this paragraph.

''(C) For each of fiscal years 2012, 2013, and 2014, if the amount computed under paragraph (1)(B) is less than zero, a portion of the surplus postal contributions for the fiscal year shall be used by the United States Postal Service for the cost of providing to employees of the United States Postal Service who voluntarily separate from service before October 1, 2014—

''(i) voluntary separation incentive payments (including payments to employees who retire under section 8336(d)(2) or 8414(b)(1)(B) before October 1, 2014) that may not exceed the maximum amount provided under section 3523(b)(3)(B) for any employee; and

''(ii) retirement service credits, as authorized under section 8332(p) or 8411(m).

''(D) Any surplus postal contributions for a fiscal year not expended under subparagraph (C) may be used by the United States Postal Service for the purposes of—

''(i) repaying any obligation issued under section 2005 of title 39; or

''(ii) making required payments to—

''(I) the Employees' Compensation Fund established under section 8147;

''(II) the Postal Service Retiree Health Benefits Fund established under section 8909a;

''(III) the Employees Health Benefits Fund established under section 8909; or

''(IV) the Civil Service Retirement and Disability Fund.''.

SEC. 102. ADDITIONAL SERVICE CREDIT.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8332 of title 5, United States Code, is amended by adding at the end the following:

''(p)(1)(A) For an employee of the United States Postal Service who is covered under this subchapter and voluntarily separates from service before October 1, 2014, at the direction of the United States Postal Service, the Office shall add not more than 1 year (as specified by the United States Postal Service) to the total creditable service of the employee for purposes of determining entitlement to and computing the amount of an annuity under this subchapter (except for a disability annuity under section 8337).

''(B) An employee who receives additional creditable service under this paragraph may not receive a voluntary separation incentive payment from the United States Postal Service.

''(2)(A) Subject to subparagraph (B), and notwithstanding any other provision of law, no deduction, deposit, or contribution shall be required for service credited under this subsection.

''(B) The actuarial present value of the additional liability of the United States Postal Service to the Fund resulting from this subsection shall be included in the amount calculated under section 8348(h)(1)(A).''.

(b) FEDERAL EMPLOYEES RETIREMENT SYSTEM.—Section 8411 of title 5, United States Code, is amended by adding at the end the following:

''(m)(1)(A) For an employee of the United States Postal Service who is covered under this chapter and voluntarily separates from service before October 1, 2014, at the direction of the United States Postal Service, the Office shall add not more than 2 years (as specified by the United States Postal Service) to the total creditable service of the employee for purposes of determining entitlement to and computing the amount of an annuity under this chapter (except for a disability annuity under subchapter V of that chapter).

''(B) An employee who receives additional creditable service under this paragraph may not receive a voluntary separation incentive payment from the United States Postal Service.

''(2)(A) Subject to subparagraph (B), and notwithstanding any other provision of law, no deduction, deposit, or contribution shall be required for service credited under this subsection.

''(B) The actuarial present value of the additional liability of the United States Postal Service to the Fund resulting from this subsection shall be included in the amount calculated under section 8423(b)(1)(B).''.

SEC. 103. MEDICARE COVERAGE FOR POSTAL SERVICE MEDICARE ELIGIBLE ANNUITANTS.

(a) FEDERAL EMPLOYEES HEALTH BENEFITS PLANS.—

(1) IN GENERAL.—Chapter 89 of title 5, United States Code, is amended by inserting after section 8903b the following:

''§ 8903c. Postal Service Medicare eligible annuitants

''(a) DEFINITIONS.—In this section—

''(1) the term 'contract year' means a calendar year in which health benefits plans are administered under this chapter;

''(2) the term 'Medicare part A' means the Medicare program for hospital insurance benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.);

''(3) the term 'Medicare part B' means the Medicare program for supplementary medical insurance benefits under part B of title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.); and

''(4) the term 'Postal Service Medicare eligible annuitant' means an individual who—

''(A) is an annuitant covered under this chapter whose Government contribution is paid by the Postal Service under section 8906(g)(2); and

''(B) is eligible to enroll in Medicare part A and Medicare part B.

''(b) REQUIREMENT OF MEDICARE ENROLLMENT.—

''(1) POSTAL SERVICE MEDICARE ELIGIBLE ANNUITANTS.—

''(A) IMMEDIATE APPLICATION.—An individual who is a Postal Service Medicare eligible annuitant on the date of enactment of the 21st Century Postal Service Act of 2011 may not continue coverage under this chapter, unless that individual enrolls in Medicare part A and Medicare part B during the special enrollment period established under section 1837(m) of the Social Security Act.

''(B) PROSPECTIVE APPLICATION.—An individual who becomes a Postal Service Medicare eligible annuitant after the date of enactment of the 21st Century Postal Service Act of 2011 may not continue coverage under this chapter, unless after becoming eligible for Medicare part A and Medicare part B that individual enrolls in Medicare part A and Medicare part B during the applicable initial enrollment period under section 1837 of the Social Security Act (42 U.S.C. 1395p).

''(2) FAMILY MEMBERS OF POSTAL SERVICE MEDICARE ELIGIBLE ANNUITANTS.—

''(A) FAMILY MEMBER IS MEDICARE ELIGIBLE.—An individual who, on the date of enactment of the 21st Century Postal Service Act of 2011, is a Postal Service Medicare eligible annuitant, is enrolled in self and family coverage under this chapter, and has a member of the family who is eligible to enroll in Medicare part A and Medicare part B, may not continue coverage under this chapter, unless—

''(i) the family member enrolls in Medicare part A and Medicare part B during the special enrollment period established under section 1837(m) of the Social Security Act; or

''(ii) the individual enrolls for self only coverage under this chapter.

''(B) FAMILY MEMBER BECOMES MEDICARE ELIGIBLE.—An individual who, on the date of enactment of the 21st Century Postal Service Act of 2011, is a Postal Service Medicare eligible annuitant, is enrolled in self and family coverage under this chapter, and has a member of the family who becomes eligible to enroll in Medicare part A and Medicare part B after that date, may not continue coverage under this chapter, unless—

''(i) the family member enrolls in Medicare part A and Medicare part B during the applicable initial enrollment period under section 1837 of the Social Security Act (42 U.S.C. 1395p); or

''(ii) the individual enrolls for self only coverage under this chapter.

''(c) ENROLLMENT OPTIONS.—

''(1) ESTABLISHMENT.—For contract years following the date of enactment of the 21st Century Postal Service Act of 2011, the Office shall establish enrollment options for health benefits plans that are open only to Postal Service Medicare eligible annuitants or family members of a Postal Service Medicare eligible annuitants who continue coverage under this chapter in accordance with subsection (b).

''(2) ENROLLMENT REQUIREMENT.—Any Postal Service Medicare eligible annuitant or family member of a Postal Service Medicare eligible annuitant who continues coverage under this chapter in accordance with subsection (b) may only enroll in 1 of the enrollment options established under paragraph (1).

''(3) VALUE OF COVERAGE.—The Office shall ensure that the aggregate actuarial value of coverage under the enrollment options established under this subsection, in combination with the value of coverage under Medicare part A and Medicare part B, shall be not less than the actuarial value of the most closely corresponding enrollment options available under section 8905.

''(4) ENROLLMENT OPTIONS.—

''(A) IN GENERAL.—The enrollment options established under paragraph (1) shall include—

''(i) an individual option, for Postal Service Medicare eligible annuitants subject to subsection (b)(1);

''(ii) a self and family option, for Postal Service Medicare eligible annuitants subject to subsection (b)(1) and family members of Postal Service Medicare eligible annuitants subject to subsection (b)(2); and

''(iii) a self and family option, for Postal Service Medicare eligible annuitants subject to subsection (b)(1) and family members of Postal Service Medicare eligible annuitants, including family members not subject to subsection (b)(2).

''(B) SPECIFIC SUB-OPTIONS.—The Office may establish more specific enrollment options within the types of options described under subparagraph (A).

''(5) REDUCED PREMIUMS TO ACCOUNT FOR MEDICARE COORDINATION.—In determining the premiums for the enrollment options under paragraph (4), the Office shall—

''(A) establish a separate claims pool for individuals eligible for coverage under those options; and

''(B) ensure that—

''(i) the premiums are reduced from the premiums otherwise established under this chapter to directly reflect the full cost savings to the health benefits plans due to the complete coordination of benefits with Medicare part A and Medicare part B for Postal Service Medicare eligible annuitants or family members of Postal Service Medicare eligible annuitants who continue coverage under this chapter; and

''(ii) the cost savings described under clause (i) result solely in the reduction of—

''(I) the premiums paid by the Postal Service Medicare eligible annuitant; and

''(II) the Government contributions paid by the Postal Service.

''(d) CONVERSION OF ENROLLMENT.—

''(1) IN GENERAL.—For any individual who enrolls in Medicare part A and Medicare part B in accordance with subsection (b) other than during the special enrollment period established under section 1837(m) of the Social Security Act, coverage under this chapter shall be converted to coverage under the applicable enrollment option established under subsection (c) upon enrollment in Medicare part A and Medicare part B.

''(2) NOTIFICATION.—The Office shall provide reasonable advance notice to any Postal Service Medicare eligible annuitant or family member of any Postal Service Medicare eligible annuitant that such annuitant or family member will become subject to conversion of enrollment under paragraph (1).

''(e) POSTAL SERVICE CONSULTATION.—The Office shall establish the enrollment options and premiums under this section in consultation with the Postal Service.''.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 89 of title 5, United States Code, is amended by inserting after the item relating to section 8903b the following:

''8903c. Postal Service Medicare eligible annuitants.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to contract years beginning 6 months following the date of enactment of this Act.

(b) SPECIAL ENROLLMENT PERIOD FOR POSTAL SERVICE MEDICARE ELIGIBLE ANNUITANTS.—

(1) SPECIAL ENROLLMENT PERIOD.—

(A) IN GENERAL.—Section 1837 of the Social Security Act (42 U.S.C. 1395p) is amended by adding at the end the following new subsection:

''(m)(1) In the case of any individual who is a Postal Service Medicare eligible annuitant (as defined in section 8903c(a) of title 5, United States Code) at the time the individual is entitled to part A under section 226(b) or section 226A and who is eligible to enroll but who has elected not to enroll (or to be deemed enrolled) during the individual's initial enrollment period, there shall be a special enrollment period described in paragraph (2).

''(2) The special enrollment period described in this paragraph, with respect to an individual is the 6-month period, beginning on the first day of the month which includes the date of enactment of the 21st Century Postal Service Act of 2011.

''(3) In the case of an individual who enrolls during the special enrollment period provided under paragraph (1), the coverage period under this part shall begin on the first day of the month in which the individual enrolls.''.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall apply to elections made with respect to initial enrollment periods that end after the date of enactment of the 21st Century Postal Service Act of 2011.

(2) WAIVER OF INCREASE OF PREMIUM.—Section 1839(b) of the Social Security Act (42 U.S.C. 1395r(b)) is amended by striking ''(i)(4) or (l)'' and inserting ''(i)(4), (l), or (m)''.

SEC. 104. RESTRUCTURING OF PAYMENTS FOR RETIREE HEALTH BENEFITS.

(a) CONTRIBUTIONS.—Section 8906(g)(2)(A) of title 5, United States Code, is amended by striking ''through September 30, 2016, be paid by the United States Postal Service, and thereafter shall'' and inserting ''after the date of enactment of the 21st Century Postal Service Act of 2011''.

(b) POSTAL SERVICE RETIREE HEALTH BENEFITS FUND.—Section 8909a of title 5, United States Code, is amended—

(1) in subsection (d)—

(A) in paragraph (2)(B)—

(i) by striking ''2017'' and inserting ''2012''; and

(ii) by inserting after ''later, of'' the following: ''80 percent of''; and

(B) in paragraph (3)—

(i) in subparagraph (A)—

(I) in clause (iii), by adding ''and'' at the end;

(II) in clause (iv), by striking the semicolon at the end and inserting a period; and

(III) by striking clauses (v) through (x); and

(ii) in subparagraph (B), by striking ''2017'' and inserting ''2012''; and

(2) by adding at the end the following:

''(e) Subsections (a) through (d) shall be subject to section 105 of the 21st Century Postal Service Act of 2011.''.

SEC. 105. POSTAL SERVICE HEALTH BENEFITS PROGRAM.

(a) DEFINITIONS.—In this section—

(1) the term ''covered employee'' means an employee of the Postal Service who is represented by a bargaining representative recognized under section 1203 of title 39, United States Code;

(2) the term ''Federal Employee Health Benefits Program'' means the health benefits program under chapter 89 of title 5, United States Code; and

(3) the term ''Postal Service Health Benefits Program'' means the health benefits program that may be agreed to under subsection (b)(1).

(b) COLLECTIVE BARGAINING.—

(1) IN GENERAL.—Consistent with section 1005(f) of title 39, United States Code, the Postal Service may negotiate jointly with all bargaining representatives recognized under section 1203 of title 39, United States Code, and enter into a joint collective bargaining agreement with those bargaining representatives to establish the Postal Service Health Benefits Program that satisfies the conditions under subsection (c). The Postal Service and the bargaining representatives shall negotiate in consultation with the Director of the Office of Personnel Management.

(2) ARBITRATION LIMITATION.—Notwithstanding chapter 12 of title 39, United States Code, there shall not be arbitration of any dispute in the negotiations under this subsection.

(3) TIME LIMITATION.—The authority under this subsection shall extend until September 30, 2012.

(c) POSTAL SERVICE HEALTH BENEFITS PROGRAM.—The Postal Service Health Benefits Program—

(1) shall—

(A) be available for participation by all covered employees;

(B) provide adequate and appropriate health benefits;

(C) be administered by the Postmaster General; and

(D) provide for transition of coverage under the Federal Employee Health Benefits Program of covered employees to coverage under the Postal Service Health Benefits Program on January 1, 2013;

(2) may provide dental benefits; and

(3) may provide vision benefits.

(d) AGREEMENT AND IMPLEMENTATION.—If a joint agreement is reached under subsection (b)—

(1) the Postal Service shall implement the Postal Service Health Benefits Program;

(2) the Postal Service Health Benefits Program shall constitute an agreement between the collective bargaining representatives and the Postal Service for purposes of section 1005(f) of title 39, United States Code; and

(3) covered employees may not participate as employees in the Federal Employees Health Benefits Program.

(e) GOVERNMENT PLAN.—The Postal Service Health Benefits Program shall be a government plan as that term is defined under section 3(32) of Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(32)).

(f) REPORT.—Not later than June 30, 2013, the Postal Service shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives that—

(1) reports on the implementation of this section; and

(2) requests any additional statutory authority that the Postal Service determines is necessary to carry out the purposes of this section.

SEC. 106. ARBITRATION; LABOR DISPUTES.

Section 1207(c)(2) of title 39, United States Code, is amended—

(1) by inserting ''(A)'' after ''(2)'';

(2) by striking the last sentence and inserting ''The arbitration board shall render a decision not later than 45 days after the date of its appointment.''; and

(3) by adding at the end the following:

''(B) In rendering a decision under this paragraph, the arbitration board shall consider such relevant factors as—

''(i) the financial condition of the Postal Service;

''(ii) the requirements relating to pay and compensation comparability under section 1003(a); and

''(iii) the policies of this title.''.

TITLE II—POSTAL SERVICES AND OPERATIONS

SEC. 201. POSTAL FACILITIES.

Section 404 of title 39, United States Code, is amended by adding after subsection (e) the following:

''(f) CLOSING OR CONSOLIDATION OF CERTAIN POSTAL FACILITIES.—

''(1) POSTAL FACILITY.—In this subsection, the term 'postal facility' does not include—

''(A) any post office, station, or branch; or

''(B) any facility used only for administrative functions.

''(2) AREA MAIL PROCESSING STUDY.—

''(A) NEW AREA MAIL PROCESSING STUDIES.—After the date of enactment of this subsection, before making a determination under subsection (a)(3) as to the necessity for the closing or consolidation of any postal facility, the Postal Service shall—

''(i) conduct an area mail processing study relating to that postal facility that includes a plan to reduce the capacity of the postal facility, but not close the postal facility;

''(ii) publish the study on the Postal Service website; and

''(iii) publish a notice that the study is complete and available to the public, including on the Postal Service website.

''(B) COMPLETED OR ONGOING AREA MAIL PROCESSING STUDIES.—

''(i) IN GENERAL.—In the case of a postal facility described in clause (ii), the Postal Service shall—

''(I) consider a plan to reduce the capacity of the postal facility, but not close the post facility; and

''(II) publish the results of the consideration under subclause (I) with or as an amendment to the area mail processing study relating to the postal facility.

''(ii) POSTAL FACILITIES.—A postal facility described in this clause is a postal facility for which, on or before the date of enactment of this subsection—

''(I) an area mail processing study that does not include a plan to reduce the capacity of the postal facility, but not close the facility, has been completed or is in progress; and

''(II) a determination as to the necessity for the closing or consolidation of the postal facility has not been made.

''(3) NOTICE; PUBLIC COMMENT; AND PUBLIC HEARING.—If the Postal Service makes a determination under subsection (a)(3) to close or consolidate a postal facility, the Postal Service shall—

''(A) provide notice of the determination to—

''(i) Congress; and

''(ii) the Postal Regulatory Commission;

''(B) provide adequate public notice of the intention of the Postal Service to close or consolidate the postal facility;

''(C) ensure that interested persons have an opportunity to submit public comments during a 45-day period after the notice of intention is provided under subparagraph (B);

''(D) before that 45-day period provide for public notice of that opportunity by—

''(i) publication on the Postal Service website;

''(ii) posting at the affected postal facility; and

''(iii) advertising the date and location of the public community meeting under subparagraph (E); and

''(E) during the 45-day period described under subparagraph (C), conduct a public community meeting that provides an opportunity for public comments to be submitted verbally or in writing.

''(4) FURTHER CONSIDERATIONS.—Not earlier than 30 days after the end of the 45-day period for public comment under paragraph (3), the Postal Service, in making a determination whether or not to close or consolidate a postal facility, shall consider—

''(A) the views presented by interested persons solicited under paragraph (3);

''(B) the effect of the closing or consolidation on the affected community, including any disproportionate impact the closure or consolidation may have on a State, region, or locality;

''(C) the effect of the closing or consolidation on the travel times and distances for affected customers to access services under the proposed closing or consolidation;

''(D) the effect of the closing or consolidation on delivery times for all classes of mail;

''(E) any characteristics of certain geographical areas, such as remoteness, broadband internet availability, and weather-related obstacles to using alternative facilities, that may result in the closing or consolidation having a unique effect; and

''(F) any other factor the Postal Service determines is necessary.

''(5) JUSTIFICATION STATEMENT.—Before the date on which the Postal Service closes or consolidates a postal facility, the Postal Service shall post on the Postal Service website a closure or consolidation justification statement that includes—

''(A) a response to all public comments received with respect to the considerations described under paragraph (4);

''(B) a description of the considerations made by the Postal Service under paragraph (4); and

''(C) the actions that will be taken by the Postal Service to mitigate any negative effects identified under paragraph (4).

''(6) CLOSING OR CONSOLIDATION OF POSTAL FACILITIES.—

''(A) IN GENERAL.—Not earlier than the 15 days after posting and publishing the final determination and the justification statement under paragraph (6) with respect to a postal facility, the Postal Service may close or consolidate the postal facility.

''(B) ALTERNATIVE INTAKE OF MAIL.—If the Postal Service closes or consolidates a postal facility under subparagraph (A), the Postal Service shall make reasonable efforts to ensure continued mail receipt from customers of the closed or consolidated postal facility at the same location or at another appropriate location in close geographic proximity to the closed or consolidated postal facility.

''(7) POSTAL SERVICE WEBSITE.—For purposes of any notice required to be published on the Postal Service website under this subsection, the Postal Service shall ensure that the Postal Service website—

''(A) is updated routinely; and

''(B) provides any person, at the option of the person, the opportunity to receive relevant updates by electronic mail.''.

SEC. 202. ADDITIONAL POSTAL SERVICE PLANNING.

Section 302(d) of the Postal Accountability and Enhancement Act of 2006 (39 U.S.C. 3691 note) is amended—

(1) in paragraph (8), by striking the period at the end and inserting ''; and'';

(2) by redesignating paragraphs (1) through (8) as subparagraphs (A) through (H), respectively, and adjusting the margins accordingly;

(3) in the matter preceding subparagraph (A), as so redesignated, by striking ''shall include'' and inserting the following: ''shall—

''(1) include''; and

(4) by adding at the end the following:

''(2) where possible, provide for an improvement in customer access to postal services;

''(3) consider the impact of any decisions by the Postal Service relating to the implementation of the plan on small communities and rural areas; and

''(4) ensure that—

''(A) small communities and rural areas continue to receive regular and effective access to retail postal services after implementation of the plan; and

''(B) the Postal Service solicits community input in accordance with applicable provisions of Federal law.''.

SEC. 203. AREA AND DISTRICT OFFICE STRUCTURE.

(a) PLAN REQUIRED.—Not later than 1 year after the date of enactment of this Act, the Postal Service shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Governmental Reform of the House of Representatives—

(1) a comprehensive strategic plan to govern decisions relating to area and district office structure that considers efficiency, costs, redundancies, mail volume, technological advancements, operational considerations, and other issues that may be relevant to establishing an effective area and district office structure; and

(2) a 10-year plan, including a timetable, that provides for consolidation of area and district offices wherever the Postal Service determines a consolidation would—

(A) be cost-effective; and

(B) not substantially and adversely affect the operations of the Postal Service.

(b) CONSOLIDATION.—Beginning not later than 1 year after the date of enactment of this Act, the Postal Service shall, consistent with the plans required under subsection (a)—

(1) consolidate district offices that are located within 50 miles of each other;

(2) consolidate area and district offices that have less than the mean mail volume and number of work hours for all area and district offices; and

(3) relocate area offices to headquarters.

(c) UPDATES.—The Postal Service shall update the plans required under subsection (a) not less frequently than once every 5 years.

SEC. 204. RETAIL SERVICE STANDARDS.

(a) ESTABLISHMENT OF SERVICE STANDARDS.—Not later than 1 year after the date of enactment of this Act, the Postal Service shall exercise its authority under section 3691 of title 39, United States Code, to establish service standards for market-dominant products in order to guarantee customers of the Postal Service regular and effective access to retail postal services nationwide (including in territories and possessions of the United States) on a reasonable basis.

(b) CONTENTS.—The service standards established under subsection (a) shall—

(1) be consistent with—

(A) the obligations of the Postal Service under section 101(b) of title 39, United States Code; and

(B) the contents of the plan developed under section 302 of the Postal Accountability and Enhancement Act of 2006 (39 U.S.C. 3691 note), as amended by section 202 of this Act; and

(2) take into account factors including—

(A) geography, including the establishment of standards for the proximity of retail postal services to postal customers, including a consideration of the reasonable maximum time a postal customer should expect to travel to access a postal retail location;

(B) population, including population density, demographic factors such as the age and disability status of individuals in the area to be served by a location providing postal retail services, and other factors that may impact the ability of postal customers, including businesses, to travel to a postal retail location;

(C) the feasibility of offering retail access to postal services in addition to post offices, as described in section 302(d) of the Postal Accountability and Enhancement Act of 2006 (39 U.S.C. 3691 note); and

(D) the requirement that the Postal Service serve remote areas and communities with transportation challenges, including communities in which the effects of inclement weather or other natural conditions might obstruct or otherwise impede access to retail postal services.

SEC. 205. CONVERSION OF DOOR DELIVERY POINTS.

(a) IN GENERAL.—Subchapter VII of chapter 36 of title 39, United States Code, is amended by adding at the end the following:

"§ 3692. Conversion of door delivery points

''(a) DEFINITIONS.—In this section, the following definitions shall apply:

''(1) CENTRALIZED DELIVERY POINT.—The term 'centralized delivery point' means a group or cluster of mail receptacles at 1 delivery point that is within reasonable proximity of the street address associated with the delivery point.

''(2) CURBLINE DELIVERY POINT.—The term 'curbline delivery point' means a delivery point that is—

''(A) adjacent to the street address associated with the delivery point; and

''(B) accessible by vehicle on a street that is not a private driveway.

''(3) DOOR DELIVERY POINT.—The term 'door delivery point' means a delivery point at a door of the structure at a street address.

''(4) SIDEWALK DELIVERY POINT.—The term 'sidewalk delivery point' means a delivery point on a sidewalk adjacent to the street address associated with the delivery point.

''(b) CONVERSION.—Except as provided in subsection (c), not later than September 30, 2015, in accordance with standards established by the Postal Service, the Postal Service may, where feasible, convert door delivery points to—

''(1) curbline delivery points;

''(2) sidewalk delivery points; or

''(3) centralized delivery points.

''(c) EXCEPTIONS.—

''(1) CONTINUED DOOR DELIVERY.—The Postal Service may allow for the continuation of door delivery due to—

''(A) a physical hardship of a customer;

''(B) weather, in a geographic area where snow removal efforts could obstruct access to mailboxes near a road;

''(C) circumstances in an urban area that preclude efficient use of curbside delivery points;

''(D) other exceptional circumstances, as determined in accordance with regulations issued by the Postal Service; or

''(E) other circumstances in which the Postal Service determines that alternatives to door delivery would not be practical or cost effective.

''(2) NEW DOOR DELIVERY POINTS.—The Postal Service may provide door delivery to a new delivery point in a delivery area that received door delivery on the day before the date of enactment of this section, if the delivery point is established before the delivery area is converted from door delivery under subsection (b).

''(d) SOLICITATION OF COMMENTS.—The Postal Service shall establish procedures to solicit, consider, and respond to input from individuals affected by a conversion under this section.

''(e) REVIEW.—Subchapter V of this chapter shall not apply with respect to any action taken by the Postal Service under this section.

''(f) REPORT.—Not later than 60 days after the end of each fiscal year through fiscal year 2015, the Postal Service shall submit to Congress and the Inspector General of the Postal Service a report on the implementation of this section during the preceding fiscal year that—

''(1) includes the number of door delivery points—

''(A) that existed at the end of the fiscal year preceding the preceding fiscal year;

''(B) that existed at the end of the preceding fiscal year;

''(C) that, during the preceding fiscal year, converted to—

''(i) curbline delivery points or sidewalk delivery points;

''(ii) centralized delivery points; and

''(iii) any other type of delivery point; and

''(D) for which door delivery was continued under subsection (c)(1);

''(2) estimates the cost savings from the conversions from door delivery that occurred during the preceding fiscal year;

''(3) describes the progress of the Postal Service toward achieving the requirements under subsection (b); and

''(4) provides such additional information as the Postal Service considers appropriate.''.

(b) CLERICAL AMENDMENT.—The table of sections for subchapter VII of chapter 36 of title 39, United States Code, is amended by adding at the end the following:

''3692. Conversion of door delivery points.''.

SEC. 206. LIMITATIONS ON CHANGES TO MAIL DELIVERY SCHEDULE.

(a) LIMITATION ON CHANGE IN SCHEDULE.—Notwithstanding any other provision of law—

(1) the Postal Service may not establish a general, nationwide 5-day-per-week delivery schedule to street addresses under the authority of the Postal Service under section 3691 of title 39, United States Code, earlier than the date that is 24 months after the date of enactment of this Act; and

(2) on or after the date that is 24 months after the date of enactment of this Act, the Postal Service may establish a general, nationwide 5-day-per-week delivery schedule to street addresses under the authority of the Postal Service under section 3691 of title 39, United States Code, only in accordance with the requirements and limitations under this section.

(b) PRECONDITIONS.—If the Postal Service intends to establish a change in delivery schedule under subsection (a)(2), the Postal Service shall—

(1) identify customers and communities for whom the change may have a disproportionate, negative impact, including the customers identified as ''particularly affected'' in the Advisory Opinion on Elimination of Saturday Delivery issued by the Commission on March 24, 2011;

(2) develop, to the maximum extent possible, measures to ameliorate any disproportionate, negative impact the change would have on customers and communities identified under paragraph (1), including, where appropriate, providing or expanding access to mailboxes for periodical mailers on days on which the Postal Service does not provide delivery;

(3) implement measures to increase revenue and reduce costs, including the measures authorized under the amendments made by sections 101, 102, 103, 104, 204, and 208 of this Act;

(4) evaluate whether any increase in revenue or reduction in costs resulting from the measures implemented under paragraph (3) are sufficient to allow the Postal Service, without implementing a change in delivery schedule under subsection (a), to—

(A) become profitable by fiscal year 2015; and

(B) achieve long-term financial solvency; and

(5) not earlier than 15 months after the date of enactment of this Act and not later than 9 months before the effective date proposed by the Postal Service for the change, submit a report on the steps the Postal Service has taken to carry out this subsection to—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives;

(B) the Comptroller General of the United States; and

(C) the Commission.

(c) REVIEW.—

(1) GOVERNMENT ACCOUNTABILITY OFFICE.—Not later than 3 months after the date on which the Postal Service submits a report under subsection (b)(5), the Comptroller General shall submit to the Commission and to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report that contains findings relating to each of the following:

(A) Whether the Postal Service has adequately complied with subsection (b)(3), taking into consideration the statutory authority of and limitations on the Postal Service.

(B) The accuracy of any statement by the Postal Service that the measures implemented under subsection (b)(3) have increased revenues or reduced costs, and the accuracy of any projection by the Postal Service relating to increased revenue or reduced costs resulting from the measures implemented under subsection (b)(3).

(C) The adequacy and methodological soundness of any evaluation conducted by the Postal Service under subsection (b)(4) that led the Postal Service to assert the necessity of a change in delivery schedule under subsection (a)(2).

(D) Whether, based on an analysis of the measures implemented by the Postal Service to increase revenues and reduce costs, projections of increased revenue and cost savings, and the details of the profitability plan required under section 401, a change in delivery schedule is necessary to allow the Postal Service to—

(i) become profitable by fiscal year 2015; and

(ii) achieve long-term financial solvency.

(2) POSTAL REGULATORY COMMISSION.—

(A) REQUEST.—Not later than 6 months before the proposed effective date of a change in delivery schedule under subsection (a), the Postal Service shall submit to the Commission a request for an advisory opinion relating to the change.

(B) ADVISORY OPINION.—

(i) IN GENERAL.—The Commission shall—

(I) issue an advisory opinion with respect to a request under subparagraph (A), in accordance with the time limits for the issuance of advisory opinions under section 3661(b)(2) of title 39, United States Code, as amended by this Act; and

(II) submit the advisory opinion to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives.

(ii) REQUIRED DETERMINATIONS.—An advisory opinion under clause (i) shall determine—

(I) whether the measures developed under subsection (b)(2) ameliorate any disproportionate, negative impact that a change in schedule may have on customers and communities identified under subsection (b)(1); and

(II) based on the report submitted by the Comptroller General under paragraph (1)—

(aa) whether the Postal Service has implemented measures to reduce operating losses as required under subsection (b)(3);

(bb) whether the implementation of the measures described in item (aa) has increased revenues or reduced costs, or is projected to further increase revenues or reduce costs in the future; and

(cc) whether a change in schedule under subsection (a)(2) is necessary to allow the Postal Service to—

(AA) become profitable by fiscal year 2015; and

(BB) achieve long-term financial solvency.

(3) PROHIBITION ON IMPLEMENTATION OF CHANGE IN SCHEDULE.—The Postal Service may not implement a change in delivery schedule under subsection (a)(2)—

(A) before the date on which the Comptroller General submits the report required under paragraph (1); and

(B) unless the Commission determines under paragraph (2)(B)(ii)(II)(cc) that the Comptroller General has concluded that the change is necessary to allow the Postal Service to become profitable by fiscal year 2015 and to achieve long-term financial solvency, without regard to whether the Commission determines that the change is advisable.

(d) ADDITIONAL LIMITATIONS.—

(1) RULES OF CONSTRUCTION.—Nothing in this subsection shall be construed to—

(A) authorize the reduction, or require an increase, in delivery frequency for any route for which the Postal Service provided delivery on fewer than 6 days per week on the date of enactment of this Act;

(B) authorize any change in—

(i) the days and times that postal retail service or any mail acceptance is available; or

(ii) the locations at which postal retail service or mail acceptance occurs;

(C) authorize any change in the frequency of delivery to a post office box;

(D) prohibit the collection or delivery of a competitive mail product on a weekend or a recognized Federal holiday; or

(E) prohibit the Postal Service from exercising its authority to make changes to processing or retail networks.

(2) PROHIBITION ON CONSECUTIVE DAYS WITHOUT MAIL DELIVERY.—The Postal Service shall ensure that, under any change in schedule under subsection (a)(2), at no time shall there be more than 2 consecutive days without mail delivery to street addresses, including recognized Federal holidays.

SEC. 207. TIME LIMITS FOR CONSIDERATION OF SERVICE CHANGES.

Section 3661 of title 39, United States Code, is amended by striking subsections (b) and (c) and inserting the following:

''(b) PROPOSED CHANGES FOR MARKET-DOMINANT PRODUCTS.—

''(1) SUBMISSION OF PROPOSAL.—If the Postal Service determines that there should be a change in the nature of postal services relating to market-dominant products that will generally affect service on a nationwide or substantially nationwide basis, the Postal Service shall submit a proposal to the Postal Regulatory Commission requesting an advisory opinion on the change.

''(2) ADVISORY OPINION.—Upon receipt of a proposal under paragraph (1), the Postal Regulatory Commission shall—

''(A) provide an opportunity for public comment on the proposal; and

''(B) issue an advisory opinion not later than—

''(i) 90 days after the date on which the Postal Regulatory Commission receives the proposal; or

''(ii) a date that the Postal Regulatory Commission and the Postal Service may, not later than 1 week after the date on which the Postal Regulatory Commission receives the proposal, determine jointly.

''(3) RESPONSE TO OPINION.—The Postal Service shall submit to the President and to Congress a response to the advisory opinion issued under paragraph (2), including any recommendations contained therein.

''(4) ACTION ON PROPOSAL.—The Postal Service may take action regarding a proposal submitted under paragraph (1)—

''(A) on or after the date that is 30 days after the date on which the Postal Service submits the response required under paragraph (3);

''(B) on or after a date that the Postal Regulatory Commission and the Postal Service may, not later than 1 week after the date on which the Postal Regulatory Commission receives a proposal under paragraph (2), determine jointly; or

''(C) after the date described in paragraph (2)(B), if—

''(i) the Postal Regulatory Commission fails to issue an advisory opinion on or before the date described in paragraph (2)(B); and

''(ii) the action is not otherwise prohibited under Federal law.

''(5) MODIFICATION OF TIMELINE.—At any time, the Postal Service and the Postal Regulatory Commission may jointly redetermine a date determined under paragraph (2)(B)(ii) or (4)(B).''.

SEC. 208. PUBLIC PROCEDURES FOR SIGNIFICANT CHANGES TO MAILING SPECIFICATIONS.

(a) NOTICE AND OPPORTUNITY FOR COMMENT REQUIRED.—Effective on the date on which the Postal Service issues a final rule under subsection (c), before making a change to mailing specifications that could pose a significant burden to the customers of the Postal Service and that is not reviewed by the Commission, the Postal Service shall—

(1) publish a notice of the proposed change to the specification in the Federal Register;

(2) provide an opportunity for the submission of written comments concerning the proposed change for a period of not less than 30 days;

(3) after considering any comments submitted under paragraph (2) and making any modifications to the proposed change that the Postal Service determines are necessary, publish—

(A) the final change to the specification in the Federal Register;

(B) responses to any comments submitted under paragraph (2); and

(C) an analysis of the financial impact that the proposed change would have on—

(i) the Postal Service; and

(ii) the customers of the Postal Service that would be affected by the proposed change; and

(4) establish an effective date for the change to mailing specifications that is not earlier than 30 days after the date on which the Postal Service publishes the final change under paragraph (3).

(b) EXCEPTION FOR GOOD CAUSE.—If the Postal Service determines that there is an urgent and compelling need for a change to a mailing specification described in subsection (a) in order to avoid demonstrable harm to the operations of the Postal Service or to the public interest, the Postal Service may—

(1) change the mailing specifications by—

(A) issuing an interim final rule that—

(i) includes a finding by the Postal Service that there is good cause for the interim final rule;

(ii) provides an opportunity for the submission of written comments on the interim final rule for a period of not less than 30 days; and

(iii) establishes an effective date for the interim final rule that is not earlier than 30 days after the date on which the interim final rule is issued; and

(B) publishing in the Federal Register a response to any comments submitted under subparagraph (A)(ii); and

(2) waive the requirement under paragraph (1)(A)(iii) or subsection (a)(4).

(c) RULES RELATING TO NOTICE AND COMMENT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Postal Service shall issue rules governing the provision of notice and opportunity for comment for changes in mailing specifications under subsection (a).

(2) RULES.—In issuing the rules required under paragraph (1), the Postal Service shall—

(A) publish a notice of proposed rulemaking in the Federal Register that includes proposed definitions of the terms ''mailing specifications'' and ''significant burden'';

(B) provide an opportunity for the submission of written comments concerning the proposed change for a period of not less than 30 days; and

(C) publish—

(i) the rule in final form in the Federal Register; and

(ii) responses to the comments submitted under subparagraph (B).

SEC. 209. NONPOSTAL PRODUCTS AND SERVICES.

(a) IN GENERAL.—Section 404 of title 39, United States Code, is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (6) through (8) as paragraphs (7) through (9), respectively; and

(B) by inserting after paragraph (5) the following:

''(6) after the date of enactment of the 21st Century Postal Service Act of 2011, and except as provided in subsection (e), to provide other services that are not postal services, after the Postal Regulatory Commission—

''(A) makes a determination that the provision of such services—

''(i) uses the processing, transportation, delivery, retail network, or technology of the Postal Service;

''(ii) is consistent with the public interest and a demonstrated or potential public demand for—

''(I) the Postal Service to provide the services instead of another entity providing the services; or

''(II) the Postal Service to provide the services in addition to another entity providing the services;

''(iii) would not create unfair competition with the private sector; and

''(iv) has the potential to improve the net financial position of the Postal Service, based on a market analysis provided to the Postal Regulatory Commission by the Postal Service; and

''(B) for services that the Postal Regulatory Commission determines meet the criteria under subparagraph (A), classifies each such service as a market-dominant product, competitive product, experimental product, or new product, as required under chapter 36 of title 39, United States Code;''; and

(2) in subsection (e)(2), by striking ''Nothing'' and all that follows through ''except that the'' and inserting ''The''.

(b) MARKET ANALYSIS.—During the 5-year period beginning on the date of enactment of this Act, the Postal Service shall submit a copy of any market analysis provided to the Commission under section 404(a)(6)(A)(iv) of title 39, United States Code, as amended by this section, to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives.

TITLE III—FEDERAL EMPLOYEES' COMPENSATION ACT

SEC. 301. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This title may be cited as the ''Workers' Compensation Reform Act of 2011''.

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 5, United States Code.

SEC. 302. FEDERAL WORKERS COMPENSATION REFORMS FOR RETIREMENT-AGE EMPLOYEES.

(a) CONVERSION OF ENTITLEMENT AT RETIREMENT AGE.—

(1) DEFINITIONS.—Section 8101 is amended

(A) in paragraph (18), by striking ''and'' at the end;

(B) in paragraph (19), by striking ''and'' at the end;

(C) in paragraph (20), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

''(21) 'retirement age' has the meaning given that term under section 216(l)(1) of the Social Security Act (42 U.S.C. 416(l)(1));

''(22) 'covered claim for total disability' means a claim for a period of total disability that commenced before the date of enactment of the Workers' Compensation Reform Act of 2011;

''(23) 'covered claim for partial disability' means a claim for a period of partial disability that commenced before the date of enactment of the Workers' Compensation Reform Act of 2011; and

''(24) 'individual who has an exempt disability condition' means an individual—

''(A) who—

''(i) is eligible to receive continuous periodic compensation for total disability under section 8105 on the date of enactment of the Workers' Compensation Reform Act of 2011; and

''(ii) meets the criteria under 8105(c);

''(B) who, on the date of enactment of the Workers' Compensation Reform Act of 2011—

''(i) is eligible to receive continuous periodic compensation for total disability under section 8105; and

''(ii) has sustained a currently irreversible severe mental or physical disability for which the Secretary of Labor has authorized, for at least the 1 year period ending on the date of enactment of the Workers' Compensation Reform Act of 2011, constant in-home care or custodial care, such as in placement in a nursing home; or

''(C) who is eligible to receive continuous periodic compensation for total disability under section 8105—

''(i) for not less than the 3-year period ending on the date of enactment of the Workers' Compensation Reform Act of 2011; or

''(ii) if the individual became eligible to receive continuous periodic compensation for total disability under section 8105 during the period beginning on the date that is 3 years before the date of enactment of the Workers' Compensation Reform Act of 2011 and ending on such date of enactment, for not less than the 3-year period beginning on the date on which the individual became eligible.''.

(2) TOTAL DISABILITY.—Section 8105 is amended—

(A) in subsection (a), by striking ''If'' and inserting ''IN GENERAL.—Subject to subsection (b), if'';

(B) by redesignating subsection (b) as subsection (c); and

(C) by inserting after subsection (a) the following:

''(b) CONVERSION OF ENTITLEMENT AT RETIREMENT AGE.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the basic compensation for total disability for an employee who has attained retirement age shall be 50 percent of the monthly pay of the employee.

''(2) EXCEPTIONS.—

''(A) COVERED RECIPIENTS WHO ARE RETIREMENT AGE OR HAVE AN EXEMPT DISABILITY CONDITION.—Paragraph (1) shall not apply to a covered claim for total disability by an employee if the employee—

''(i) on the date of enactment of the Workers' Compensation Reform Act of 2011, has attained retirement age; or

''(ii) is an individual who has an exempt disability condition.

''(B) TRANSITION PERIOD FOR CERTAIN EMPLOYEES.—For a covered claim for total disability by an employee who is not an employee described in subparagraph (A), the employee shall receive the basic compensation for total disability provided under subsection (a) until the later of—

''(i) the date on which the employee attains retirement age; and

''(ii) the date that is 3 years after the date of enactment of the Workers' Compensation Reform Act of 2011.''.

(3) PARTIAL DISABILITY.—Section 8106 is amended—

(A) in subsection (a), by striking ''If'' and inserting ''IN GENERAL.—Subject to subsection (b), if'';

(B) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(C) by inserting after subsection (a) the following:

''(b) CONVERSION OF ENTITLEMENT AT RETIREMENT AGE.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the basic compensation for partial disability for an employee who has attained retirement age shall be 50 percent of the difference between the monthly pay of the employee and the monthly wage-earning capacity of the employee after the beginning of the partial disability.

''(2) EXCEPTIONS.—

''(A) COVERED RECIPIENTS WHO ARE RETIREMENT AGE.—Paragraph (1) shall not apply to a covered claim for partial disability by an employee if, on the date of enactment of the Workers' Compensation Reform Act of 2011, the employee has attained retirement age.

''(B) TRANSITION PERIOD FOR CERTAIN EMPLOYEES.—For a covered claim for partial disability by an employee who is not an employee described in subparagraph (A), the employee shall receive basic compensation for partial disability in accordance with subsection (a) until the later of—

''(i) the date on which the employee attains retirement age; and

''(ii) the date that is 3 years after the date of enactment of the Workers' Compensation Reform Act of 2011.''.

SEC. 303. AUGMENTED COMPENSATION FOR DEPENDENTS.

(a) IN GENERAL.—Section 8110 is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

''(b) TERMINATION OF AUGMENTED COMPENSATION.—

''(1) IN GENERAL.—Subject to paragraph (2), augmented compensation for dependants under subsection (c) shall not be provided.

''(2) EXCEPTIONS.—

''(A) TOTAL DISABILITY.—For a covered claim for total disability by an employee—

''(i) the employee shall receive augmented compensation under subsection (c) if the employee is an individual who has an exempt disability condition; and

''(ii) the employee shall receive augmented compensation under subsection (c) until the date that is 3 years after the date of enactment of the Workers' Compensation Reform Act of 2011 if the employee is not an employee described in clause (i).

''(B) PARTIAL DISABILITY.—For a covered claim for partial disability by an employee, the employee shall receive augmented compensation under subsection (c) until the date that is 3 years after the date of enactment of the Workers' Compensation Reform Act of 2011.

''(C) PERMANENT DISABILITY COMPENSATED BY A SCHEDULE.—For a claim for a permanent disability described in section 8107(a) by an employee that commenced before the date of enactment of the Workers' Compensation Reform Act of 2011, the employee shall receive augmented compensation under subsection (c).''.

(b) MAXIMUM AND MINIMUM MONTHLY PAYMENTS.—Section 8112 is amended—

(1) in subsection (a)—

(A) by inserting ''subsections (b) and (c) and'' before ''section 8138'';

(B) by striking ''including augmented compensation under section 8110 of this title but''; and

(C) by striking ''75 percent'' each place it appears and inserting ''66 ⅔ percent'';

(2) by redesignating subsection (b) as subsection (c);

(3) by inserting after subsection (a) the following:

''(b) EXCEPTIONS.—

''(1) COVERED DISABILITY CONDITION.—For a covered claim for total disability by an employee, if the employee is an individual who has an exempt disability condition—

''(A) the monthly rate of compensation for disability that is subject to the maximum and minimum monthly amounts under subsection (a) shall include any augmented compensation under section 8110; and

''(B) subsection (a) shall be applied by substituting '75 percent' for '66 ⅔ percent' each place it appears.

''(2) PARTIAL DISABILITY.—For a covered claim for partial disability by an employee, until the date that is 3 years after the date of enactment of the Workers' Compensation Reform Act of 2011—

''(A) the monthly rate of compensation for disability that is subject to the maximum and minimum monthly amounts under subsection (a) shall include any augmented compensation under section 8110; and

''(B) subsection (a) shall be applied by substituting '75 percent' for '66 ⅔ percent' each place it appears.''; and

(4) in subsection (c), as redesignated by paragraph (2), by striking ''subsection (a)'' and inserting ''subsections (a) and (b)''.

(c) DEATH BENEFITS GENERALLY.—Section 8133 is amended—

(1) in subsections (a) and (e), by striking ''75 percent'' each place it appears and inserting ''66 ⅔ percent (except as provided in subsection (g))''; and

(2) by adding at the end the following:

''(g) If the death occurred before the date of enactment of the Workers' Compensation Reform Act of 2011, subsections (a) and (e) shall be applied by substituting '75 percent' for '66 ⅔ percent' each place it appears.''.

(d) DEATH BENEFITS FOR CIVIL AIR PATROL VOLUNTEERS.—Section 8141 is amended—

(1) in subsection (b)(2)(B) by striking ''75 percent'' and inserting ''66 ⅔ percent (except as provided in subsection (c))'';

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following:

''(c) If the death occurred before the date of enactment of the Workers' Compensation Reform Act of 2011, subsection (b)(2)(B) shall be applied by substituting '75 percent' for '66 ⅔ percent'.''.

SEC. 304. SCHEDULE COMPENSATION PAYMENTS.

Section 8107 is amended—

(1) in subsection (a), by striking ''at the rate of 66 2/3 percent of his monthly pay'' and inserting ''at the rate specified under subsection (d)''; and

(2) by adding at the end the following:

''(d) RATE FOR COMPENSATION.—

''(1) ANNUAL SALARY.—

''(A) IN GENERAL.—Except as provided in paragraph (2), the rate under subsection (a) shall be the rate of 66 ⅔ percent of the annual salary level established under subparagraph (B), in a lump sum equal to the

present value (as calculated under subparagraph (C)) of the amount of compensation payable under the schedule.

''(B) ESTABLISHMENT.—

''(i) IN GENERAL.—The Secretary of Labor shall establish an annual salary for purposes of subparagraph (A) in the amount the Secretary determines will result in the aggregate cost of payments made under this section being equal to what would have been the aggregate cost of payments under this section if the amendments made by section 304(a) of the Workers' Compensation Reform Act of 2011 had not been enacted.

''(ii) COST OF LIVING ADJUSTMENT.—The annual salary established under clause (i) shall be increased on March 1 of each year by the amount determined by the Secretary of Labor to represent the percent change in the price index published for December of the preceding year over the price index published for the December of the year prior to the preceding year, adjusted to the nearest one-tenth of 1 percent.

''(C) PRESENT VALUE.—The Secretary of Labor shall calculate the present value for purposes of subparagraph (A) using a rate of interest equal to the average market yield for outstanding marketable obligations of the United States with a maturity of 2 years on the first business day of the month in which the compensation is paid or, in the event that such marketable obligations are not being issued on such date, at an equivalent rate selected by the Secretary of Labor, true discount compounded annually.

''(2) CERTAIN INJURIES.—For an injury that occurred before the date of enactment of the Workers' Compensation Reform Act of 2011, the rate under subsection (a) shall be 66 ⅔ percent of the employee's monthly pay.

''(e) SIMULTANEOUS RECEIPT.—

''(1) TOTAL DISABILITY.—An employee who receives compensation for total disability under section 8105 may only receive the lump sum of schedule compensation under this section in addition to and simultaneously with the benefits for total disability after the later of—

''(A) the date on which the basic compensation for total disability of the employee becomes 50 percent of the monthly pay of the employee under section 8105(b); or

''(B) the date on which augmented compensation of the employee terminates under section 8110(b)(2)(A)(ii), if the employee receives such compensation.

''(2) PARTIAL DISABILITY.—An employee who receives benefits for partial disability under section 8106 may only receive the lump sum of schedule compensation under this section in addition to and simultaneously with the benefits for partial disability after the later of—

''(A) the date on which the basic compensation for partial disability of the employee becomes 50 percent of the difference between the monthly pay of the employee and the monthly wage-earning capacity of the employee after the beginning of the partial disability under section 8106(b); or

''(B) the date on which augmented compensation of the employee terminates under section 8110(b)(2)(B), if the employee receives such compensation.''.

SEC. 305. VOCATIONAL REHABILITATION.

(a) IN GENERAL.—Section 8104 is amended—

(1) in subsection (a)—

(A) by striking ''(a) The Secretary of Labor may'' and all that follows through ''undergo vocational rehabilitation.'' and inserting the following:

''(a) IN GENERAL.—

''(1) DIRECTION.—Except as provided in paragraph (2), not earlier than the date that is 6 months after the date on which an individual eligible for wage-loss compensation under section 8105 or 8106 is injured, or by such other date as the Secretary of Labor determines it would be reasonable under the circumstances for the individual to begin vocational rehabilitation, and if vocational rehabilitation may enable the individual to become capable of more gainful employment, the Secretary of Labor shall direct the individual to participate in developing a comprehensive return to work plan and to undergo vocational rehabilitation at a location a reasonable distance from the residence of the individual.'';

(B) by striking ''the Secretary of Health, Education, and Welfare in carrying out the purposes of chapter 4 of title 29'' and inserting ''the Secretary of Education in carrying out the purposes of the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.)'';

(C) by striking ''under section 32(b)(1) of title 29'' and inserting ''under section 5 of the Rehabilitation Act of 1973 (29 U.S.C. 704)''; and

(D) by adding at the end the following:

''(2) EXCEPTION.—The Secretary of Labor may not direct an individual who has attained retirement age to participate in developing a comprehensive return to work plan or to undergo vocational rehabilitation.'';

(2) by redesignating subsection (b) as subsection (c);

(3) by inserting after subsection (a) the following:

''(b) CONTENTS OF RETURN TO WORK PLAN.—A return to work plan developed under subsection (a)—

''(1) shall—

''(A) set forth specific measures designed to increase the wage-earning capacity of an individual;

''(B) take into account the prior training and education of the individual and the training, educational, and employment opportunities reasonably available to the individual; and

''(C) provide that any employment undertaken by the individual under the return to work plan be at a location a reasonable distance from the residence of the individual;

''(2) may provide that the Secretary will pay out of amounts in the Employees' Compensation Fund reasonable expenses of vocational rehabilitation (which may include tuition, books, training fees, supplies, equipment, and child or dependent care) during the course of the plan; and

''(3) may not be for a period of more than 2 years, unless the Secretary finds good cause to grant an extension, which may be for not more than 2 years.'';

(4) in subsection (c), as so redesignated—

(A) by inserting ''COMPENSATION.—'' before ''Notwithstanding''; and

(B) by striking '', other than employment undertaken pursuant to such rehabilitation''; and

(5) by adding at the end the following:

''(d) ASSISTED REEMPLOYMENT AGREEMENTS.—

''(1) IN GENERAL.—The Secretary may enter into an assisted reemployment agreement with an agency or instrumentality of any branch of the Federal Government or a State or local government or a private employer that employs an individual eligible for wage-loss compensation under section 8105 or 8106 to enable the individual to return to productive employment.

''(2) CONTENTS.—An assisted reemployment agreement under paragraph (1)—

''(A) may provide that the Secretary will use amounts in the Employees' Compensation Fund to reimburse an employer in an amount equal to not more than 100 percent of the compensation the individual would otherwise receive under section 8105 or 8106; and

''(B) may not be for a period of more than 3 years.

''(e) LIST.—To facilitate the hiring of individuals eligible for wage-loss compensation under section 8105 or 8106, the Secretary shall provide a list of such individuals to the Office of Personnel Management, which the Office of Personnel Management shall provide to all agencies and instrumentalities of the Federal Government.''.

(b) TERMINATION OF VOCATIONAL REHABILITATION REQUIREMENT AFTER RETIREMENT AGE.—Section 8113(b) is amended by adding at the end the following: ''An individual who has attained retirement age may not be required to undergo vocational rehabilitation.''.

(c) MANDATORY BENEFIT REDUCTION FOR NONCOMPLIANCE.—Section 8113(b) is amended by striking ''may reduce'' and inserting ''shall reduce''.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Subchapter III of chapter 15 of title 31, United States Code, is amended by adding at the end the following:

''§ 1538. Authorization for assisted reemployment

''Funds may be transferred from the Employees' Compensation Fund established under section 8147 of title 5 to the applicable appropriations account for an agency or instrumentality of any branch of the Federal Government for the purposes of reimbursing the agency or instrumentality in accordance with an assisted reemployment agreement entered into under section 8104 of title 5.''.

(2) TABLE OF SECTIONS.—The table of sections for chapter 15 of title 31, United States Code, is amended by inserting after the item relating to section 1537 the following:

''1538. Authorization for assisted reemployment.''.

SEC. 306. REPORTING REQUIREMENTS.

(a) IN GENERAL.—Chapter 81 is amended by inserting after section 8106 the following:

''§ 8106a. Reporting requirements

''(a) DEFINITION.—In this section, the term 'employee receiving compensation' means an employee who—

''(1) is paid compensation under section 8105 or 8106; and

''(2) has not attained retirement age.

''(b) AUTHORITY.—The Secretary of Labor shall require an employee receiving compensation to report the earnings of the employee receiving compensation from employment or self-employment, by affidavit or otherwise, in the manner and at the times the Secretary specifies.

''(c) CONTENTS.—An employee receiving compensation shall include in a report required under subsection (a) the value of housing, board, lodging, and other advantages which are part of the earnings of the employee receiving compensation in employment or self-employment and the value of which can be estimated.

''(d) FAILURE TO REPORT AND FALSE REPORTS.—

''(1) IN GENERAL.—An employee receiving compensation who fails to make an affidavit or other report required under subsection (b) or who knowingly omits or understates any part of the earnings of the employee in such an affidavit or other report shall forfeit the right to compensation with respect to any period for which the report was required.

''(2) FORFEITED COMPENSATION.—Compensation forfeited under this subsection, if already paid to the employee receiving compensation, shall be recovered by a deduction from the compensation payable to the employee or otherwise recovered under section 8129, unless recovery is waived under that section.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 81 is amended by inserting after the item relating to section 8106 the following:

''8106a. Reporting requirements.''.

SEC. 307. DISABILITY MANAGEMENT REVIEW; INDEPENDENT MEDICAL EXAMINATIONS.

Section 8123 is amended by adding at the end the following:

''(e) DISABILITY MANAGEMENT REVIEW.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'covered employee' means an employee who is in continuous receipt of compensation for total disability under section 8105 for a period of not less than 6 months; and

''(B) the term 'disability management review process' means the disability management review process established under paragraph (2)(A).

''(2) ESTABLISHMENT.—The Secretary of Labor shall—

''(A) establish a disability management review process for the purpose of certifying and monitoring the disability status and extent of injury of each covered employee; and

''(B) promulgate regulations for the administration of the disability management review process.

''(3) PHYSICAL EXAMINATIONS REQUIRED.—Under the disability management review process, the Secretary of Labor shall periodically require covered employees to submit to physical examinations under subsection (a) by physicians selected by the Secretary. A physician conducting a physical examination of a covered employee shall submit to the Secretary a report regarding the nature and extent of the injury to and disability of the covered employee.

''(4) FREQUENCY.—

''(A) IN GENERAL.—The regulations promulgated under paragraph (2)(B) shall specify the process and criteria for determining when and how frequently a physical examination should be conducted for a covered employee.

''(B) MINIMUM FREQUENCY.—

''(i) INITIAL.—An initial physical examination shall be conducted not more than a brief period after the date on which a covered employee has been in continuous receipt of compensation for total disability under section 8015 for 6 months.

''(ii) SUBSEQUENT EXAMINATIONS.—After the initial physical examination, physical examinations of a covered employee shall be conducted not less than once every 3 years.

''(5) EMPLOYING AGENCY OR INSTRUMENTALITY REQUESTS.—

''(A) IN GENERAL.—The agency or instrumentality employing an employee who has made a claim for compensation for total disability under section 8105 may at any time submit a request for the Secretary of Labor to promptly require the employee to submit to a physical examination under this subsection.

''(B) REQUESTING OFFICER.—A request under subparagraph (A) shall be made on behalf of an agency or instrumentality by—

''(i) the head of the agency or instrumentality;

''(ii) the Chief Human Capital Officer of the agency or instrumentality; or

''(iii) if the agency or instrumentality does not have a Chief Human Capital Officer, an officer with responsibilities similar to those of a Chief Human Capital Officer designated by the head of the agency or instrumentality to make requests under this paragraph.

''(C) INFORMATION.—A request under subparagraph (A) shall be in writing and accompanied by—

''(i) a certification by the officer making the request that the officer has reviewed the relevant material in the employee's file;

''(ii) an explanation of why the officer has determined, based on the materials in the file and other information known to the officer, that requiring a physical examination of the employee under this subsection is necessary; and

''(iii) copies of the materials relating to the employee that are relevant to the officer's determination and request, unless the agency or instrumentality has a reasonable basis for not providing the materials.

''(D) EXAMINATION.—If the Secretary of Labor receives a request under this paragraph before an employee has undergone an initial physical examination under paragraph (4)(B)(i), the Secretary shall promptly require the physical examination of the employee. A physical examination under this subparagraph shall satisfy the requirement under paragraph (4)(B)(i) that an initial physical examination be conducted.

''(E) AFTER INITIAL EXAMINATION.—

''(i) IN GENERAL.—If the Secretary of Labor receives a request under this paragraph after an employee has undergone an initial physical examination under paragraph (4)(B)(i), the Secretary shall—

''(I) review the request and the information, explanation, and other materials submitted with the request; and

''(II) determine whether to require the physical examination of the employee who is the subject of the request.

''(ii) NOT GRANTED.—If the Secretary determines not to grant a request described in clause (i), the Secretary shall promptly notify the officer who made the request and provide an explanation of the reasons why the request was denied.''.

SEC. 308. WAITING PERIOD.

(a) IN GENERAL.—Section 8117 is amended—

(1) in the section heading, by striking ''**Time of accrual of right**'' and inserting ''**Waiting period**'';

(2) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''An employee'' and all that follows through ''is not entitled'' and inserting ''IN GENERAL.—An employee is not entitled to continuation of pay within the meaning of section 8118 for the first 3 days of temporary disability or, if section 8118 does not apply, is not entitled'';

(B) in paragraph (1), by adding ''or'' at the end;

(C) by striking paragraph (2); and

(D) by redesignating paragraph (3) as paragraph (2); and

(3) in subsection (b)—

(A) by striking ''A Postal Service'' the first place it appears and all that follows through ''A Postal Service'' the second place it appears and inserting ''USE OF LEAVE.—An'';

(B) by striking ''that 3-day period'' and inserting ''the first 3 days of temporary disability''; and

(C) by striking ''or is followed by permanent disability''.

(b) CONTINUATION OF PAY.—Section 8118 is amended—

(1) in the section heading, by striking ''**; election to use annual or sick leave**'';

(2) in subsection (b)(1), by striking ''section 8117(b)'' and inserting ''section 8117'';

(3) by striking subsection (c); and

(4) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 81 is amended by striking the items relating to sections 8117 and 8118 and inserting the following:

''8117. Waiting period.

''8118. Continuation of pay.''.

SEC. 309. ELECTION OF BENEFITS.

(a) IN GENERAL.—Section 8116 is amended by adding at the end the following:

''(e) RETIREMENT BENEFITS.—

''(1) IN GENERAL.—An individual entitled to compensation benefits payable under this subchapter and under chapter 83 or 84 or any other retirement system for employees of the Government, for the same period, shall elect which benefits the individual will receive.

''(2) ELECTION.—

''(A) DEADLINE.—An individual shall make an election under paragraph (1) in accordance with such deadlines as the Secretary of Labor shall establish.

''(B) REVOCABILITY.—An election under paragraph (1) shall be revocable, notwithstanding any other provision of law, except for any period during which an individual—

''(i) was qualified for benefits payable under both this subchapter and under a retirement system described in paragraph (1); and

''(ii) was paid benefits under the retirement system after having been notified of eligibility for benefits under this subchapter.

''(3) INFORMED CHOICE.—The Secretary of Labor shall provide information, and shall ensure that information is provided, to an individual described in paragraph (1) about the benefits available to the individual under this subchapter or under chapter 83 or 84 or any other retirement system referred to in paragraph (1) the individual may elect to receive.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Sections 8337(f)(3) and 8464a(a)(3) are each amended by striking ''Paragraphs'' and inserting ''Except as provided under chapter 81, paragraphs''.

SEC. 310. SANCTION FOR NONCOOPERATION WITH FIELD NURSES.

Section 8123, as amended by section 307, is amended by adding at the end the following:

''(f) FIELD NURSES.—

''(1) DEFINITION.—In this subsection, the term 'field nurse' means a registered nurse that assists the Secretary in the medical management of disability claims under this subchapter and provides claimants with assistance in coordinating medical care.

''(2) AUTHORIZATION.—The Secretary may use field nurses to coordinate medical services and vocational rehabilitation programs for injured employees under this subchapter. If an employee refuses to cooperate with a field nurse or obstructs a field nurse in the performance of duties under this subchapter, the right to compensation under this subchapter shall be suspended until the refusal or obstruction stops.''.

SEC. 311. SUBROGATION OF CONTINUATION OF PAY.

(a) IN GENERAL.—Section 8131 is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by inserting ''continuation of pay or'' before ''compensation''; and

(2) in subsection (b), by inserting ''continuation of pay'' before compensation; and

(3) in subsection (c)—

(A) by inserting ''continuation of pay or'' before ''compensation already paid''; and

(B) by inserting ''continuation of pay or'' before ''compensation payable''.

(b) ADJUSTMENT AFTER RECOVERY FROM A THIRD PERSON.—Section 8132 is amended—

(1) in the first sentence—

(A) by inserting ''continuation of pay or'' before ''compensation is payable'';

(B) by inserting ''continuation of pay or'' before ''compensation from the United States'';

(C) by striking ''by him or in his behalf'' and inserting ''by the beneficiary or on behalf of the beneficiary'';

(D) by inserting ''continuation of pay and'' before ''compensation paid by the United States''; and

(E) by striking ''compensation payable to him'' and inserting ''continuation of pay or compensation payable to the beneficiary'';

(2) in the second sentence, by striking ''his designee'' and inserting ''the designee of the beneficiary''; and

(3) in the fourth sentence, by striking ''If compensation'' and all that follows through ''payable to him by the United States'' and inserting ''If continuation of pay or compensation has not been paid to the beneficiary, the money or property shall be credited against continuation of pay or compensation payable to the beneficiary by the United States''.

SEC. 312. SOCIAL SECURITY EARNINGS INFORMATION.

Section 8116, as amended by section 308, is amended by adding at the end the following:

''(f) EARNINGS INFORMATION.—Notwithstanding section 552a or any other provision of Federal or State law, the Social Security Administration shall make available to the Secretary of Labor, upon written request, the Social Security earnings information of a living or deceased employee who may have sustained an injury or died as a result of an injury that is the subject of a claim under this subchapter required by the Secretary of Labor to carry out this subchapter.''.

SEC. 313. AMOUNT OF COMPENSATION.

(a) INJURIES TO FACE, HEAD, AND NECK.—Section 8107(c)(21) is amended—

(1) by striking ''not to exceed $3,500'' and inserting ''in proportion to the severity of the disfigurement, not to exceed $50,000,''; and

(2) by adding at the end the following: ''The maximum amount of compensation under this paragraph shall be increased on March 1 of each year by the amount determined by the Secretary of Labor to represent the percent change in the price index published for December of the preceding year over the price index published for the December of the year prior to the preceding year, adjusted to the nearest one-tenth of 1 percent.''.

(b) FUNERAL EXPENSES.—Section 8134(a) is amended—

(1) by striking ''$800'' and inserting ''$6,000''; and

(2) by adding at the end the following: ''The maximum amount of compensation under this subsection shall be increased on March 1 of each year by the amount determined by the Secretary of Labor to represent the percent change in the price index published for December of the preceding year over the price index published for the December of the year prior to the preceding year, adjusted to the nearest one-tenth of 1 percent.''.

(c) APPLICATION.—The amendments made by this section shall apply to injuries or deaths, respectively, occurring on or after the date of enactment of this Act.

SEC. 314. TECHNICAL AND CONFORMING AMENDMENTS.

Chapter 81 is amended—

(1) in section 8101(1)(D), by inserting ''for an injury that occurred before the effective date of section 204(e) of the District of Columbia Self-Government and Governmental Reorganization Act (Public Law 93–198; 87 Stat. 783; 5 U.S.C. 8101 note)'' before the semicolon;

(2) in section 8139, by inserting ''under this subchapter'' after ''Compensation awarded'';

(3) in section 8148(a), by striking ''section 8106'' and inserting ''section 8106a'';

SEC. 315. REGULATIONS.

(a) IN GENERAL.—As soon as possible after the date of enactment of this Act, the Secretary of Labor shall promulgate regulations (which may include interim final regulations) to carry out this title.

(b) CONTENTS.—The regulations promulgated under subsection (a) shall include, for purposes of the amendments made by sections 302 and 303, clarification of—

(1) what is a claim; and

(2) what is the date on which a period of disability, for which a claim is made, commences.

TITLE IV—OTHER MATTERS

SEC. 401. PROFITABILITY PLAN.

(a) PLAN REQUIRED.—Not later than 90 days after the date of enactment of this Act, the Postal Service shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, the Comptroller General of the United States, and the Commission a plan describing, in detail, the actions the Postal Service will take to—

(1) become profitable by fiscal year 2015; and

(2) achieve long-term financial solvency.

(b) CONSIDERATIONS.—The plan required under subsection (a) shall take into consideration—

(1) the legal authority of the Postal Service;

(2) the changes in the legal authority and responsibilities of the Postal Service under this Act;

(3) any cost savings that the Postal Service anticipates will be achieved through negotiations with employees of the Postal Service; and

(4) projected changes in mail volume.

(c) UPDATES.—The Postal Service shall update the plan required under subsection (a) not less frequently than quarterly, until the last quarter of fiscal year 2015.

SEC. 402. POSTAL RATES.

(a) COMMISSION STUDY.—

(1) IN GENERAL.—Not earlier than 2 years after the date of enactment of this Act, the Commission shall commence a study to determine—

(A) whether and to what extent any market-dominant classes, products, or types of mail services do not bear the direct and indirect costs attributable to those classes, products, or types of mail service; and

(B) the impact of any excess mail processing, transportation, or delivery capacity of the Postal Service on the direct and indirect costs attributable to any class that bears less than 100 percent of the costs attributable to the class, as determined under subparagraph (A).

(2) REQUIREMENTS.—The Commission shall conduct the study under paragraph (1) in a manner that protects confidential and proprietary business information.

(3) HEARING.—Before completing the study under paragraph (1), the Commission shall hold a public hearing, on the record, in order to better inform the conclusions of the study. The Postal Service, postal customers, and other interested persons may participate in the hearing under this paragraph.

(4) COMPLETION.—Not later than 6 months after the date on which the Commission commences the study under subsection (a), the Commission shall complete the study.

(b) ANNUAL UPDATES REQUIRED.—Not later than 1 year after the date of completion of the study under subsection (a), and annually thereafter, the Commission shall—

(1) determine whether any class of mail bears less than 100 percent of the direct and indirect costs attributable to the class, product, or type of mail service, in the same manner as under subsection (a)(1)(A);

(2) for any class of mail for which the Commission makes a determination under paragraph (1), update the study under subsection (a); and

(3) include the study updated under paragraph (2) in the annual written determination of the Commission under section 3653 of title 39, United States Code.

(c) POSTAL RATES.—

(1) DEFINITION.—In this subsection, the term ''loss-making'', as used with respect to a class of mail, means a class of mail that bears less than 100 percent of the costs attributable to the class of mail, according to the most recent annual determination of the Commission under subsection (a)(1) or (b)(1), adjusted to account for the quantitative effect of excess mail processing, transportation, or delivery capacity of the Postal Service on the costs attributable to the class of mail.

(2) IN GENERAL.—Not later than 1 year after the date on which the study under subsection (a) is completed, and annually thereafter, the Postal Service shall establish postal rates for each loss-making class of mail.

(3) CONSIDERATIONS.—The Postal Service may establish postal rates under paragraph (2) in a manner that ensures, to the extent practicable, that a class of mail described in paragraph (2) is not loss-making by—

(A) using the authority to increase rates under section 3622(d)(1)(A) of title 39, United States Code;

(B) exhausting any unused rate adjustment authority, as defined in section 3622(d)(2)(C) of title 39, United States Code, subject to paragraph (4); and

(C) maximizing incentives to reduce costs and increase efficiency with regard to the processing, transportation, and delivery of such mail by the Postal Service.

(4) UNUSED RATE ADJUSTMENT AUTHORITY.—Section 3622(d)(2)(C) of title 39, United States Code, shall be applied by annually increasing by 2 percentage points any unused rate adjustment authority for a class of mail that bears less than 90 percent of the costs attributable to the class of mail, according to the most recent annual determination of the Commission under subsection (a)(1) or (b)(1), adjusted to account for the quantitative effect of excess mail processing, transportation, or delivery capacity of the Postal Service on the costs attributable to the class of mail.

SEC. 403. COOPERATION WITH STATE AND LOCAL GOVERNMENTS; INTRA-SERVICE AGREEMENTS.

(a) COOPERATION WITH STATE AND LOCAL GOVERNMENTS.—Section 411 of title 39, United States Code, is amended, in the first sentence by striking ''and the Government Printing Office'' inserting '', the Government Printing Office, and agencies and other units of State and local governments''.

(b) INTRA-SERVICE AGREEMENTS.—Section 411 of title 39, United States Code, as amended by subsection (a), is amended—

(1) in the section heading, by adding at the end the following: ''**and within the Postal Service**'';

(2) in the second sentence, by striking ''section'' and inserting ''subsection'';

(3) by striking ''Executive agencies'' and inserting the following:

''(a) COOPERATION WITH STATE AND LOCAL GOVERNMENTS.—Executive agencies''; and

(4) by adding at the end the following:

''(b) COOPERATION WITHIN THE POSTAL SERVICE.—The Office of the Inspector General and other components of the Postal Service may enter into agreements to furnish to each other property, both real and personal, and personal and nonpersonal services. The furnishing of property and services under this subsection shall be under such terms and conditions, including reimbursability, as the Inspector General and the head of the component concerned shall deem appropriate.''.

(c) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 4 of title 39, United States Code, is amended by

striking the item relating to section 411 and inserting the following:

''411. Cooperation with other Government agencies and within the Postal Service.''.

SEC. 404. SHIPPING OF WINE AND BEER.

(a) MAILABILITY.—

(1) NONMAILABLE ARTICLES.—Section 1716(f) of title 18, United States Code, is amended by striking ''mails'' and inserting ''mails, except to the extent that the mailing is allowable under section 3001(p) of title 39''.

(2) APPLICATION OF LAWS.—Section 1161 of title 18, United States Code, is amended, by inserting '', and, with respect to the mailing of wine or malt beverages (as those terms are defined in section 117 of the Federal Alcohol Administration Act (27 U.S.C. 211)), is in conformity with section 3001(p) of title 39'' after ''Register''.

(b) REGULATIONS.—Section 3001 of title 39, United States Code, is amended by adding at the end the following:

''(p)(1) In this subsection, the terms 'wine' and 'malt beverage' have the same meanings as in section 117 of the Federal Alcohol Administration Act (27 U.S.C. 211).

''(2) Wine or malt beverages shall be considered mailable if mailed—

''(A) by a licensed winery or brewery, in accordance with applicable regulations under paragraph (3); and

''(B) in accordance with the law of the State, territory, or district of the United States where the addressee or duly authorized agent takes delivery.

''(3) The Postal Service shall prescribe such regulations as may be necessary to carry out this subsection, including regulations providing that—

''(A) the mailing shall be by a means established by the Postal Service to ensure direct delivery to the addressee or a duly authorized agent;

''(B) the addressee (and any duly authorized agent) shall be an individual at least 21 years of age;

''(C) the individual who takes delivery, whether the addressee or a duly authorized agent, shall present a valid, government-issued photo identification at the time of delivery;

''(D) the wine or malt beverages may not be for resale or other commercial purpose; and

''(E) the winery or brewery involved shall—

''(i) certify in writing to the satisfaction of the Postal Service, through a registration process administered by the Postal Service, that the mailing is not in violation of any provision of this subsection or regulation prescribed under this subsection; and

''(ii) provide any other information or affirmation that the Postal Service may require, including with respect to the prepayment of State alcohol beverage taxes.

''(4) For purposes of this subsection—

''(A) a winery shall be considered to be licensed if it holds an appropriate basic permit issued—

''(i) under the Federal Alcohol Administration Act; and

''(ii) under the law of the State in which the winery is located; and

''(B) a brewery shall be considered to be licensed if—

''(i) it possesses a notice of registration and bond approved by the Alcohol and Tobacco Tax and Trade Bureau of the Department of the Treasury; and

''(ii) it is licensed to manufacture and sell malt beverages in the State in which the brewery is located.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the earlier of—

(1) the date on which the Postal Service issues regulations under section 3001(p) of title 39, United States Code, as amended by this section; and

(2) 120 days after the date of enactment of this Act.

SEC. 405. ANNUAL REPORT ON UNITED STATES MAILING INDUSTRY.

(a) IN GENERAL.—Chapter 24 of title 39, United States Code, is amended by adding at the end the following:

''§ 2403. Annual report on the fiscal stability of the United States mailing industry

''(a) IN GENERAL.—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Postal Regulatory Commission shall submit a report on the fiscal stability of the United States mailing industry with respect to the preceding fiscal year to—

''(1) the Committee on Homeland Security and Governmental Affairs of the Senate; and

''(2) the Committee on Oversight and Government Reform of the House of Representatives.

''(b) ASSISTANCE.—The United States Postal Service and any Federal agency involved in oversight or data collection regarding industry sectors relevant to the report under subsection (a) shall provide any assistance to the Postal Regulatory Commission that the Postal Regulatory Commission determines is necessary in the preparation of a report under subsection (a).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 24 of title 39, United States Code, is amended by adding at the end the following:

''2403. Annual report on the fiscal stability of the United States mailing industry.''.

SEC. 406. USE OF NEGOTIATED SERVICE AGREEMENTS.

Section 3622 of title 39, United States Code, is amended—

(1) in subsection (c)(10)(A)—

(A) in the matter preceding clause (i), by striking ''either'' and inserting ''will'';

(B) in clause (i), by striking ''or'' at the end;

(C) in clause (ii), by striking ''and'' at the end and inserting ''or''; and

(D) by adding at the end the following:

''(iii) preserve mail volume and revenue; and''; and

(2) by adding at the end the following:

''(g) COORDINATION.—The Postal Service and the Postal Regulatory Commission shall coordinate actions to identify methods to increase the use of negotiated service agreements for market-dominant products by the Postal Service consistent with subsection (c)(10).''.

SEC. 407. CONTRACT DISPUTES.

Section 7101(8) of title 41, United States Code, is amended—

(1) in subparagraph (C), by striking ''and'' at the end;

(2) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(E) the United States Postal Service and the Postal Regulatory Commission.''.

SEC. 408. CONTRACTING PROVISIONS.

(a) IN GENERAL.—Part I of title 39, United States Code, is amended by adding at the end the following:

''CHAPTER 7—CONTRACTING PROVISIONS

''Sec.

''701. Definitions.

''702. Advocate for competition.

''703. Delegation of contracting authority.

''704. Posting of noncompetitive purchase requests for noncompetitive contracts.

''705. Review of ethical issues.

''706. Ethical restrictions on participation in certain contracting activity.

''§ 701. Definitions

''In this chapter—

''(1) the term 'contracting officer' means an employee of a covered postal entity who has authority to enter into a postal contract;

''(2) the term 'covered postal entity' means—

''(A) the United States Postal Service; or

''(B) the Postal Regulatory Commission;

''(3) the term 'head of a covered postal entity' means—

''(A) in the case of the United States Postal Service, the Postmaster General; or

''(B) in the case of the Postal Regulatory Commission, the Chairman of the Postal Regulatory Commission;

''(4) the term 'postal contract' means any contract (including any agreement or memorandum of understanding) entered into by a covered postal entity for the procurement of goods or services; and

''(5) the term 'senior procurement executive' means the senior procurement executive of a covered postal entity.

''§ 702. Advocate for competition

''(a) ESTABLISHMENT AND DESIGNATION.—

''(1) There is established in each covered postal entity an advocate for competition.

''(2) The head of each covered postal entity shall designate for the covered postal entity 1 or more officers or employees (other than the senior procurement executive) to serve as the advocate for competition.

''(b) RESPONSIBILITIES.—The advocate for competition of each covered postal entity shall—

''(1) be responsible for promoting competition to the maximum extent practicable consistent with obtaining best value by promoting the acquisition of commercial items and challenging barriers to competition;

''(2) review the procurement activities of the covered postal entity; and

''(3) prepare and transmit to the head of each covered postal entity, the senior procurement executive of each covered postal entity, the Board of Governors of the United States Postal Service, and Congress, an annual report describing—

''(A) the activities of the advocate under this section;

''(B) initiatives required to promote competition;

''(C) barriers to competition that remain; and

''(D) the number of waivers made by each covered postal entity under section 704(c).

''§ 703. Delegation of contracting authority

''(a) IN GENERAL.—

''(1) POLICY.—Not later than 60 days after the date of enactment of the 21st Century Postal Service Act of 2011, the head of each covered postal entity shall issue a policy on contracting officer delegations of authority for the covered postal entity.

''(2) CONTENTS.—The policy issued under paragraph (1) shall require that—

''(A) notwithstanding any delegation of authority with respect to postal contracts, the ultimate responsibility and accountability for the award and administration of postal contracts resides with the senior procurement executive; and

''(B) a contracting officer shall maintain an awareness of and engagement in the activities being performed on postal contracts of which that officer has cognizance, notwithstanding any delegation of authority that may have been executed.

''(b) POSTING OF DELEGATIONS.—

''(1) IN GENERAL.—The head of each covered postal entity shall make any delegation of authority for postal contracts outside the functional contracting unit readily available and accessible on the website of the covered postal entity.

''(2) EFFECTIVE DATE.—This paragraph shall apply to any delegation of authority made on or after 30 days after the date of enactment of the 21st Century Postal Service Act of 2011.

''§ 704. Posting of noncompetitive purchase requests for noncompetitive contracts

''(a) POSTING REQUIRED.—

''(1) POSTAL REGULATORY COMMISSION.—The Postal Regulatory Commission shall make the noncompetitive purchase request for any noncompetitive award, including the rationale supporting the noncompetitive award, publicly available on the website of the Postal Regulatory Commission—

''(A) not later than 14 days after the date of the award of the noncompetitive contract; or

''(B) not later than 30 days after the date of the award of the noncompetitive contract, if the basis for the award was a compelling business interest.

''(2) UNITED STATES POSTAL SERVICE.—The United States Postal Service shall make the noncompetitive purchase request for any noncompetitive award of a postal contract valued at $250,000 or more, including the rationale supporting the noncompetitive award, publicly available on the website of the United States Postal Service—

''(A) not later than 14 days after the date of the award; or

''(B) not later than 30 days after the date of the award, if the basis for the award was a compelling business interest.

''(3) ADJUSTMENTS TO THE POSTING THRESHOLD FOR THE UNITED STATES POSTAL SERVICE.—

''(A) REVIEW AND DETERMINATION.—Not later than January 31 of each year, the United States Postal Service shall—

''(i) review the $250,000 threshold established under paragraph (2); and

''(ii) based on any change in the Consumer Price Index for all-urban consumers of the Department of Labor, determine whether an adjustment to the threshold shall be made.

''(B) AMOUNT OF ADJUSTMENTS.—An adjustment under subparagraph (A) shall be made in increments of $5,000. If the United States Postal Service determines that a change in the Consumer Price Index for a year would require an adjustment in an amount that is less than $5,000, the United States Postal Service may not make an adjustment to the threshold for the year.

''(4) EFFECTIVE DATE.—This subsection shall apply to any noncompetitive contract awarded on or after the date that is 90 days after the date of enactment of the 21st Century Postal Service Act of 2011.

''(b) PUBLIC AVAILABILITY.—

''(1) IN GENERAL.—Subject to paragraph (2), the information required to be made publicly available by a covered postal entity under subsection (a) shall be readily accessible on the website of the covered postal entity.

''(2) PROTECTION OF PROPRIETARY INFORMATION.—A covered postal entity shall—

''(A) carefully screen any description of the rationale supporting a noncompetitive award required to be made publicly available under subsection (a) to determine whether the description includes proprietary data (including any reference or citation to the proprietary data) or security-related information; and

''(B) remove any proprietary data or security-related information before making publicly available a description of the rational supporting a noncompetitive award.

''(c) WAIVERS.—

''(1) WAIVER PERMITTED.—If a covered postal entity determines that making a noncompetitive purchase request publicly available would risk placing the United States Postal Service at a competitive disadvantage relative to a private sector competitor, the senior procurement executive, in consultation with the advocate for competition of the covered postal entity, may waive the requirements under subsection (a).

''(2) FORM AND CONTENT OF WAIVER.—

''(A) FORM.—A waiver under paragraph (1) shall be in the form of a written determination placed in the file of the contract to which the noncompetitive purchase agreement relates.

''(B) CONTENT.—A waiver under paragraph (1) shall include—

''(i) a description of the risk associated with making the noncompetitive purchase request publicly available; and

''(ii) a statement that redaction of sensitive information in the noncompetitive purchase request would not be sufficient to protect the United States Postal Service from being placed at a competitive disadvantage relative to a private sector competitor.

''(3) DELEGATION OF WAIVER AUTHORITY.—A covered postal entity may not delegate the authority to approve a waiver under paragraph (1) to any employee having less authority than the senior procurement executive.

''§ 705. Review of ethical issues

''If a contracting officer identifies any ethical issues relating to a proposed contract and submits those issues and that proposed contract to the designated ethics official for the covered postal entity before the awarding of that contract, that ethics official shall—

''(1) review the proposed contract; and

''(2) advise the contracting officer on the appropriate resolution of ethical issues.

''§ 706. Ethical restrictions on participation in certain contracting activity

''(a) DEFINITIONS.—In this section—

''(1) the term 'covered employee' means—

''(A) a contracting officer; or

''(B) any employee of a covered postal entity whose decisionmaking affects a postal contract as determined by regulations prescribed by the head of a covered postal entity;

''(2) the term 'covered relationship' means a covered relationship described in section 2635.502(b)(1) of title 5, Code of Federal Regulations, or any successor thereto; and

''(3) the term 'final conviction' means a conviction, whether entered on a verdict or plea, including a plea of nolo contendere, for which a sentence has been imposed.

''(b) IN GENERAL.—

''(1) REGULATIONS.—The head of each covered postal entity shall prescribe regulations that—

''(A) require a covered employee to include in the file of any noncompetitive purchase request for a noncompetitive postal contract a written certification that—

''(i) discloses any covered relationship of the covered employee; and

''(ii) the covered employee will not take any action with respect to the noncompetitive purchase request that affects the financial interests of a friend, relative, or person with whom the covered employee is affiliated in a nongovernmental capacity, or otherwise gives rise to an appearance of the use of public office for private gain, as described in section 2635.702 of title 5, Code of Federal Regulations, or any successor thereto;

''(B) require a contracting officer to consult with the ethics counsel for the covered postal entity regarding any disclosure made by a covered employee under subparagraph (A)(i), to determine whether participation by the covered employee in the noncompetitive purchase request would give rise to a violation of part 2635 of title 5, Code of Federal Regulations (commonly referred to as the 'Standards of Ethical Conduct for Employees of the Executive Branch');

''(C) require the ethics counsel for a covered postal entity to review any disclosure made by a contracting officer under subparagraph (A)(i) to determine whether participation by the contracting officer in the noncompetitive purchase request would give rise to a violation of part 2635 of title 5, Code of Federal Regulations (commonly referred to as the 'Standards of Ethical Conduct for Employees of the Executive Branch'), or any successor thereto;

''(D) under subsections (d) and (e) of section 2635.50 of title 5, Code of Federal Regulations, or any successor thereto, require the ethics counsel for a covered postal entity to—

''(i) authorize a covered employee that makes a disclosure under subparagraph (A)(i) to participate in the noncompetitive postal contract; or

''(ii) disqualify a covered employee that makes a disclosure under subparagraph (A)(i) from participating in the noncompetitive postal contract;

''(E) require a contractor to timely disclose to the contracting officer in a bid, solicitation, award, or performance of a postal contract any conflict of interest with a covered employee; and

''(F) include authority for the head of the covered postal entity to a grant a waiver or otherwise mitigate any organizational or personal conflict of interest, if the head of the covered postal entity determines that the waiver or mitigation is in the best interests of the Postal Service.

''(2) POSTING OF WAIVERS.—Not later than 30 days after the head of a covered postal entity grants a waiver described in paragraph (1)(F), the head of the covered postal entity shall make the waiver publicly available on the website of the covered postal entity.

''(c) CONTRACT VOIDANCE AND RECOVERY.—

''(1) UNLAWFUL CONDUCT.—In any case in which there is a final conviction for a violation of any provision of chapter 11 of title 18 relating to a postal contract, the head of a covered postal entity may—

''(A) void that contract; and

''(B) recover the amounts expended and property transferred by the covered postal entity under that contract.

''(2) OBTAINING OR DISCLOSING PROCUREMENT INFORMATION.—

''(A) IN GENERAL.—In any case where a contractor under a postal contract fails to timely disclose a conflict of interest to the appropriate contracting officer as required under the regulations promulgated under subsection (b)(1)(D), the head of a covered postal entity may—

''(i) void that contract; and

''(ii) recover the amounts expended and property transferred by the covered postal entity under that contract.

''(B) CONVICTION OR ADMINISTRATIVE DETERMINATION.—A case described under subparagraph (A) is any case in which—

''(i) there is a final conviction for an offense punishable under section 27(e) of the Office of Federal Procurement Policy Act (41 U.S.C. 423(e)); or

''(ii) the head of a covered postal entity determines, based upon a preponderance of the evidence, that the contractor or someone acting for the contractor has engaged in conduct constituting an offense punishable under section 27(e) of that Act.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part I of title 39, United States Code, is amended by adding at the end the following:

''7. Contracting Provisions ..... 701''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 309—SUPPORTING THE PRESERVATION OF INTERNET ENTREPRENEURS AND SMALL BUSINESSES

Mr. WYDEN (for himself, Ms. AYOTTE, Mrs. SHAHEEN, Mr. BEGICH, Mr. MERKLEY, and Mr. HELLER) submitted the following resolution; which was referred to the Committee on Finance.

S. RES. 309

Whereas the United States enjoys a strong Internet retail market, which, for the past decade, has provided consumers in the United States with the opportunity to purchase quality products and services at competitive prices;

Whereas the free Internet marketplace has enabled a large number of small retailers and entrepreneurs across the Nation to establish and strengthen businesses on various e-commerce platforms and therefore protect and create jobs, increase consumer choice, create competition in the retail industry, and provide quality goods and services at reasonable and often discounted prices;

Whereas any Federal legislation that would upset the free and fair Internet marketplace and allow State governments to impose new, onerous and burdensome sales tax-collecting schemes on out-of-State, Internet-enabled small businesses would adversely impact hundreds of thousands of jobs, reduce consumer choice, and impede the growth and development of interstate commerce; and

Whereas at a time when national unemployment numbers are high and businesses across the country are struggling to keep their doors open, the Federal Government should promote pro-growth and pro-business policies instead of enacting legislation that extracts additional taxes from our Nation's Internet-enabled businesses: Now, therefore, be it

Resolved, That it is the sense of the Senate that Congress should not enact any legislation that would grant State governments the authority to impose any new burdensome or unfair tax collecting requirements on small Internet businesses and entrepreneurs, which would ultimately hurt the economy of, and consumers in, the United States.

Mr. WYDEN. Mr. President, I am pleased today to be joined by Senators AYOTTE, BEGICH, HELLER, MERKLEY, and SHAHEEN to submit a simple but important bipartisan resolution. Our resolution simply expresses a sense of the Senate that the government should not sack small online businesses with any new tax collecting mandates that would hurt their competitiveness, hurt economic recovery, hurt competition, and harm consumers.

The Internet is transforming the way that commerce is conducted. It is leveling the playing field so that the marketplace—whether for goods and services or for ideas—is less and less dominated by the big and by the powerful. The Internet is democratizing information, speech, and making it easier to exchange ideas as well as goods and services.

The legal regime that the United States currently has in place, which facilitates e-commerce, must be protected. Our Constitution and laws such as the Internet Tax Freedom Act and section 230 of the Communications Decency Act, which I championed and protect e-commerce platforms from litigation and small e-commerce businesses from being crushed by layers and layers of state and local taxes, are the pillars that support America's e-commerce platforms and online entrepreneurs' ability to compete.

Everyone in this body recognizes that small businesses are the engines of our economy. They are responsible for the bulk of innovation and job creation in this country—job creation that is so desperately needed right now. In this difficult economic period, however, many State and local governments are facing budgetary shortfalls. It is a difficult challenge that I am sure all of my colleagues recognize, but State budget gaps should not be filled by imposing new tax collecting mandates on the very types of businesses that we rely on to innovate and create the new jobs of tomorrow. But that is what some people are suggesting that Congress allow. I am opposed to that right now, especially given the economic challenges that we face.

Let me give just one example of why we shouldn't upset the legal regime that is currently working to foster innovation, encourage e-commerce and interstate economic activity and which supports jobs. Without the regime that we have in place, a small online retailer, whether it is someone that is selling new merchandise or used merchandise, would be responsible for collecting sales tax for up to 15,000 different sales tax jurisdictions. That is just not a reasonable thing to expect. That is not a reasonable thing to expect particularly, say, from a stay-at-home parent who sells household goods online to supplement the family's income. Or a college student who buys and sells used merchandise online to help finance the increasingly higher costs of attending college. We don't want to saddle online entrepreneurs like these with new tax collecting responsibilities that will, in effect, put them right out of business.

I look forward to working with my Senate colleagues to build support for this resolution and to ensure that we keep the policies in place that enable small businesses, including online businesses, to have a policy environment that allows them to innovate and create good American jobs.

NOTICE OF INTENT TO OBJECT TO PROCEEDING

I, Senator CHARLES GRASSLEY, intend to object to proceeding to S. 1014, a bill to provide for additional Federal district judgeships, dated November 2, 2011.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a field hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Monday, November 14, 2011, at 10 a.m., in 7th Floor Courtroom of the Robert C. Byrd Federal Courthouse, 300 Virginia Street, East Charleston, WV 25301.

The purpose of the hearing is to examine Marcellus Shale Gas development and production in West Virginia.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510–6150, or by e-mail to Abigail_Campbell @energy.senate.gov.

For further information, please contact Allyson Anderson at (202) 224– 7143 or Abigail Campbell at (202) 224–1219.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BEGICH. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on November 2, 2011, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. BEGICH. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on November 2, 2011, at 9:30 a.m. to conduct a hearing entitled ''Ten Years After 9/11: The Next Wave in Aviation Security.''

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

COMMITTEE ON THE JUDICIARY

Mr. BEGICH. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on November 2, 2011, at 10 a.m. in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Nominations.''.

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

SUBCOMMITTEE ON EUROPEAN AFFAIRS

Mr. BEGICH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on November 2, 2011, at 9:30 a.m., to hold a European Affairs subcommittee hearing entitled, ''The European Debt Crisis: Strategic Implications for the Transatlantic Alliance.''

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

SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND ORGANIZATIONS, HUMAN RIGHTS, DEMOCRACY, AND GLOBAL WOMEN'S ISSUES

and

SUBCOMMITTEE ON NEAR EASTERN AND SOUTH AND CENTRAL ASIAN AFFAIRS

Mr. BEGICH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on November 2, 2011, at 2:30 p.m., to hold a joint hearing of the Subcommittee on International Operations and Organizations, Human Rights, Democracy, and Global Women's Issues, and the Subcommittee on Near Eastern and South and Central Asian Affairs entitled, ''Women and the Arab Spring.''

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

SPECIAL COMMITTEE ON AGING

Mr. BEGICH. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on November 2, 2011, at 2:00 p.m. in room G–50 of the Dirksen Senate office building to conduct a hearing entitled ''Ensuring Quality and Oversight in Assisted Living.''.

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

PRIVILEGES OF THE FLOOR

Mr. MERKLEY. Mr. President, I ask unanimous consent that floor privileges be extended for the balance of the day to my intern, India Wade.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent that Julia Feinberg and Adam Newman of my staff be granted the privilege of the floor for the duration of today's proceedings on the motion to proceed to S. 1769.

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

FOREIGN TRAVEL FINANCIAL REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following reports for standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2011

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Paul Grove:									
Uzbekistan	Som		224.00						224.00
United States	Dollar				6,380.00				6,380.00
Mary Katherine Fitzpatrick:									
Russia	Ruble		1,534.00						1,534.00
Georgia	Lari		645.70						645.70
Ukraine	Hryvnia		581.53						581.53
United States	Dollar				12,641.20				12,641.20
Erik Fatemi:									
Cambodia	Riel		991.55						991.55
India	Rupee		2,422.00						2,422.00
United States	Dollar				10,690.00				10,690.00
Adrienne Hallett:									
Cambodia	Riel		814.55						814.55
India	Rupee		2,422.00						2,422.00
United States	Dollar				10,690.00				10,690.00
Laura Friedel:									
Cambodia	Riel		901.55						901.55
India	Rupee		2,162.00						2,162.00
United States	Dollar				10,690.50				10,690.50
Sara Love Swaney:									
Cambodia	Riel		891.55						891.55
India	Rupee		2,102.00						2,102.00
United States	Dollar				10,690.50				10,690.50
Janet Stormes:									
Japan	Yen		10.00		39.00				49.00
South Korea	Won		492.00		62.00				554.00
China	Yuan Renminbi		858.00						858.00
Taiwan	Dollar		295.50						295.00
Philippines	Peso		570.00						570.00
United States	Dollar				6,681.00		35.00		6,716.00
Senator Barbara Mikulski:									
France	Euro		2,513.89		405.43				2,919.32
United States	Dollar				11,722.00				11,722.00
Gabrielle Batkin:									
France	Euro		2,513.89		405.43				2,919.32
United States	Dollar				11,722.00				11,722.00
Julia Frifield:									
France	Euro		1,524.91		89.90				1,614.81
United States	Dollar				11,722.00				11,722.00
Paul Grove:									
Egypt	Pound		92.00						92.00
Israel	Shekel		438.00						438.00
Malta	Euro		226.00						226.00
United States	Dollar				4,354.65				4,354.65
Senator Mark Kirk:									
Malta	Euro		146.01						146.01
Total			25,372.63		108,985.61		35.00		134,393.24

DANIEL INOUYE,
Chairman, Committee on Appropriations, Oct. 11, 2011.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2011

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Lindsey Graham:									
United States	Dollar				9,300.40				9,300.40
Afghanistan	Dollar		68.00						68.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2011—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Sergio Sarkany:									
United States	Dollar				9,300.40				9,300.40
Afghanistan	Dollar		76.17						76.17
Senator John McCain:									
United States	Dollar				9,300.40				9,300.40
Afghanistan	Dollar		68.00						68.00
Senator Mark Begich:									
Croatia	Dollar		124.00						124.00
David Ramseur:									
Croatia	Dollar		854.00						854.00
Senator Joseph I. Lieberman:									
United States	Dollar				9,300.00				9,300.00
Turkey	Lira		4.80						4.80
Afghanistan	Dollar		87.00						87.00
Vance F. Serchuk:									
United States	Dollar				9,300.00				9,300.00
Afghanistan	Dollar		156.00						156.00
Turkey	Lira		200.00						200.00
Michael J. Kuiken:									
United States	Dollar				13,578.00				13,578.00
Algeria	Dinar		201.00						201.00
Italy	Euro		99.00						99.00
Tunisia	Dinar		343.00						343.00
Mauritania	Ouguiya		213.00						213.00
Michael J. Noblet:									
United States	Dollar				13,653.00				13,653.00
Algeria	Dinar		196.00						196.00
Italy	Euro		91.00						91.00
Tunisia	Dinal		363.00						363.00
Maruitania	Ouguiya		264.00						264.00
Margaret Goodlander:									
United States	Dollar				9,410.00				9,410.00
Turkey	Lira		200.00				14.00		214.00
Afghanistan	Dollar		156.00				69.00		225.00
Daniel A. Lerner:									
United States	Dollar				12,641.20				12,641.20
Russia	Ruble		1,099.00						1,099.00
Georgia	Lari		575.70						575.70
Ukraine	Hryvnia		383.53						383.53
Chad Kreikemeier:									
United States	Dollar				11,674.00				11,674.00
Afghanistan	Dollar		13.00						13.00
Pakistan	Dollar		25.65						25.65
Senator Jeanne Shaheen:									
United States	Dollar				11,674.00				11,674.00
Pakistan	Dollar		15.65						15.65
Senator John McCain:									
United States	Dollar				6,981.00				6,981.00
United Arab Emirates	Dollar		102.69						102.69
Pakistan	Dollar		146.72						146.72
India	Dollar		159.37						159.37
Senator Lindsey Graham:									
United States	Dollar				11,607.55				11,607.55
United Arab Emirates	Dollar		790.00						790.00
Christian D. Brose:									
United States	Dollar				9,300.40				9,300.40
Turkey	Dollar		167.00						167.00
Afghanistan	Dollar		78.00						78.00
United States	Dollar				10,198.98				10,198.98
United Arab Emirates	Dollar		167.00						167.00
Pakistan	Dollar		131.00						131.00
India	Dollar		506.00						506.00
William K. Sutey:									
United States	Dollar				10,210.46				10,210.46
Germany	Euro		923.42						923.42
Italy	Euro		485.56						485.56
William G.P. Monahan:									
United States	Dollar				11,841.90				11,841.90
Afghanistan	Dollar		10.00						10.00
Pakistan	Dollar		236.65						236.65
Senator Richard Blumenthal:									
United States	Dollar				11,416.05				11,416.05
Pakistan	Dollar		745.18				25.06		770.24
Ethan Saxon:									
United States	Dollar				11,176.05				11,176.05
Pakistan	Dollar		745.18				36.79		781.97
Senator Lindsey Graham:									
Malta	Dollar		210.14						210.14
Richard D. DeBobes:									
United States	Dollar				11,841.90				11,841.90
Pakistan	Dollar		236.65						236.65
Senator Carl Levin:									
United States	Dollar				10,367.90				10,367.90
Pakistan	Dollar		236.65						236.65
Christian D. Brose:									
Malta	Dollar		266.00						266.00
Senator John McCain:									
Malta	Dollar		254.64						254.64
Total			12,474.35		224,073.59		144.85		236,692.79

CARL LEVIN,
Chairman, Committee on Armed Services, Oct. 4, 2011.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2011

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Michael F. Bennet:									
Pakistan	Rupee		711.32						711.32

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2011—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
United States	Dollar				12,279.30				12,279.30
Mr. Layth Elhassani:									
Pakistan	Rupee		714.42						714.42
United States	Dollar				13,108.30				13,108.30
Total			1,425.74		25,387.60				26,813.34

TIM JOHNSON,
Chairman, Committee on Banking, Housing, and Urban Affairs,
Oct. 26, 2011.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE BUDGET FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2011

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Jeff Merkley:									
United States	Dollar				11,841.90				11,841.90
Afghanistan	Dollar		10.00						10.00
Pakistan	Dollar		236.45						236.45
Michael Zamore:									
United States	Dollar				11,841.90				11,841.90
Afghanistan	Dollar		10.00						10.00
Pakistan	Dollar		236.45						236.45
Total			492.90		23,683.80				24,176.70

KENT CONRAD,
Chairman, Committee on the Budget, Oct. 12, 2011.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2011

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Robert King:									
United States	Dollar				1,789.50				1,789.50
United Kingdom	Pound		1,590.00						1,590.00
Total			1,590.00		1,789.50				3,379.50

JOHN D. ROCKEFELLER, III,
Chairman, Committee on Commerce, Science, and Transportation,
Oct. 21, 2011.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE FOR TRAVEL FROM JULY 1 to SEPT. 30, 2011

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Rory Murphy:									
Canada	Dollar		989.75						989.75
United States	Dollar				1,424.72				1,424.72
Tony Clapsis:									
Canada	Dollar		884.06						884.06
United States	Dollar				2,765.62				2,765.62
Brianne Dugan:									
Canada	Dollar		865.33						865.33
United States	Dollar				1,043.35				1,043.35
Total			2,739.14		5,233.69				7,972.83

MAX BAUCUS,
Chairman, Committee on Finance, Oct. 21, 2011.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, AMENDED 1ST QUARTER, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2011

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Max Baucus:									
Brazil	Real		1,298.08						1,298.08
Amber Cottle:									
Brazil	Real		1,298.08						1,298.08
Chelsea Thomas:									
Brazil	Real		1,298.08						1,298.08
Gabriel Adler:									
Brazil	Real		1,298.08						1,298.08
Scott Mulhauser:									
Brazil	Real		1,298.08						1,298.08

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, AMENDED 1ST QUARTER, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2011—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Michael Smart:									
Brazil	Real		1,298.08						1,298.08
John Lewis:									
Brazil	Real		1,298.08						1,298.08
Kate Downen:									
Brazil	Real		645.44						645.44
Delegation Expenses:									
Brazil	Real						973.57		973.57
Total			9,732.00				973.57		10,705.57

MAX BAUCUS,
Chairman, Committee on Finance, Aug. 5, 2011.

* Delegation expenses include hotel expenses for security.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2011

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Robert Casey:									
Pakistan	Rupee		712.14						712.14
Afghanistan	Dollar		23.08						23.08
United States	Dollar				11,885.40				11,885.40
Senator John Kerry:									
United Arab Emirates	Dirham		1,169.51						1,169.51
United States	Dollar				11,708.50				11,708.50
Senator John Kerry:									
United Kingdom	Dollar		1,775.13						1,775.13
United States	Dollar				11,600.59				11,600.59
Senator Marco Rubio:									
Malta	Euro		778.64						778.64
Senator Jim Webb:									
Thailand	Baht		698.89						698.89
Singapore	Dollar		395.00						395.00
Indonesia	Rupiah		600.00						600.00
Vietnam	Dong		1,307.57						1,307.57
United States	Dollar				16,330.70				16,330.70
Fulton Armstrong:									
Nicaragua	Cordoba		789.00						789.00
United States	Dollar				539.10				539.10
Jonah Blank:									
India	Rupee		980.00						980.00
Sri Lanka	Rupee		978.00						978.00
United States	Dollar				7,892.20				7,892.20
David Bonine:									
Thailand	Baht		640.38						640.38
Singapore	Dollar		370.00						370.00
Indonesia	Rupiah		544.98						544.98
Vietnam	Dong		1,227.57						1,227.57
United States	Dollar				16,330.70				16,330.70
Steven Feldstein:									
Ethiopia	Birr		1,589.08						1,589.08
Rwanda	Franc		397.08						397.08
United States	Dollar				8,518.72				8,518.72
Paul Foldi:									
Guatemala	Quetzal		400.82						400.82
United States	Dollar				907.60				907.60
Douglas Frantz:									
United Arab Emirates	Dirham		464.74						464.74
United States	Dollar				11,708.50				11,708.50
Chad Kreikemeier:									
India	Rupee		515.00						515.00
United States	Dollar				9,064.80				9,064.80
Frank Lowenstein:									
United Arab Emirates	Dirham		445.74						445.74
United States	Dollar				11,708.50				11,708.50
Emily Mendrala:									
Guatemala	Quetzal		507.82						507.82
United States	Dollar				907.60				907.60
Damian Murphy:									
Pakistan	Rupee		721.07						721.07
Afghanistan	Dollar		23.00						23.00
United States	Dollar				12,279.30				12,279.30
John Schwenk:									
Serbia	Dinar		1,194.00						1,194.00
United States	Dollar				4,938.60				4,938.60
Shannon Smith:									
Cote d'Ivoire	CFA		264.00						264.00
United States	Dollar				6,440.00				6,440.00
Shannon Smith:									
Ethiopia	Birr		618.00						618.00
United States	Dollar				5,672.00				5,672.00
Halie Soifer:									
Kenya	Shilling		870.00						870.00
Ethiopia	Birr		400.00						400.00
United States	Dollar				9,816.92				9,816.92
Mark String:									
Ukraine	Hrivna		1,275.97						1,275.97
Moldova	Lei		751.79						751.79
United States	Dollar				9,911.20				9,911.20
Atman Trivedi:									
Thailand	Baht		208.00						208.00
Burma	Rupee		1,889.14						1,889.14
China	Renminbi		1,180.18						1,180.18
United States	Dollar				5,298.20				5,298.20
Debbie Yamada:									
Serbia	Dinar		1,205.54						1,205.54

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2011—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Total			27,910.86		173,459.13				201,369.99

JOHN KERRY,
Chairman, Committee on Foreign Relations, Oct. 21, 2011.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2011

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Jeffrey Greene:									
United States	Dollar				741.18				741.18
Canada	Dollar		333.00						333.00
Vance Serchuk:									
United States	Dollar				4,530.98				4,530.98
United Arab Emirates	Dirham		457.25						457.25
Pakistan	Rupee		305.00						305.00
India	Rupee		1,553.92						1,553.92
Jeffrey Greene:									
United States	Dollar				3,582.90				3,582.90
Estonia	Kroon		706.08						706.08
Georgia	Lari		894.00						894.00
Matthew Grote:									
United States	Dollar				3,582.90				3,582.90
Estonia	Kroon		706.08						706.08
Georgia	Lari		894.00						894.00
Delegation Expenses:									
Georgia	Lari						556.54		556.54
Total			5,849.33		12,437.96		556.54		18,843.83

JOSEPH I. LIEBERMAN,
Chairman, Committee on Homeland Security and Governmental Affairs,
Oct. 14, 2011.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2011

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Sheldon Whitehouse:									
United States	Dollar				12,026.30				12,026.30
Pakistan	Rupee		965.14						965.14
Afghanistan	Afghani		91.08						91.08
Lacy Dwyer:									
United States	Dollar				12,026.30				12,026.30
Pakistan	Rupee		965.14						965.14
Afghanistan	Afghani		91.08						91.08
Delegation Expenses:									
Pakistan	Rupee						1,215.60		1,215.60
Marian Grove:									
United States	Dollar				907.60				907.60
Guatemala	Quetzal		539.35						539.35
Delegation Expenses:									
Guatemala	Quetzal						1,132.20		1,132.20
Total			2,651.79		24,960.20		2,347.80		29,959.79

PATRICK LEAHY,
Chairman, Committee on the Judiciary, Oct. 21, 2011.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2011

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Mary L. Landrieu:									
Guatemala	Quetzal		1,163.20						1,163.20
United States	Dollar				2,109.60				2,109.60
Alston Walker:									
United States	Dollar				907.60				907.60
Guatemala	Quetzal		1,163.20						1,163.20
Delegation Expenses									
Guatemala	Quetzal						2,264.40		2,264.40
Total			2,326.40		3,017.20		2,264.40		7,608.00

MARY LANDRIEU,
Chairman, Committee on Small Business and Entrepreneurship,
Oct. 17, 2011.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2011

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Jacqueline Russell:			2,350.90						2,350.90
	Dollar				11,869.90				11,869.90
Kathleen Rice:			2,420.90						2,420.90
	Dollar				11,869.90				11,869.90
James Smythers:			2,010.14						2,010.14
	Dollar				11,869.90				11,869.90
Andrew Kerr:			6,299.00						6,299.00
	Dollar				12,012.50				12,012.50
Ryan Tully:			6,256.00						6,256.00
	Dollar				12,021.50				12,021.50
Christian Cook:			1,592.00						1,592.00
	Dollar				9,695.00				9,695.00
Paul Matulic:			472.00						472.00
	Dollar				9,957.10				9,957.10
Martha Scott Poindexter:			472.00						472.00
	Dollar				9,957.10				9,957.10
Randall Bookout:			660.00						660.00
	Dollar				9,957.10				9,957.10
Hayden Milberg:			472.00						472.00
	Dollar				9,957.10				9,957.10
Richard Girven:			3,857.98						3,857.98
	Dollar				14,116.66				14,116.66
Andrew Kerr:			3,598.98						3,598.98
	Dollar				13,972.96				13,972.96
Jeffrey Howard:			2,960.98						2,960.98
	Dollar				14,116.66				14,116.66
Andrew Grotto:			4,170.98						4,170.98
	Dollar				14,116.66				14,116.66
Senator Ron Wyden:			4,637.00						4,637.00
	Dollar				10,014.80				10,014.80
John Dickas:			4,455.00						4,455.00
	Dollar				10,014.80				10,014.80
Total			46,685.86		185,519.64				232,205.50

DIANNE FEINSTEIN,
Chairman, Committee on Intelligence, Oct. 25, 2011.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMISSION ON SECURITY AND COOPERATION IN EUROPE FOR TRAVEL FROM APR. 1 TO JUNE 30, 2011

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Fred Turner:									
Denmark	Krone		1,308.00						1,308.00
United States	Dollar				3,031.80				3,031.80
Alex Johnson:									
Austria	Euro		6,170.99						6,170.99
Total			7,478.99		3,031.80				10,510.79

BENJAMIN CARDIN,
Co-Chairman, Commission on Security and Cooperation in Europe,
July 27, 2011.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMISSION ON SECURITY AND COOPERATION IN EUROPE FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2011

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Benjamin L. Cardin:									
Serbia	Dinar		1,182.21						1,182.21
Senator Jeanne Shaheen:									
Serbia	Dinar		1,123.00						1,123.00
Fred Turner:									
Serbia	Dinar		1,307.00						1,307.00
Austria	Euro		756.00						756.00
United States	Dollar				2,898.40				2,989.40
India	Rupee		2,215.20						2,215.20
United States	Dollar				8,382.50				8,382.50
Total			6,583.41		11,280.90				17,864.31

BENJAMIN CARDIN,
Chairman, Commission on Security and Cooperation in Europe,
Oct. 17, 2011.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), REPUBLICAN LEADER FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2011

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Thomas Hawkins:									
United States	Dollar				11,864.60				11,864.60
Jordan	Dinar		360.00				55.20		415.20

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), REPUBLICAN LEADER FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2011—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Total			360.00		11,864.60		55.20		12,279.80

MITCH McCONNELL,
Republican Leader, Oct. 11, 2011.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2011

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Rene Hanna:									
United States	Dollar				1,098.70				1,098.70
Honduras	Lempira		253.00						253.00
Guatemala	Quetzal		578.00						578.00
Eric Jacobstein:									
United States	Dollar				1,098.70				1,098.70
Honduras	Lempira		201.00						201.00
Guatemala	Quetzal		532.00						532.00
Total			1,564.00		2,197.40				3,761.40

DIANNE FEINSTEIN,
Chairman, Senate Caucus on International Narcotics Control,
Oct. 18, 2011.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, 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 executive session to consider the following nominations: Calendar Nos. 353, 356; that there be 1 hour for debate equally divided in the usual form; that upon the use or yielding back of time, the Senate proceed to vote, without intervening action or debate, on the nominations in the order listed, with 2 minutes for debate equally divided in the usual form between the votes; that the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to any of the nominations; that any statements related to the nominations be printed in the RECORD; that President Obama be immediately notified of the Senate's action and the Senate then resume legislative session.

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

THE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the following items en bloc: Calendar No. 130, S. 271; Calendar No. 131, S. 278; Calendar No. 139, S. 535; Calendar No. 140, S. 683; Calendar No. 141, S. 684; Calendar No. 142, S. 808; Calendar No. 143, S. 897; and Calendar No. 145, S. 997.

There being no objection, the Senate proceeded to consider the bills en bloc.

Mr. REID. Mr. President, I ask unanimous consent that any committee-reported amendments relative to these bills be agreed to en bloc, where applicable; that the bills be read a third time and passed, as amended, if amended, en bloc; that the motions to reconsider be laid upon the table for each of these measures, with no intervening action or debate, and any statements relating to the measures be printed in the RECORD.

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

WALLOWA FOREST SERVICE COMPOUND CONVEYANCE ACT

The Senate proceeded to consider the bill (S. 271) to require the Secretary of Agriculture to enter into a property conveyance with the city of Wallowa, Oregon, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

S. 271

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Wallowa Forest Service Compound Conveyance Act''.

SEC. 2. CONVEYANCE TO CITY OF WALLOWA, OREGON.

(a) DEFINITIONS.—In this Act:

(1) CITY.—The term ''City'' means the city of Wallowa, Oregon.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(3) WALLOWA FOREST SERVICE COMPOUND.—The term ''Wallowa Forest Service Compound'' means the approximately 1.11 acres of National Forest System land that—

(A) was donated by the City to the Forest Service on March 18, 1936; and

(B) is located at 602 First Street, Wallowa, Oregon.

(b) CONVEYANCE.—On the request of the City submitted to the Secretary by the date that is not later than 1 year after the date of enactment of this Act and subject to the provisions of this Act, the Secretary shall convey to the City all right, title, and interest of the United States in and to the Wallowa Forest Service Compound.

(c) CONDITIONS.—The conveyance under subsection (b) shall be—

(1) by quitclaim deed;

(2) for no consideration; and

(3) subject to—

(A) valid existing rights; and

(B) such terms and conditions as the Secretary may require.

(d) USE OF WALLOWA FOREST SERVICE COMPOUND.—As a condition of the conveyance under subsection (b), the City shall—

(1) use the Wallowa Forest Service Compound as a historical and cultural interpretation and education center;

(2) ensure that the Wallowa Forest Service Compound is managed by a nonprofit entity; **[**and**]**

(3) agree to manage the Wallowa Forest Service Compound with due consideration and protection for the historic values of the Wallowa Forest Service **[**Compound**]**. *Compound; and*

(4) pay the reasonable administrative costs associated with the conveyance.

(e) REVERSION.—In the quitclaim deed to the City, the Secretary shall provide that the Wallowa Forest Service Compound shall revert to the Secretary, at the election of the Secretary, if any of the conditions under subsection (c) or (d) are violated.

The committee-reported amendments were agreed to.

The bill (S. 271), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

SUGAR LOAF FIRE PROTECTION DISTRICT LAND EXCHANGE ACT OF 2011

The bill (S. 278) to provide for the exchange of certain land located in the Arapaho-Roosevelt National Forests in the State of Colorado, and for other

purposes, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 278

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Sugar Loaf Fire Protection District Land Exchange Act of 2011''.

SEC. 2. DEFINITIONS.

In this Act:

(1) DISTRICT.—The term ''District'' means the Sugar Loaf Fire Protection District of Boulder, Colorado.

(2) FEDERAL LAND.—The term ''Federal land'' means—

(A) the parcel of approximately 1.52 acres of land in the National Forest that is generally depicted on the map numbered 1, entitled ''Sugarloaf Fire Protection District Proposed Land Exchange'', and dated November 12, 2009; and

(B) the parcel of approximately 3.56 acres of land in the National Forest that is generally depicted on the map numbered 2, entitled ''Sugarloaf Fire Protection District Proposed Land Exchange'', and dated November 12, 2009.

(3) NATIONAL FOREST.—The term ''National Forest'' means the Arapaho-Roosevelt National Forests located in the State of Colorado.

(4) NON-FEDERAL LAND.—The term ''non-Federal land'' means the parcel of approximately 5.17 acres of non-Federal land in unincorporated Boulder County, Colorado, that is generally depicted on the map numbered 3, entitled ''Sugarloaf Fire Protection District Proposed Land Exchange'', and dated November 12, 2009.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

SEC. 3. LAND EXCHANGE.

(a) IN GENERAL.—Subject to the provisions of this Act, if the District offers to convey to the Secretary all right, title, and interest of the District in and to the non-Federal land, and the offer is acceptable to the Secretary—

(1) the Secretary shall accept the offer; and

(2) on receipt of acceptable title to the non-Federal land, the Secretary shall convey to the District all right, title, and interest of the United States in and to the Federal land.

(b) APPLICABLE LAW.—Section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716) shall apply to the land exchange authorized under subsection (a), except that—

(1) the Secretary may accept a cash equalization payment in excess of 25 percent of the value of the Federal land; and

(2) as a condition of the land exchange under subsection (a), the District shall—

(A) pay each cost relating to any land surveys and appraisals of the Federal land and non-Federal land; and

(B) enter into an agreement with the Secretary that allocates any other administrative costs between the Secretary and the District.

(c) ADDITIONAL TERMS AND CONDITIONS.—The land exchange under subsection (a) shall be subject to—

(1) valid existing rights; and

(2) any terms and conditions that the Secretary may require.

(d) TIME FOR COMPLETION OF LAND EXCHANGE.—It is the intent of Congress that the land exchange under subsection (a) shall be completed not later than 1 year after the date of enactment of this Act.

(e) AUTHORITY OF SECRETARY TO CONDUCT SALE OF FEDERAL LAND.—

(1) IN GENERAL.—In accordance with paragraph (2), if the land exchange under subsection (a) is not completed by the date that is 1 year after the date of enactment of this Act, the Secretary may offer to sell to the District the Federal land.

(2) VALUE OF FEDERAL LAND.—The Secretary may offer to sell to the District the Federal land for the fair market value of the Federal land.

(f) DISPOSITION OF PROCEEDS.—

(1) IN GENERAL.—The Secretary shall deposit in the fund established under Public Law 90–171 (commonly known as the ''Sisk Act'') (16 U.S.C. 484a) any amount received by the Secretary as the result of—

(A) any cash equalization payment made under subsection (b); and

(B) any sale carried out under subsection (e).

(2) USE OF PROCEEDS.—Amounts deposited under paragraph (1) shall be available to the Secretary, without further appropriation and until expended, for the acquisition of land or interests in land in the National Forest.

(g) MANAGEMENT AND STATUS OF ACQUIRED LAND.—The non-Federal land acquired by the Secretary under this section shall be—

(1) added to, and administered as part of, the National Forest; and

(2) managed by the Secretary in accordance with—

(A) the Act of March 1, 1911 (commonly known as the ''Weeks Law'') (16 U.S.C. 480 et seq.); and

(B) any laws (including regulations) applicable to the National Forest.

(h) REVOCATION OF ORDERS; WITHDRAWAL.—

(1) REVOCATION OF ORDERS.—Any public order withdrawing the Federal land from entry, appropriation, or disposal under the public land laws is revoked to the extent necessary to permit the conveyance of the Federal land to the District.

(2) WITHDRAWAL.—On the date of enactment of this Act, if not already withdrawn or segregated from entry and appropriation under the public land laws (including the mining and mineral leasing laws) and the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.), the Federal land is withdrawn until the date of the conveyance of the Federal land to the District.

FORT PULASKI NATIONAL MONUMENT LEASE AUTHORIZATION ACT

The bill (S. 535) to authorize the Secretary of the Interior to lease certain lands within Fort Pulaski National Monument, and for other purposes, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 535

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Fort Pulaski National Monument Lease Authorization Act''.

SEC. 2. LEASE AUTHORIZATION.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this section as the ''Secretary'') may lease to the Savannah Bar Pilots Association, or a successor organization, no more than 30,000 square feet of land and improvements within Fort Pulaski National Monument (referred to in this section as the ''Monument'') at the location on Cockspur Island that has been used continuously by the Savannah Bar Pilots Association since 1940.

(b) RENTAL FEE AND PROCEEDS.—

(1) RENTAL FEE.—For the lease authorized by this Act, the Secretary shall require a rental fee based on fair market value adjusted, as the Secretary deems appropriate, for amounts to be expended by the lessee for property preservation, maintenance, or repair and related expenses.

(2) PROCEEDS.—Disposition of the proceeds from the rental fee required pursuant to paragraph (1) shall be made in accordance with section 3(k)(5) of Public Law 91–383 (16 U.S.C. 1a–2(k)(5)).

(c) TERMS AND CONDITIONS.—A lease entered into under this section—

(1) shall be for a term of no more than 10 years and, at the Secretary's discretion, for successive terms of no more than 10 years at a time; and

(2) shall include any terms and conditions the Secretary determines to be necessary to protect the resources of the Monument and the public interest.

(d) EXEMPTION FROM APPLICABLE LAW.—Except as provided in section 2(b)(2) of this Act, the lease authorized by this Act shall not be subject to section 3(k) of Public Law 91–383 (16 U.S.C. 1a–2(k)) or section 321 of Act of June 30, 1932 (40 U.S.C. 1302).

BOX ELDER UTAH LAND CONVEYANCE ACT

The Senate proceeded to consider the bill (S. 683) to provide for the conveyance of certain parcels of land to the town of Mantua, Utah, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

S. 683

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Box Elder Utah Land Conveyance Act''.

SEC. 2. CONVEYANCE.

(a) DEFINITIONS.—In this section:

(1) MAP.—The term ''map'' means the map entitled ''Box Elder Utah Land Conveyance Act'' and dated **[**July 14, 2008**]** *June 23, 2011*.

[(2) NATIONAL FOREST SYSTEM LAND.—The term ''National Forest System land'' means the parcels of National Forest System land that—

[(A) are located in—

[(i) sec. 27, T. 9 N., R. 1 W., Salt Lake meridian; and

[(ii) the Wasatch-Cache National Forest in Box Elder County, Utah;

[(B) consist of approximately 31.5 acres; and

[(C) are depicted on the map as parcels A, B, and C.**]**

(2) NATIONAL FOREST SYSTEM LAND.—The term ''National Forest System land'' means the approximately 31.5 acres of National Forest System land in Box Elder County, Utah, that is generally depicted on the map as parcels A, B, and C.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(4) TOWN.—The term ''Town'' means the town of Mantua, Utah.

(b) CONVEYANCE.—**[**As soon as practicable after the**]** *On the request of the Town submitted to the Secretary by the date that is not later than 1 year after the* date of enactment of this Act, the Secretary shall convey to the Town, without consideration and by quitclaim deed, all right, title, and interest of the United States in and to the National Forest System land.

(c) SURVEY; *COSTS*.—

(1) IN GENERAL.—If determined by the Secretary to be necessary, the exact acreage and legal description of the National Forest System land shall be determined by a survey approved by the Secretary.

(2) **[**Cost.—The Town shall pay each cost arising from a survey described in paragraph (1).**]**

(2) COSTS.—The Town shall pay the reasonable survey and other administrative costs associated with the conveyance.

(d) USE OF NATIONAL FOREST SYSTEM LAND.—As a condition of the conveyance under subsection (b), the Town shall use the National Forest System land only for public purposes.

(e) REVERSIONARY INTEREST.—In the quitclaim deed to the Town, the Secretary shall provide that the National Forest System land shall revert to the Secretary, at the election of the Secretary, if the National Forest System land is used for a purpose other than a public purpose.

(f) ADDITIONAL TERMS AND CONDITIONS.—With respect to the conveyance under subsection (b), the Secretary may require such additional terms and conditions as the Secretary determines to be appropriate to protect the interests of the United States.

The committee-reported amendments were agreed to.

The bill (S. 683), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 683

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Box Elder Utah Land Conveyance Act''.

SEC. 2. CONVEYANCE.

(a) DEFINITIONS.—In this section:

(1) MAP.—The term ''map'' means the map entitled ''Box Elder Utah Land Conveyance Act'' and dated June 23, 2011.

(2) NATIONAL FOREST SYSTEM LAND.—The term ''National Forest System land'' means the approximately 31.5 acres of National Forest System land in Box Elder County, Utah, that is generally depicted on the map as parcels A, B, and C.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(4) TOWN.—The term ''Town'' means the town of Mantua, Utah.

(b) CONVEYANCE.—On the request of the Town submitted to the Secretary by the date that is not later than 1 year after the date of enactment of this Act, the Secretary shall convey to the Town, without consideration and by quitclaim deed, all right, title, and interest of the United States in and to the National Forest System land.

(c) SURVEY; COSTS.—

(1) IN GENERAL.—If determined by the Secretary to be necessary, the exact acreage and legal description of the National Forest System land shall be determined by a survey approved by the Secretary.

(2) COSTS.—The Town shall pay the reasonable survey and other administrative costs associated with the conveyance.

(d) USE OF NATIONAL FOREST SYSTEM LAND.—As a condition of the conveyance under subsection (b), the Town shall use the National Forest System land only for public purposes.

(e) REVERSIONARY INTEREST.—In the quitclaim deed to the Town, the Secretary shall provide that the National Forest System land shall revert to the Secretary, at the election of the Secretary, if the National Forest System land is used for a purpose other than a public purpose.

(f) ADDITIONAL TERMS AND CONDITIONS.—With respect to the conveyance under subsection (b), the Secretary may require such additional terms and conditions as the Secretary determines to be appropriate to protect the interests of the United States.

ALTA, UTAH, CONVEYANCE ACT

The Senate proceeded to consider the bill (S. 684) to provide for the conveyance of certain parcels of land to the town of Alta, Utah, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

S. 684

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE.

(a) DEFINITIONS.—In this Act:

(1) NATIONAL FOREST SYSTEM LAND.—The term ''National Forest System land'' means the parcels of National Forest System land that—

(A) are located—

(i) in sec. 5, T. 3 S., R. 3 E., Salt Lake meridian;

(ii) in, and adjacent to, parcels of land subject to special use permit SLC102708, the authority of which expires on December 30, 2026;

(iii) in the Wasatch-Cache National Forest in Salt Lake County, Utah; and

(iv) in the incorporated boundary of the town of Alta, Utah; and

(B) consist of approximately 2 acres (including appurtenances).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(3) TOWN.—The term ''Town'' means the town of Alta, Utah.

(b) CONVEYANCE.—**[**As soon as practicable after the**]** *On the request of the Town submitted to the Secretary by the date that is not later than 1 year after the* date of enactment of this Act, the Secretary shall convey to the Town, without consideration, all right, title, and interest of the United States in and to the National Forest System land.

(c) SURVEY COSTS.—

(1) IN GENERAL.—In accordance with paragraphs (2) and (3), the exact acreage and legal description of the National Forest System land shall be determined by a survey approved by the Secretary.

(2) MAXIMUM AREA.—The acreage of the National Forest System land determined under paragraph (1) may not exceed 2 acres.

[(3) COST.—The Town shall pay each cost arising from a survey described in paragraph (1).**]**

(3) *Costs.—The Town shall pay the reasonable survey and other administrative costs associated with the conveyance.*

(d) USE OF NATIONAL FOREST SYSTEM LAND.—As a condition of the conveyance under subsection (b), the Town shall use the National Forest System land only for public purposes.

(e) REVERSIONARY INTEREST.—In the deed to the Town, the Secretary shall provide that the National Forest System land shall revert to the Secretary, at the election of the Secretary based on the best interests of the United States, if the National Forest System land is used for a purpose other than a public purpose.

(f) ADDITIONAL TERMS AND CONDITIONS.—With respect to the conveyance under subsection (b), the Secretary may require such additional terms and conditions as the Secretary determines to be appropriate to protect the interests of the United States.

The committee-reported amendments were agreed to.

The bill (S. 684), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

UNITED STATES AND THE UINTAH WATER CONSERVANCY DISTRICT PAYMENT ACT

The bill (S. 808) to direct the Secretary of the Interior to allow for prepayment of repayment contracts between the United States and the Uintah Water Conservancy District, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 808

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PREPAYMENT OF CERTAIN REPAYMENT CONTRACTS BETWEEN THE UNITED STATES AND THE UINTAH WATER CONSERVANCY DISTRICT.

The Secretary of the Interior shall allow for prepayment of the repayment contract no. 6–05–01–00143 between the United States and the Uintah Water Conservancy District dated June 3, 1976, and supplemented and amended on November 1, 1985, and on December 30, 1992, providing for repayment of municipal and industrial water delivery facilities for which repayment is provided pursuant to such contract, under terms and conditions similar to those used in implementing section 210 of the Central Utah Project Completion Act (Public Law 102–575), as amended. The prepayment—

(1) shall result in the United States recovering the net present value of all repayment streams that would have been payable to the United States if this Act was not in effect;

(2) may be provided in several installments to reflect substantial completion of the delivery facilities being prepaid, and any increase in the repayment obligation resulting from delivery of water in addition to the water being delivered under this contract as of the date of enactment of this Act;

(3) shall be adjusted to conform to a final cost allocation including costs incurred by the Bureau of Reclamation, but unallocated as of the date of the enactment of this Act that are allocable to the water delivered under this contract;

(4) may not be adjusted on the basis of the type of prepayment financing used by the District; and

(5) shall be made such that total repayment is made not later than September 30, 2022.

SURFACE MINING CONTROL AND RECLAMATION AMENDMENT ACT

The bill (S. 897) to amend the Surface Mining Control and Reclamation Act of 1977 to clarify that uncertified States and Indian tribes have the authority to use certain payments for certain noncoal reclamation projects and acid mine remediation programs, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 897

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ABANDONED MINE RECLAMATION.

(a) RECLAMATION FEE.—Section 402(g)(6)(A) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(g)(6)(A)) is amended by inserting ''and section 411(h)(1)'' after ''paragraphs (1) and (5)''.

(b) FILLING VOIDS AND SEALING TUNNELS.—Section 409(b) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1239(b)) is amended by inserting ''and section 411(h)(1)'' after ''section 402(g)''.

(c) USE OF FUNDS.—Section 411(h)(1)(D)(ii) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1240a(h)(1)(D)(ii)) is amended by striking ''section 403'' and inserting ''section 402(g)(6), 403, or 409''.

EAST BENCH IRRIGATION DISTRICT WATER CONTRACT EXTENSION ACT

The bill (S. 997) to authorize the Secretary of the Interior to extend a water contract between the United States and the East Bench Irrigation District, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 997

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''East Bench Irrigation District Water Contract Extension Act''.

SEC. 2. AUTHORITY TO EXTEND WATER CONTRACT.

The Secretary of the Interior may extend the contract for water services between the United States and the East Bench Irrigation District, numbered 14–06–600–3593, until the earlier of—

(1) the date that is 4 years after the date on which the contract would have expired if this Act had not been enacted; or

(2) the date on which a new long-term contract is executed by the parties to the contract.

MEASURE PLACED ON THE CALENDAR—S. 1786

Mr. REID. Mr. President, I ask unanimous consent that S. 1786 be placed on the calendar.

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

ORDERS FOR THURSDAY, NOVEMBER 3, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, Thursday, November 3, 2011; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate resume consideration of the motion to proceed to S. 1769, the Rebuild America Jobs Act, with the time until 3 p.m. equally divided and controlled between the two leaders or their designees.

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

PROGRAM

Mr. REID. Mr. President, there will be up to two rollcall votes at approximately 3 p.m. tomorrow. The first vote will be on the Reid motion to proceed, and if that is unsuccessful, then there will be a vote on the McConnell motion to proceed. Also, as indicated a few minutes ago, we are going to have two votes on judicial nominations tomorrow.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:52 p.m., adjourned until Thursday, November 3, 2011, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

ANDREW DAVID HURWITZ, OF ARIZONA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT, VICE MARY M. SCHROEDER, RETIRING.

KRISTINE GERHARD BAKER, OF ARKANSAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF ARKANSAS, VICE JAMES M. MOODY, RETIRED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN W. HESTERMAN III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN E. HYTEN