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Senate

The Senate met at 10 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, unto whom all hearts are open, all desires known, and from whom no secrets are concealed, cleanse the thoughts of our hearts by the inspiration of Your Holy Spirit that we may perfectly love You and worthily magnify Your holy Name.

Lord, look with mercy upon our Senators and use them to heal the brokenness in our land. May they use their talents to lead people to replace fear with faith, cynicism with courage, and division with unity. Keep them from the forces that impede them from doing Your will.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL 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 legislative clerk read as follows:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 3, 2011.

To the Senate:

Under the provision of rule I, paragraph 3 of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will debate the motions to proceed to S. 1769 and S. 1786. One is a Democratic-sponsored infrastructure bill, and the other is a Republican-sponsored bill. The time until 3 p.m. will be equally divided and controlled between the two leaders or their designees. At about 3 p.m., there will be up to two rollcall votes. The first vote will be on a motion to proceed to S. 1769, the Rebuild America Jobs Act. If that is not successful, there will be a second vote on the motion to proceed to S. 1786. Both motions will require 60 votes.

We also expect to vote on a number of judicial nominations today.

REBUILD AMERICA JOBS ACT

Mr. REID. Mr. President, yesterday evening, I called my friend from Searchlight, NV, Arthur Fraijo. Arthur's family has been in Searchlight for many years. His mom and dad have passed away. I keep in touch with him. He is a wonderful, hard-working man. I said, ''Where are you today, Arthur?'' He said, ''I am at work.'' I said, ''You're kidding, where are you?'' He was at this project out by Primm, a big solar project. I said, ''How long have you been working?'' I remember that he said it was a matter of weeks. It is the first job he has had in 3 years. He is an iron worker and he is working now, and he is very happy. Here is an iron worker, a construction worker, who has finally found a job.

In Nevada we have thousands of other people who have been out of work for a long period of time—construction workers such as Arthur. Most are not fortunate enough to have a job such as he has. That is what our legislation is all about. The legislation we will vote on this afternoon deals with putting people back to work, hundreds of thousands of construction workers. This is a bill that does not add more deficit spending. It is paid for, and it is not an attack on millionaires and billionaires. Many millionaires and billionaires are very fortunate in that they may not, in a given year, make a million dollars but they still have assets, so they are millionaires and billionaires. We have made sure that a small percentage of Americans would help us put people such as Arthur back to work.

What we have suggested in our legislation is so reasonable and so fair. What we are saying is that people who make all this money—more than a million dollars a year—should contribute to the restructuring of our economy. The plan is paid for by asking these people to contribute a little more to get the economy back on track. We are not asking all millionaires and billionaires; we are asking the people who have made more than $1 million a year to pay a little bit extra. It is the right thing to do. It amounts to two-tenths of 1 percent of the people who make money in America—two-tenths of 1 percent.

It is unbelievable that the Republicans have lined up in the past—and we have heard they are going to do the same thing today—in unanimous opposition to this commonsense plan that is supported by people all over America—not Democrats only, not Independents only, but Democrats, Independents, and Republicans.

Americans are crying for jobs, crying for us to pass this bill. This would put

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

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3,000 or 4,000 people to work in Nevada. I think that is extremely important. And in every State it is the same. I talked to my friend from New Mexico yesterday, Senator BINGAMAN, the senior Senator, and he said it would put 4,000 people to work there. New Mexico's economy is not as troubled as Nevada's, but they are not doing as well as in years past.

This legislation levies a small tax on the top two-tenths of 1 percent of the American taxpayers. Their income has increased 275 percent over the last three decades. The top 1 percent of these people in America make as much as the other 99 percent put together.

We are being told that, well, we want to help you, but we have taken a tax pledge from this person named Grover Norquist. As Alan Simpson said, does that mean more than your country? If it does, he said you should not be in Congress.

I yield the floor.

RECOGNITION OF THE MINORITY LENDER

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

DUELING HIGHWAY BILLS

Mr. MCCONNELL. Mr. President, we are going to see very different approaches to infrastructure and job creation today. The American people can decide for themselves which one makes more sense.

The Republican proposal extends the current highway bill for another 2 years, giving States and contractors the certainty they need to start new infrastructure projects and to create jobs.

The legislation Senator HATCH is proposing today puts an end to the uncertainty for the next 2 years. This proposal also gives States the authority to decide how this money is spent. If folks in Ohio or Kentucky want to build a bridge, Washington can't force them to build a bike path.

The Republican proposal accelerates the review period and clears away the bureaucratic redtape. The President admitted a few months ago that the shovel-ready projects in his first stimulus bill didn't turn out to be as shovel ready as he thought. Our proposal helps make sure they are.

Our bill prohibits the EPA from imposing burdensome and unnecessary new regulations on American cement producers and domestic boilers, so the cost of American-made materials for the projects paid for through this highway bill don't skyrocket just as they are set to begin. The bill keeps those costs down.

Best of all, it is fully paid for through funds that were originally appropriated for another purpose but not spent. Whatever is left over after these projects are funded goes to pay down the deficit.

The Democrats are taking a different approach. First, according to the CBO, the Democrats' proposal will do little for the economy and putting people back to work in the short term, because the money will be spent very gradually. According to the CBO, less than one-tenth of the funds in the Democrats' proposal will be spent next year. Less than one-tenth of the funds in the Democrats' proposal, which we will be voting on today, will be spent next year, and roughly 40 percent won't be spent until after 2015. This hardly matches the President's call for doing something ''right away.''

Second, it costs another $57 billion we don't have.

Third, they want to pay for this temporary spending bill with a permanent tax increase on job creators. Again, they want to pay for a temporary spending bill with a permanent tax hike on job creators.

Fourth, they already know that Republicans and, yes, some Democrats, don't think we should be taxing job creators, particularly at a time when 14 million Americans are looking for a job—and that we will vote against any proposal that does so.

In other words, the Democrats have deliberately designed this bill to fail.

So the truth is that Democrats are more interested in building a campaign message than in rebuilding roads and bridges. Frankly, the American people deserve a lot better than that. The people of Kentucky deserve a lot better than that. The people in my State have serious, time-sensitive bridge projects—the Brent Spence bridge, I–69 bridge, Louisville bridges, and Sherman Minton bridge, which is currently shut down. They deserve better than that.

The Associated General Contractors of America and the U.S. Chamber of Commerce have already spoken out against the Democrats' proposal.

The rest of the American people can decide which approach they prefer: our proposal, which doesn't add to the deficit, doesn't raise taxes, empowers the States to make decisions on the local level, and is designed to gain bipartisan support or the Democrats' top-down approach, which perpetuates uncertainty, raises taxes on businesses at a time when we should be giving them more reasons to hire, not less, and which was designed in coordination with the White House political team to fail.

These are the two approaches on display in the Senate today. The choice should be obvious.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, the highway bill has been worked on for months by Senator BOXER, who is the chairman, and the ranking member, Senator INHOFE. They have arrived at a conclusion.

I had a conversation yesterday with Senator INHOFE, and they have worked out almost all of the details on the bill. We have to do something on this bill because it expires at the end of this year—the 1st of February, I believe.

My friend, the Republican leader, whom I care a great deal about personally, is absolutely wrong. The American people support our approach. Seventy-six percent of the American people like it. People of all political definitions support it. Why? Because it is so fair.

We are asking the top two-tenths of 1 percent of people who make money in this country to contribute a surtax of seven-tenths of 1 percent of money they make over $1 million.

Job creators? I don't think so. The funding mechanism the Republicans use this time is in violation of the agreement we made last July. We have an agreement. We have cut domestic discretionary spending enough. That was the agreement we made. What they have done is come back to whack it more, which, I repeat, is going back on our agreement on how much we are spending on appropriations.

Not only that, but the Republicans do what they have done time and time again. We all know we would be better off if we didn't have as many regulations as we have. That is why every President, including Presidents Bush and Clinton, have done their best to eliminate unnecessary regulations. President Obama is doing the same thing. The Republicans come here and say that the way to create jobs is to get rid of regulations. On this way of paying for this—this smoke and mirrors that they have—they want to block implementation of health care reform, leading to higher costs and more uninsured Americans; block Wall Street reform, increasing the risk of future financial crises and taxpayer bailouts. Can you imagine, at this stage, that we would want to increase the power of those on Wall Street? I don't think the American people care about that. Also, they want to block antipollution protections, leading to dirtier air and more premature deaths and illness. They want to weaken food safety protections and weaken worker safety protections. I, of course, will urge my entire caucus to vote against this because it is the typical approach the Republicans have used, and it has not created a single job—a single job.

There is commentary in today's newspapers about what the House has been doing. They haven't done anything to create jobs. With that extremely powerful Republican caucus, they have done nothing—nothing—to create jobs.

Now, Mr. President, I am glad we have a motto that says ''In God We Trust.'' But can you imagine, they voted yesterday whether we wanted to emphasize, to underline and underscore ''In God We Trust.'' They spent yesterday debating that issue in the House of Representatives. That didn't create a single job.

There is not a single Senator who does not trust in God, that I know of.

Yet that is what they are debating. People such as Arthur Fraijo are desperate for work, have been out of work all these years. Yet not a single thing they do creates jobs.

The legislation we will vote on at 3 o'clock will produce hundreds of thousands of jobs now.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. My good friend has made a great campaign speech, but the election is in November of next year. If we want to accomplish something, we have to do it together. We have had a series of votes over the last few weeks clearly designed to fail. The proposal my good friend is talking about, in all likelihood, is going to have bipartisan opposition. It was not developed with Republican input, and it was not designed to get a positive outcome.

The House of Representatives, on 15 different occasions recently, has passed bills with bipartisan support—bipartisan support—that we are not taking up. One of them—the 3-percent withholding bill—enjoys the support of the President of the United States as well. So it is my hope that in the very near future we can figure a way to actually pass something together that would become law.

I wish we could put off the election until next year because these efforts to do these messaging amendments, as politically invigorating as it may be to the base of the Democratic Party, don't have anything to do with actually passing legislation that could have a positive impact. So we will have the two votes today, but I would urge my good friend to join me in looking for things on which there is enough bipartisan support to actually make a law, not just try to make a point.

I am sure it is the case that most Americans support raising taxes on high-income individuals. My guess is they might have a different view if they knew that four out of five of those individuals were actually business owners. Nevertheless, it is time, it seems to me, for us to quit making the campaign speeches and remember the election is in November 2012, not this month of 2011, and see if we can't work together to pass legislation the President can sign and that will help move the country in a different direction.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, my friend, the Republican leader, comes before this body today and says we should do our campaign speeches next year when the world knows my friend has said his No. 1 priority in this Congress is to defeat President Obama.

We have had on the Senate floor for the last 10 months a campaign speech every day directed by my friend and his Republican colleagues in his caucus doing everything they can to make President Obama look bad and doing nothing to help our economy. Their goal is to do everything they can to drag down this economy, to do anything they can to focus attention negatively on the President of the United States in hopes the minority leader can get my job, perhaps, and that President Obama will be defeated.

So let's not talk about campaign speeches on the Senate floor. Let's talk about reality. I do not believe we should be concerned about a piece of legislation that asks the richest of the rich to pay a few pennies of their vast fortunes to put people like my friend back to work. That is what this is all about. The American people agree with what we are doing. We are trying to have this government involved in things that create jobs, not slogans, not ''let's get rid of those regulations'' or do we believe in God or that kind of stuff.

That has not created a single job. What we want to do is create jobs. We also don't want to go back on the agreement we worked on for months regarding the deficit reduction plan and raising the debt ceiling, where we agreed on what our spending should be for this coming year. We will see how sincere my Republican colleagues are. The CR expires in 2 more weeks. The CR is the continuing resolution. Let's see if they go back on their word in that regard; that they will begin threatening to shut down the government if they do not get whatever slogan looks good during any specific period of time.

We have the FAA that is about to go out of business again because the Republicans are unwilling to pass a bill without some labor issue that has nothing to do with the bill that was passed—zero to do with it. Even the person who runs Delta Air Lines, that has been the focus of this, wants the FAA bill done. They recognize they have been hurt very badly by what the Republicans have done to focus attention on them—attention they do not want focused on them.

So I hope we can, on a bipartisan basis, do the things that are good for the country, and I think creating jobs is one of the most important things we should do. I would say to my friend: We can stay here all day, and I will get in the last word. We can extend to 11:20 now, but I will get in the last word in our conversation today.

Mr. MCCONNELL. Mr. President, it is certainly the case the majority leader can always have the last word, but I would say, with all due respect to my friend, he just made another campaign speech.

I think what the American people would like to see us do is actually pass something together that will become law—pass something together that will become law. That is how to get an accomplishment out of the U.S. Constitution. That is how to send something to the President.

We know how to work together to make things happen. We have done that in the past. All I am suggesting is that the exercise we are going to have later today has nothing to do with making law and making a difference. It is about making a point. We both know how to do that. We both know how to make points and make laws. What we are doing later today is not about making laws.

I am told by staff I need to move to proceed to S. 1786.

The ACTING PRESIDENT pro tempore. The motion will be pending.

The majority leader.

Mr. REID. Mr. President, I would finally say this: I hope we will have a new dawn arising soon where we will see my Republican friends break away from this lockstep they have been in. I can't imagine they believe they are doing the right thing by voting against asking the richest of the rich—.02 percent of the richest people in America—to contribute a small amount toward creating jobs in America. That is what this is all about.

I would hope someday we will see a few Republicans break from the pack and vote to create jobs rather than trying to defeat President Obama come next November.

RESERVATION OF LEADER TIME

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

REBUILD AMERICA JOBS ACT—MOTION TO PROCEED

LONG-TERM SURFACE TRANSPORTATION EXTENSION ACT OF 2011—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 legislative 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. Under the previous order, the time until 3 p.m. will be equally divided and controlled between the two leaders or their designees.

The motion to proceed to S. 1786 is also the matter before the Senate.

The Senator from Utah is recognized.

Mr. HATCH. Mr. President, while I have been interested in the comments between the two leaders, I have to agree with the Republican leader that this is an exercise, in many ways, in futility because the bill brought forth by the other side has very little chance of passing through both Houses of Congress because it is a partisan bill.

Let me just mention a few things this morning. While growth remains sluggish in our economy, unemployment high, and job growth insufficient to drive unemployment lower, the number of pages in the *Federal Register* is at an all-time high. Pages devoted to final rules rose by 20 percent

between 2009 and 2010, and proposed rules have also risen by close to 20 percent to 2,439 in 2010.

Of the 4,257 regulatory actions already in the pipeline, 219 are considered economically significant, meaning they are estimated to impose a cost of $100 million or more on the economy. By comparison, that is 28 more than this time last year and 47 percent more than in 2009. In total, the Obama administration has imposed 75 new major regulations costing over $38 billion annually. And we wonder why our country is in such trouble.

The minutes of the late September meeting of the Federal Reserve monetary policymaking committee reveal that in talking to businesses and market participants, many contacts have ''cited uncertainty about regulatory and tax policies as contributing to businesses' reluctance to spend.''

If businesses are not spending because of regulatory uncertainty, then their customers will see lack of demand for their products. The lack of demand explanation for economic sluggishness offered by the administration and its Keynesian advisers begs the question of why there is a lack of demand. While there are likely several reasons, the Fed clearly identifies one of them: Uncertainty about regulatory policies.

Indeed, uncertainty regarding future regulatory policies as a contributing factor for business reluctance to hire and invest has been cited in minutes of the past three policymaking meetings of the Fed's monetary policymaking committee. Those identifying that such uncertainty is impeding job creation are American businesses and not government bureaucrats insulated from the front lines of businesses and not their Keynesian advisers. They are the boots on the ground in the American economy—the very people who create jobs—most of whom are small businesspeople.

The legislation I have introduced seeks in part to ease the burden of Federal regulations on businesses, including smaller and younger businesses—where vibrancy is critical for job creation—and to provide a rational regulatory decisionmaking process to provide greater certainty to businesses about the future regulatory environment.

Provisions in this act represent ideas that have garnered bipartisan support. Indeed, many of the provisions follow directly from the President's own jobs council. The President's Council on Jobs and Competitiveness, according to the council, ''was created to provide nonpartisan advice.''

I am talking about the bill we have filed on this side.

The jobs council presented recommendations to President Obama on October 11, 2011, in Pittsburgh, PA. Those recommendations stem from the council's interim report titled ''Taking Action, Building Confidence: Five Common-Sense Initiatives to Boost Jobs and Competitiveness.'' Many of the provisions in my act stem directly from recommendations in the council's report and from the report's call for a more rational Federal regulatory system.

Allow me to offer some quotes and comments related to the President's jobs council's interim report recommendations in the context of this act.

First, the President's job council says:

> The nation's complex federal, state, and local permitting system can lead to unnecessary delays. In fact, large Department of Transportation projects can spend years getting the required Environmental Impact Statement process completed under the National Environmental Policy Act (NEPA).

I agree. This legislation—my legislation—promotes more efficient regulation to rein in some of the burdensome Federal redtape that stymies transportation infrastructure projects and job creation. At the same time, it fully recognizes environmental and safety concerns surrounding those projects. Relative to those concerns, the President's jobs council remarks that ''what's gotten less attention, however, is the number of jobs at stake.''

Second, the President's jobs council says:

> Current markets face significant uncertainty—tax policy, pollution restrictions, and performance standards are all in flux.

I agree. This side's legislation serves to reduce some of that uncertainty and promote rational regulatory decisionmaking with congressional review of rules and regulations that are of major economic significance and required approval of the very rules that would impose major costs on the U.S. economy and job creators.

Third, the President's jobs council states:

> There is broad consensus that a key step towards jump-starting economic growth would be removing regulatory barriers and simplifying overly complex government processes. Their inefficiencies cost businesses time and money.

I agree. This legislation seeks, through rational regulatory decisionmaking and reviews, to remove unnecessary and costly regulatory barriers and provide simpler, more rational government regulatory processes.

Fourth, the President's jobs council—this is referring to Executive orders to review regulations—says:

> Unfortunately, the Executive Orders mandating regulatory analysis and review did not apply to IRCs [independent regulatory commissions] such as the Securities and Exchange Commission or the Commodity Futures Trading Commission because the law won't allow it. While some IRCs employ economic analysis when crafting new regulations, many do not routinely do so. As an example, in 2010, IRCs issued 17 economically significant regulatory reactions—16 of which were promulgated by the Securities and Exchange Commission and the Federal Reserve System. None underwent the comprehensive regulatory impact analysis or included the cost-benefit analysis that is expected from executive branch agencies. The Council therefore recommends that legislation be passed that requires that IRCs conduct cost-benefit analysis for all ''economically significant'' regulatory actions that may have an annual impact on the economy of $100 million or more as well as any significant guidance that meets the same threshold.

I agree. This legislation we have filed on this side will provide congressional oversight on any such performed by IRCs such as the Securities and Exchange Commission, the Federal Reserve, the Commodity Futures Trading Commission, and other Federal regulators for economically significant actions.

Fifth, the President's jobs council says of its recommendations for economically significant regulatory actions:

> These recommendations are not designed to weaken regulation or regulatory agencies, but rather to improve the rulemaking process, and to create more effective and less burdensome regulations that will promote economic growth and job recovery.

I agree. The Republican legislation promotes a rational regulatory system with improved rulemaking oversight to create more effective and less burdensome regulations in order to help promote jobs growth.

I also agree with the spirit of the jobs council remarks that efforts such as this legislation, far from ''gutting regulations and threatening safety,'' will promote economic efficiency and renewed job creation. The call for rational regulation and rulemaking is in no way a gutting of regulations or a sacrifice of public safety or of environmental quality efforts. We all know that rules and regulations are quite likely to continue to grow and evolve. This legislation seeks only to put rational decisionmaking into the foundation of our regulatory and rulemaking processes that are too often driven by special interests of largely unaccountable and fully unelected Federal regulatory bureaucrats wishing to impose their preferences on America's job creators.

Proponents of the so-called infrastructure bank have actively cited in recent advocacy speeches findings from Global Competitiveness Reports of the World Economic Forum. Well, if ratings from the World Economic Forum guide their views and guide them to advocate hundreds of billions of dollars from taxpayer resources for a risky new GSE that they call an infrastructure bank, let's look at what the forum has to say regarding the United States.

First, in their recent Global Competitiveness Report, in what are called ''the most problematic factors for doing business'' in America, the top 4 factors out of 15 are tax rates, No. 1; inefficient government bureaucracy, No. 2; access to financing, No. 3; and tax regulations, No. 4. Inadequate supply of infrastructure rates No. 10, right below policy instability and restrictive labor regulations.

There you have it. The Global Competitiveness Report the administration and my friends on the other side of the

aisle use to advocate a risky new infrastructure bank places taxes and inefficient government bureaucracy as the top two leading problems in doing business in America. Those are the top two factors that are holding back job growth, and a brandnew, risky infrastructure bank bureaucracy funded by permanently higher taxes would only make those problems worse.

By contrast, the legislation I offer directly addresses inefficient government bureaucracy by acting to ease the inefficient regulatory burdens imposed on job creators by largely unaccountable and unelected Federal bureaucracies throughout our massive regulatory agency maze and their special interests. And, I might add, those regulatory agencies seem clearly not to have job creation and easing of the plight of America's 14 million unemployed workers as part of their main interests.

The legislation I am proposing also provides for a fully paid-for highway extension through 2013 that will give States and contractors the certainty they need to begin large projects and create jobs.

It calls for an elimination of dedicated funding for transportation enhancements and gives States the authority to decide whether to spend resources on bike paths or other such transportation add-ons.

It reforms the National Environmental Policy Act—NEPA—to eliminate the inefficient bureaucratic environmental redtape and to accelerate project delivery and contracting, just as called for by the President's own jobs council. It addresses the bureaucratic redtape associated with the NEPA that the President's own jobs council identifies, and it contains reforms that receive the support of the Department of Transportation.

It includes a provision to stop Environmental Protection Agency rules that serve to drive up costs of concrete and steel, which are key ingredients in the road and construction projects.

It includes provisions for waivers of inefficient environmental reviews, approvals, and licensing and permitting requirements on road, highway, and bridge rebuilding efforts in emergency situations.

It imposes a regulatory timeout on regulations to help stem the regulatory tsunami that is impeding job creation. We face a national jobs and unemployment emergency. It is truly a crisis. The Federal Reserve, the President's own jobs council, and job creators in Utah and across America have made clear that onerous regulations and regulatory uncertainty are acting to cast a wet blanket on job creation in America, and the 14 million unemployed Americans are painfully in need of jobs. My fellow Republicans and I are listening.

The legislation I propose goes straight to the matter in the interest of job creation now, not years from now once some inefficient, new, politicized, unelected Federal bureaucracy called an infrastructure bank is up and running to supply taxpayer funds to specially chosen and favored risky projects—something we have seen plenty of in this administration and some administrations in the past as well.

The legislation I propose addresses the repeated calls from job creators who are stymied by inefficient, burdensome regulatory redtape derived from special interest Federal bureaucracies rather than the interests of American workers.

The legislation I propose draws from bipartisan recommendations, including recommendations from the President's own bipartisan jobs council.

The legislation I propose accommodates fully paid-for infrastructure projects to be undertaken to help build roads, bridges, and a host of other projects without imposing permanent, job-killing, higher taxes during a national unemployment emergency.

I urge all of my colleagues in the Senate to support this legislation. This idea of an infrastructure bank appears to me to be just a future example of what Fannie and Freddie were all about. I think we can do this without having an infrastructure bank, we can do it better, and we can do it pushing a lot of the President's ideas forward, a lot of the World Economic Forum's ideas, and a lot of ideas that both sides of the aisle have to conclude are important for overcoming this regulatory mess that is making it almost impossible to create jobs and almost impossible to get legislation through this body.

Mr. President, I yield the floor, and 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.

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

Mr. HATCH. 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. HATCH. Mr. President, I ask unanimous consent that the time be divided equally and not charged to one side or the other.

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

Mr. HATCH. 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.

The PRESIDING OFFICER (Mr. BROWN of Ohio). The senior Senator from New Hampshire.

Mrs. SHAHEEN. 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. SHAHEEN. Mr. President, I come to the floor this morning to speak to the legislation that is pending before us, S. 1769, the Rebuild America Jobs Act. This legislation, in fact, would put literally millions of Americans back to work rebuilding our Nation's roads, our bridges, our airports, and our railways.

The bill that is before us has two components. The first is a direct $50 billion Federal investment in our infrastructure, and it would be split between roads, rail, transit, and airport projects. More than half of that would go to our well-established, formula-driven highway and transit programs, and that would include about $132 million for New Hampshire.

The second piece of this proposal would create an infrastructure bank. That is legislation I cosponsored, and it has had bipartisan cosponsorship in the Senate. The bank, as it is structured, would be able to leverage public dollars to attract private capital, and that would, if it is successful, lead to hundreds of billions of dollars in infrastructure over the next 10 years. It is a bipartisan idea, as I said, and it has attracted support from both the AFL–CIO and the U.S. Chamber of Commerce. Clearly, it is a good idea if it has both of those organizations onboard. Together, this legislation that is pending before us would mean immediate jobs for our construction industry. It has been one of the hardest hit by this recession.

In New Hampshire the number of people working in the construction industry in 2010 was the lowest it had been in a decade. It was 25 percent lower than it was just in 2006, according to the Bureau of Labor Statistics.

Christian Zimmerman, who is the head of one of our biggest contractors in New Hampshire, Pike Industries in Belmont, told me he has had to lay off 150 workers in the last couple of years as Federal funding to build New Hampshire's roads has run out.

The Federal Highway Administration estimates that every $1 billion in highway spending supports more than 27,000 jobs. Economists at Moody's estimate that for every dollar we spend on infrastructure, our gross domestic product goes up by $1.59. That is because of the ripple effect this spending has in economic activity. There are a number of good reasons to support the legislation that is before us.

In the short term, this proposal would help put those who are unemployed in the construction industry back to work. That is something that would be critical as we are thinking about how to help the millions in this country who are unemployed and who have been unemployed, many of them for more than a year.

In the long term, the benefits of this investment in our infrastructure are equally important. A quality infrastructure is critical to our businesses. It is critical to our future economic growth, and it is critical to our future competitiveness in the world.

According to numerous studies, deteriorating infrastructure costs businesses more than $100 billion a year in lost productivity. There is very good evidence to show that our lack of investment in recent years is making itself felt in the condition of our roads and our bridges. This past June, the New Hampshire Society of Civil Engineers issued a report card on the condition of our State's roads and bridges, our dams, our wastewater facilities, our airports, and our waterways, those major projects we all consider part of our infrastructure. Sadly, the engineers' report card gave New Hampshire's infrastructure a grade of C. That is better than the grade the national organization has given the United States as a whole; that was a D. It is not as good as we want it to be, and it is not as good as we need for New Hampshire or this country if we are going to continue to be competitive.

Mr. President, 15 percent of New Hampshire's bridges are rated structurally deficient by the Federal Highway Administration, and 148 of them are red-listed. When I was first elected to the State senate, we had a controversy in New Hampshire because we had a highway commissioner who said because of the number of red-listed bridges, when we all drove around New Hampshire and went over a bridge we should drive fast and not look back.

Well, fortunately, we are not in that position right now, but we have a lot of bridges that need investment, and this bill before us would provide New Hampshire with additional Federal highway funding that would help us address these bridges that are red-listed and address our other transportation needs.

The most important project that should be addressed by this legislation in New Hampshire is a project that has been under way for years in the southern part of our State that has been threatened by the uncertainty surrounding Federal funding. It is the widening of Interstate 93 between southern New Hampshire and Massachusetts. This project is long overdue. It is badly needed by commuters and businesses in the area. The I–93 project was budgeted and planned based on the idea that the Federal Government would provide a consistent level of funding, but, unfortunately, the Republican budget the House has called for would produce a 35-percent cut in our highway program. Unfortunately, Congress has not yet been able to reach an agreement on a long-term reauthorization of our highway program. The uncertainty around this and the prospect of such a drastic cut has made this project, I–93, very difficult to finance.

Right now New Hampshire transportation officials have $115 million worth of bonding authority for this project that is just sitting on the sidelines because the Federal Government has not made good on its funding commitments. The bill before us would help complete this critical project for New Hampshire and so many others like it across the country.

If we want to see the benefits that investment and infrastructure can provide in New Hampshire, we only need to look at the new airport access road that goes to our largest airport and our largest city of Manchester. It is going to open to traffic a full 2 years ahead of schedule. The project was accelerated because of the funding it received from the Recovery Act.

I remember the winter after we passed the Recovery Act and looking at the bridge that was being constructed and talking about how we were going to be able to speed up this project because of those Recovery Act dollars. In fact, it has happened. It is going to open 2 years early. Local planning boards along the Manchester Airport access road are already seeing increased interest from commercial developers for the land that is along that road, that has been opened because of this new highway. Of course, Manchester's airport is also going to benefit from the investment in our airport access road.

Another piece that is in this legislation that is critical to our infrastructure investment in New Hampshire and across the country is the funding for a next-generation system of air traffic control which would transfer our system from a ground-based radar system to a GPS-based system—something most of us have in our cars these days. That would allow the entire airline industry to plan more efficient, point-to-point routes, and it would allow everybody to save on fuel costs.

I had the opportunity to meet with Southwest Airlines a couple weeks ago. It is the largest air carrier at the Manchester Airport. They talked to me about the challenges they are facing and the entire airline industry is facing because we haven't invested in this next generation system of air traffic control. They said it will save us money because it will be more economical in terms of fuel usage because they can go point to point, and it will save time because we can provide for more efficient routes.

This is a no-brainer. Right now, our system of air traffic control is behind even the country of Mongolia. It is time for us to make this investment, to make it easier for airlines to fly into a small hub airport such as Manchester. It would save us all money. It would be safer. It is an investment that is long overdue.

A couple weeks ago, I also had a chance to speak at an infrastructure summit that the Greater Manchester Chamber of Commerce supports for the Greater Manchester region. There was a whole day of talking about why investment in our infrastructure is important, because without reliable power, without reliable bridges and public transportation and roads, businesses can't thrive. The Manchester Chamber believes investment in infrastructure is critical to growing our economy and creating jobs, and I share that belief. It is a belief that I came to as a State senator way back over 20 years ago, when I served in the New Hampshire State Senate. It is something I continued to support as Governor. In those days, we worked together on a bipartisan basis because we all understood, Republicans and Democrats, investing in infrastructure produces returns.

New Hampshire and the rest of our country need this investment that this legislation pending before us would provide. Our unemployed need the work. Our businesses need to know we are going to make these investments so they can depend on this certainty for their long-term growth and competitiveness.

So I hope, as we come to this vote today on the motion to proceed to this legislation, my colleagues, particularly those across the aisle, will give up their opposition to this legislation. I know they know how critical it is to invest in our infrastructure. So this is something we all ought to come together around. Just because this is a proposal that has been put forward by the President is not a reason not to support it.

I urge all my colleagues to support the passage of this legislation. Let's make these investments. Let's put people back to work. Let's make sure we are going to be competitive in the future. Thank you very much.

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

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

Mr. BROWN of Ohio. Mr. President, we know that investment in our infrastructure means jobs and economic development now and in the future. We know as a country that in the fifties, sixties, seventies, and eighties we built infrastructure—highways, bridges, water, sewer, community colleges, medical research, modernizing high schools—all the things we did in the postwar years for five decades, in the forties through the eighties. The world had never seen this before.

We know that American prosperity—the postwar prosperity—in large part was based on the foundation we had set in infrastructure—again, the physical infrastructure of bridges across the Ohio River joining the Presiding Officer's State and mine in Huntington, Ironton, Parkersburg, Marietta, and Wheeling, and across to Belmont County in Ohio. We know that the infrastructure of building community colleges such as Jeff Tech and building branch campuses at OU, and now building broadband, but then funding medical care—those things created the long-time prosperity of our country.

These are forward-thinking investments with payoffs that last for decades and benefit our Nation, our small businesses, and our workers for generations.

History tells us that our Nation's infrastructure has been critical to our Nation's economic, competitive, and industrial strength. Let's look back a bit. Abraham Lincoln created the transcontinental railroad. Thousands of jobs were created, and the development of the American West was possible. President Roosevelt modernized our Nation's electric grid during the New Deal. More than just electricity came to the Tennessee Valley in rural America. Americans were put to work setting the poles, stringing wire, building the hydroelectric dams that improved the quality of life, and attracting countless businesses to the region. So the infrastructure was built, creating jobs. But even more so, the foundation was set where many more jobs were created.

President Eisenhower and the Congress established our interstate transportation system. A generation of workers carved out highways and roadways, allowing commerce and people to travel from coast to coast.

Our Nation used its postwar infrastructure boom to become the economic superpower that we are today. Public work investments not only create good-paying, middle-class construction jobs, they spur economic development projects in small towns and rural communities and urban areas. We know what happens when a highway comes into a community, what it does to spawn other kinds of work. It serves as a multiplier effect and attracts businesses and workers and foreign companies to build in America, and benefits from that clear competitive advantage. That is why we led the world for five decades.

It is clear that when companies decide where to locate or expand or invest, that infrastructure, broadband, energy, transportation, all are critical factors in the decision. Businesses rely on solid infrastructure.

Companies such as Ohio's Proctor & Gamble in Cincinnati recognize that our infrastructure provides a competitive advantage, enabling them to ship their products anywhere in the world. Ohio manufacturers, such as General Motors and Honda and Smuckers, rely upon our infrastructure as they operate with just-in-time manufacturing.

Yet we are falling behind in maintaining the very infrastructure that made us a superpower. Unsafe bridges have cost lives. Clogged roads and congested air space cost billions of dollars in lost trade and productivity. Some people tell us they spend more time commuting than they are at home with their families.

We are seeing 19th century water and sewer systems failing our 21st century cities. Meanwhile, more and more people depend on these services, while cities and States can't meet demand—where States face budget and revenue shortfalls that make these investments difficult, if not impossible.

And there is China—which is fast becoming one of our chief economic competitors—building more roads, better airports, and faster rail systems than we are. Why do we let that happen? No one in this Congress—nobody—and in State legislatures, as Senator SHAHEEN said earlier—should be proud of the condition of our roads. No one in this Congress should be proud of the fact the newest airports and train stations are being built somewhere far from our shores. Yet there remains an unwillingness here—and I am still incredulous about this—to make the sort of investments necessary to improve our Nation's infrastructure.

I guess we have to cut taxes more for rich people instead of asking them to pay a little more to put that money into infrastructure. Historically, infrastructure has been bipartisan. I have heard some of my colleagues saying there is no such thing as a Democratic or Republican bridge. But it seems there is now because we see time and time again some of my conservative colleagues saying: No, we are not going to spend money on infrastructure. We are not going to do that.

Let me show a picture of a bridge I have been across many times. I have seen it from Cincinnati many times. This is a view from the Kentucky side. This is called the Brent Spence Bridge. The President was there not too long ago. I was not with him that day, but I have been on this bridge many times. It was named after a Congressman from Kentucky who served from 1931 to 1963. The bridge was inaugurated by President Johnson. So the bridge construction began and came later.

This is I–75 through Cincinnati, going from Kentucky to Cincinnati into Dayton, if you can follow it all the way north, and then into Toledo and ultimately into Detroit. This bridge carries millions of dollars' worth of freight and millions of drivers across the bridge. Someone said this bridge accounts, perhaps, for as much as 4 percent of our gross domestic product going either north or south across this bridge.

Today, the Brent Spence Bridge is 1 of 15 the U.S. Department of Transportation has deemed functionally obsolete. But the Brent Spence bridge is not alone. We can see there is no real space if a car breaks down. There is not much of a lane to get over if someone has a heart attack while driving or all the problems one can imagine having while on the bridge. This is major, major bridge across one of the most important rivers in this country—the Ohio River.

A recent study of our Nation's infrastructure found there are more—get this—more structurally deficient bridges in the United States than there are McDonald's restaurants. Think about that: There are 14,000 McDonald's restaurants. But according to Transportation for America, there are 18,000 deficient bridges and 70,000 structurally deficient bridges.

From a public safety and commerce perspective, fixing a bridge is a necessity. The largest hurdle remains financing. Under the President's proposal we will vote on this afternoon, more than $60 billion, completely paid for, would go toward road and bridge construction, fixing our airports and transit systems. It would make our roads and skies safer for transportation.

The bill includes a national infrastructure bank that would fund infrastructure projects of regional or national significance, such as this almost 50-year-old bridge. Increasing private sector infrastructure lending, a national infrastructure bank could couple Federal loans with private equity, ensuring a private-public partnership that meets local needs.

For the Brent Spence Bridge, it would mean Ohio and Kentucky could obtain the necessary funding to complete the project ahead of schedule, create jobs, and protect the public safety.

We have to do this. We have to renovate and update our infrastructure. Why wait? Interest rates are as low as they have almost ever been. Construction costs—because there is so much competition among construction companies to get work now—are as low in historical times as perhaps they have ever been, and we need this work now because of the job employment situation. So we will benefit from replacing and fixing this bridge for years into the future.

For freight rail investments in Columbus, it would mean reducing the bottlenecks that prevent goods from moving across the country. For airports, it means reducing congestion and improving runways; on our rivers, such as the Ohio River, it means fixing locks that slow barge traffic.

Lake Erie, at the other end of my State, has made such a difference in the settlement of Buffalo—although there is also Lake Ontario there—Cleveland, Ashtabula, and Toledo. We know what these Great Lakes have done for the economic development of our country. It means fixing these ports. For all our States, it means jobs and economic development.

This is about a construction manufacturer in Peoria selling equipment to contractors working at the Port of Toledo. It is about dock workers loading American-made steel and Ohio-grown soybeans for export to markets around the world. That is what this bill is about.

This bill is about jobs now. It is about setting the table for jobs in the future. We know that. Republicans and Democrats alike know that. Yet Republicans, I guess, just want to see Barack Obama fail. That is what the Republican leader has said repeatedly, though I don't understand that. But that is what he says.

This bill is fully paid for. The bill before the Senate is funded by a very small tax on people making over $1 million a year. If someone is making $1 million a year, their taxes will not go up, but they will pay a little bit of money on the second million they make. So this isn't in any way going after small business, it is just saying the people who have done well have to pay a little more money. It is common sense and it is the American way.

We are asking those who have benefited the most—many on Wall Street, many of them on Main Street—people who have done very well to make this investment. We know it is infrastructure that has helped people make lots of money in this country. Without infrastructure, many of these companies never would have been successful.

World-class infrastructure is how we move goods across the country and export around the world—on our trucks, on our rails, on our barges, and on our airplanes. It is how we get to work and school, it is how we attract businesses, and it is how we protect the public health, through clean water and sewer systems.

This will create jobs immediately—good-paying, middle-class jobs. These jobs provide workers with health care and retirement. These are exactly the kind of jobs the Presiding Officer welcomes in Wheeling and Charleston and Beckley and I welcome in Portsmouth and Cleveland and Akron. These jobs enable people to buy a home, to save for their children's education, and to plan for their future. These jobs not only create the construction jobs we need, putting money in people's pockets they will spend in the community, but they also create manufacturing jobs in steel and cement and all kinds of materials. They also create long-term jobs as companies grow because they have better infrastructure.

This is about rebuilding our infrastructure. It is about rebuilding our middle class. I ask my colleagues to support this legislation later today when we vote on it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

FANNIE MAE AND FREDDIE MAC

Mr. MCCAIN. Mr. President, I would like to speak about an issue that I and most Americans, I believe, find extremely troubling and one I have been seeking to have properly addressed for many years now; namely, the outright corruption and blatant abuse of the American taxpayer that has been taking place at the hands of Fannie Mae and Freddie Mac for decades.

Since they were placed in conservatorship in 2008, the two government-sponsored enterprises—GSEs; i.e., supported by the taxpayers—have soaked the American taxpayer for nearly $170 billion in bailouts. Just this morning, the Associated Press reported that Freddie Mac has now requested an additional $6 billion to continue their, so far in my view, failed efforts. I quote from the Associated Press:

Government-controlled mortgage giant Freddie Mac has requested $6 billion in additional aid after posting a wider loss in the third quarter. Freddie Mac said Thursday that it lost $6 billion, or $1.86 share, in the July-September quarter. That compares with a loss of $4.1 billion, or $1.25 a share, in the same quarter of 2010. The government rescued McLean, Virginia-based Freddie Mac and sibling company Fannie Mae in September 2008 after massive losses on risky mortgages threatened to topple them. Since then, a Federal regulator has controlled their financial decisions. Taxpayers have spent about $169 billion to rescue Fannie and Freddie, the most expensive bailout of the 2008 financial crisis. The government estimates it will cost at least $51 billion more to support the companies through 2014, and as much as $142 billion in the most extreme case.

Freddie and Washington-based Fannie own or guarantee about half of all U.S. mortgages, or nearly 31 million home loans worth more than $5 trillion. Along with other federal agencies, they backed nearly 90 percent of new mortgages over the past year. The two mortgage giants buy home loans from banks and other lenders, package them into bonds—

Et cetera, et cetera, et cetera. So here we are. We have spent $169 billion and now they are asking for $6 billion more. What do we find out? Fannie and Freddie now will dole out big bonuses. I am not making this up.

Quoting now from a Politico article:

The Federal Housing Finance Agency, the government regulator for Fannie and Freddie, approved $12.79 million in bonus pay after 10 executives from the two government-sponsored corporations last year met modest performance targets tied to modifying mortgages in jeopardy of foreclosure. The executives got the bonuses about two years after the federally backed mortgage giants received nearly $170 billion in taxpayer bailouts—and despite pledges by FHFA, the office tasked with keeping them solvent, that it would adjust the level of CEO-level pay after critics slammed huge compensation packages paid out to former Fannie Mae CEO Franklin Raines and others.

I might add, these huge bonuses and packages that were given to Mr. Johnson, Mr. Raines, and many others—and there is clear evidence of this—was done by cooking the books. Yet not a one of them has been held accountable in any way, shape or form.

Continuing to quote from the article:

Securities and Exchange Commission documents show that Ed Haldeman, who announced last week that he is stepping down as Freddie Mac's CEO, received a base salary of $900,000 last year yet took home an additional $2.3 million in bonus pay. Records show other Fannie and Freddie executives got similar Wall Street-style compensation packages; Fannie Mae's CEO Michael Williams, for example, got $2.37 million in performance bonuses.

That was after the taxpayers paid $160 billion. That is why they are on the hook for another $6 billion and God knows how much more. So we are giving these individuals $900,000 a year in salary, millions of dollars in bonus pay, and who in the world is the Federal Housing Finance Agency to award these bonuses?

FHFA's Acting Director Edward DeMarco—and I must admit to my colleagues I had not heard of Mr. DeMarco—told Congress last year that the managers who were at the helms of the mortgage companies during the market collapse were dismissed but also argued that generous pay helps lure ''experienced, qualified'' executives able to manage upward of $5 trillion in mortgage holdings.

Whatever happened to asking patriotic Americans to come and serve and help homeowners out of this crisis? Whatever happened to patriotic Americans who would serve and help the nearly half of all homeowners in my State of Arizona whose mortgages are underwater?

DeMarco told lawmakers he is concerned that suggestions to apply a Federal pay system to non-Federal employees could put the companies in jeopardy of mismanagement—could put the companies in jeopardy of mismanagement—and result in another taxpayer bailout. They just asked for $6 billion more. He said the compensation packages at Fannie and Freddie are part of the plan to return them to solvency while reducing costs to the taxpayers.

A March report by FHFA's inspector general—obviously ignored by Mr. DeMarco—said the agency ''lacks key controls necessary to monitor'' executive compensation, nor has it developed written procedures for evaluating those packages. In other words, the beat goes on. Business as usual, Fannie Mae and Freddie Mac.

It is unconscionable. It has been proven time and time again that Fannie and Freddie Mac are synonymous with mismanagement, waste, outright corruption, and fraud. And their Federal regulator has the audacity to approve $12.8 million in executive bonuses to people who make $900,000 per year. This body should be ashamed if we let this happen, especially in these economic times. Every day more and more Americans are losing their jobs and their homes, and we are allowing these people to take home annual salaries of $900,000 and bonuses of millions of dollars, all while they ask the taxpayers for $6 million more today.

It has come to my attention that some of my colleagues are writing letters, calling for committee hearings on this issue. Letters are fine, hearings are fine, hearings are great. They are not the answer. The answer is for us to stop it from happening, and we can do that with an amendment on the pending appropriations bill. I will be offering an amendment, and I hope all of my colleagues would join in.

Let me just bring the attention of my colleagues to a book called ''Reckless Endangerment,'' written by Gretchen Morgenson and Joshua Rosner. The title of it is ''How Outside Ambition, Greed and Corruption Led to Economic Armageddon.'' So we are talking about pay and bonuses, and I read from the book:

Because bonuses at Fannie Mae were largely based on per-share earnings growth, it was

paramount to keep profits escalating to guarantee bonus payouts. And in 1998, top Fannie officials had begun manipulating the company's results by dipping into various profit cookie jars to produce the level of income necessary to generate bonus payouts to top management.

Federal investigators later found that you could predict what Fannie's earnings-per-share would be at year-end, almost to the penny, if you knew the maximum earnings-per-share bonus payout target set by management at the beginning of each year. Between 1998 and 2002, actual earnings and the bonus payout target differed only by a fraction of a cent, the investigators found.

Investigators uncovered documents from 1998 detailing the tactics used by Leeane Spencer, a finance official at Fannie, to make the company's $2.48 per-share bonus target. That year, Fannie Mae earned $2.4764 per share.

In a mid-November memo to her superiors, Spencer forecast that the company was on track to earn $2.4744 per share, just shy of what was needed to generate maximum bonus payments to executives.

Look, this story goes on in this book. It goes on and on how the Fannie Mae and Freddie Mac executives intentionally ripped off the American people, describing profits in a way that was totally false, getting tens of millions in bonuses. This is a government-sponsored enterprise. Mr. Johnson, bailed out with $100 million or so of taxpayers' bonuses:

In 1999, Johnson joined Goldman's board, stepping into a highly lucrative position that offered rich investment opportunities overseen by the firm and opened doors for Johnson around the world. In 2000, the Goldman board position paid Johnson $50,000, not counting stock awards.

With brokerage firms such as Goldman Sachs, which flourished from the fees by underwriting securities issued by Fannie and Freddie, with fees totalling $100 million a year, guess who came on Fannie's board. Mr. Johnson.

Johnson was still on the board in 2010, when the Securities and Exchange Commission sued the investment bank for securities fraud related to its sale of a dubious mortgage security. By that time, Johnson was earning almost $500,000 for his work on the Goldman board.

The accounting fraud at Fannie went undiscovered until 2005 when an investigation by OFHEO unearthed it. In a voluminous, intensely detailed 2006 report, OFHEO noted that if Fannie Mae had used appropriate accounting methods in 1998, the company's performance would have generated no executive bonuses at all.

A lawsuit filed by the Securities and Exchange Commission in 2006 said the company's 1998 results were ''intentionally manipulated to trigger management bonuses.''

Although a highly kept secret at the time, Johnson's—

This is Mr. James Johnson—

Johnson's bonus for 1998 was $1.9 million, investigators determined. It later emerged that the company had made inaccurate disclosures when it said Johnson earned a total of almost $7 million in 1998. In actuality, his total compensation that year was like $21 million, OFHEO said, referring to an internal Fannie Mae analysis it had turned up.

So one of the great scams in American history is going on, and the people responsible for it have never been held responsible. They have never been held responsible. I refer my colleagues, take a look at this book, and I recommend taking blood pressure medicine before you read it.

Now, here we are, business as usual in Washington. The approval rating of Congress is now down to 9 percent. As I have said continuously, we are down to paid staffers and blood relatives.

Why aren't they happy with us? Why haven't we solved the housing crisis in America? Why is it that half the homes in Arizona are still underwater, worth less than their mortgages, while the financial institutions on Wall Street are doing just fine, with record profits, and Fannie and Freddie continue to act as if they did nothing wrong? And to add insult to injury, after a third quarter loss of $6 billion, they are going to get millions of dollars in bonuses.

I may be a bit of an idealist, but I will bet you there are some patriotic, talented Americans who would be willing to serve on Fannie Mae and Freddie Mac without being paid $900,000 a year and millions of dollars in bonuses. I really believe that. I really believe that. Yes, people are sitting in around the country; and, yes, I don't agree with a lot of their agenda. But when they read of things like this, their anger is justified. Already, $170 billion in bailouts. This morning, an additional $6 billion. Yet the American taxpayer is told they are making progress? And who has been held responsible at these organizations, at these government-sponsored enterprises that were responsible? To my knowledge, no one.

So it seems to me the least we can do is cancel these bonuses, make sure it doesn't happen, and maybe ask for some qualified, experienced, talented Americans to come in and take over this agency. And the first guy I think ought to go is the guy who approved these payouts, Mr. Edward J. DeMarco.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. Mr. President, I couldn't agree more with the Senator who just spoke that we are in a situation where the all-time approval rating of this body seems to have reached an all-time low. There are justified reasons for the frustration and for the anger of a very broad run of our constituents, of the folks who hired us to come here from our States of West Virginia and Delaware, from Arizona, and others to try to fix the problems confronting this country. And much of the mess, many of the things that got us into this problem have not been solved.

I rise today to speak about one way forward out of it. I think one of the reasons there is so much frustration with Congress and the general public is there is broad support for some simple solutions to get Americans back to work, to revive and strengthen our economy, and we just seem incapable of reaching across this partisan divide and moving forward. One of those is an infrastructure bank.

I rise today to follow up on a speech I gave yesterday about why investing in American infrastructure means investing in America's future. Infrastructure—building roads and bridges, highways and sewer systems, modernizing America's backbone—enjoys very broad support from all across the United States, from all different sectors, because Americans understand it will put folks back to work in the building trades industries that have taken the hardest hit in this recession and in a way that will lay the groundwork for our long-term future competitiveness.

This is smart spending. This is investing in the best tradition of Federal, State, local, and private partnerships to make America more competitive for the future.

I want to talk about one element of the bill which I hope we will move to later today, the American Infrastructure Financing Authority, or known more colloquially as the National Infrastructure Reinvestment Bank.

If this idea sounds familiar, it is because it has already been introduced. It is a bipartisan bill, the BUILD Act, championed by Senator KERRY and Senator HUTCHISON, of which I am a cosponsor, and one that provides a creative financing vehicle for building infrastructure going forward.

Before becoming a Senator in the election just 1 year ago yesterday, I served for 6 years as the county executive of Delaware's largest county, and one of the services our county was responsible for was running a countywide sewer system. We had 1,800 miles of sanitary sewer, and it was a constant challenge to maintain. That is a lot of pipe, a lot of pump stations, and a lot of sewage backing up in people's homes in the middle of the night, which led to a lot of aggravated calls from constituents.

It was an aging system like so much of America's infrastructure, one in which we had underinvested for too long. From personal experience, I can tell you that the lack of infrastructure, of adequate sewer capacity was a major to barrier to future growth. So, too, across States and counties and cities all over this country. Where the roads and rail, the ports, and the sewer systems aren't up to current global standards, we can't expect to grow to meet our global competitors.

When we talk about capital infrastructure improvements at the local level in the government I used to be with, it wasn't some wish list. This wasn't some future technology. This wasn't some risky investment. It was triage. It was critically needed investment in pipes in the ground that would protect our water, strengthen our community, and grow our economy.

As a nation, the American Society of Civil Engineers has told us we need $2.2 trillion over just the next 5 years in infrastructure investments to keep America moving forward. We are talking about fixing unsafe bridges, dealing with clogged highways, and rebuilding

airports so they can handle larger modern aircraft safely. That is an enormous scope, $2.2 trillion over just the next 5 years. We are already asking so much of the supercommittee in terms of finding dramatic savings and reductions in Federal spending. Where will this level of investment come from to put America back to work?

So, in my view, we have to get creative. We have to leverage. We have to bring in more resources than are currently on the field, and especially now, especially in this country I think we have to be smart about how we spend our funds.

The Rebuild America Jobs Act, to which I hope we will be moving later this afternoon, would put $50 billion directly into infrastructure, put $10 billion as a downpayment into making possible this new infrastructure bank, seed money that makes possible loans and loan guarantees—not grants—for a wide range of infrastructure projects, including energy, water, and critically needed transportation. Remember, we need more than $400 billion a year in investment right now just to keep up. But we all know the constrained budgets of our counties, State, and local governments can't get the financing they need. This infrastructure bank would provide the leverage, a vehicle to finance desperately needed projects.

Just a few things about it. It would be for big projects, projects that cost more than $25 million in rural communities, $100 million in the rest of the country. It would only be allowed to finance up to 50 percent of a project to avoid crowding out private capital and to make sure that private capital has skin in the game so it is a viable project. It is my expectation, in fact, that the infrastructure bank would finance a much smaller piece of most projects, just enough to bring private investment to the table. It would be government-owned but independently operated, have its own bipartisan board of directors, and function much like the successful Ex-Im.

An infrastructure bank passed by the Senate this week could provide up to $160 billion in direct financial assistance over its first 10 years to infrastructure for transportation. That would be paired with private investment that could double, triple, or even quadruple, increasing the full impact of this bank.

I said yesterday that infrastructure is a smart investment for our country and that a national infrastructure bank as a part of that strategy would provide a vehicle for the private sector to get in on this investment as well and to help us accelerate our move toward the future. This is smart policy.

It is a funny thing about infrastructure, how we inevitably take it for granted. Whether you are running a State highway system or a county sewer system, you never know how much people miss it until it isn't working the way they expect.

Unfortunately, in cities, counties, and States across our country today, companies and communities are discovering that our aged infrastructure is imposing costs on us we cannot bear. The American Society of Civil Engineers, which I have referred to before, recently released a study saying that our Nation's deteriorating surface transportation infrastructure alone could result in the loss of nearly 1 million jobs and will suppress our GDP growth by nearly $1 billion between now and 2020. That is an enormous loss of future economic activity.

We cannot put this off any further. As a country, we cannot keep swerving to avoid these potholes on the path to prosperity. Eventually we are going to hit them, and eventually they will continue to be a drag on our Nation. The Rebuild America Jobs Act would fill these potholes, would patch these pipes, would lay the new runways to allow America's economy to take off.

This Rebuild America Jobs Act, which would rebuild 150,000 miles of roadway, maintain 4,000 miles of train track, upgrade 150 miles of airport runways, restore critical drinking water and wastewater systems, is nothing short of the smart investment we need to be competitive for the future. It would put people back to work, it would steer us on the right road to sustained recovery, and it would fix the problems that lie right in our path as we try to do our jobs for the folks who hired us to come here and help them get back to work.

We need to act today. It is my hope that my colleagues will join us this afternoon in voting for the motion to proceed to the Rebuild America Jobs Act, a critical piece of which is this smart infrastructure bank.

THE NOMINATION OF RICHARD ANDREWS

Mr. President, I move now briefly to support the nomination of Richard Andrews, who has been nominated to be U.S. district court judge for the District of Delaware. Rich Andrews is an exceptional lawyer, a dedicated public servant, and a good man. When the Senate confirms his nomination, hopefully later today, Rich will become the fourth active judge serving in the District of Delaware. This will mark the very first time in 5 years that this very busy court will operate without a vacancy. For a small district such as Delaware, albeit one with such a specialized and complex caseload, even a single vacancy places a significant burden on the court.

Mr. Andrews' nomination has been pending 177 days, and while I am grateful for the consent agreement that I hope will allow his nomination to be considered today, I remain concerned that such a noncontroversial and qualified nominee as Rich could take nearly half a year to reach floor consideration. The judicial vacancy rate hovers near 10 percent, we have 31 judicial emergencies, and it is my hope that this body will continue to move expeditiously to fill vacancies throughout the country.

As a member of the Judiciary Committee, I had a chance to chair the nominations hearing for Rich and to take part in the committee's consideration of his nomination. I have reviewed his record, listened to his testimony, met with him personally, conferred with my senior Senator, Mr. CARPER, and as a result of all this, I assure my colleagues I have every confidence that Rich is a qualified judge and will serve Delaware and this Nation brilliantly.

During his 30 years of service for Delaware so far, he has established himself as a talented, dedicated, and humble public servant who possesses the strongest work ethic and the highest integrity and intellect.

He began his service to our State when, after graduating from Berkeley Law School, he came to Delaware as a law clerk for Chief Judge Collin Seitz of the Third Circuit. Luckily for us, he never left.

After completing his clerkship, he joined the U.S. Attorney's Office for the District of Delaware, where he spent the next 24 years, much of it serving as the first assistant U.S. attorney and chief of the Criminal Division. During this time, he has tried, in that role, more than 50 felony jury cases and argued 17 cases before the Third Circuit Court of Appeals.

Since leaving the U.S. Attorney's Office in 2007, he has served as State prosecutor for the Delaware Department of Justice and leads more than 70 deputy attorneys general in the Criminal Division and has overseen tens of thousands of prosecutions each year. I am confident that his experiences as a prosecutor have given him the knowledge, skills, and temperament to join and serve ably on the District of Delaware Federal bench.

When I chaired his nomination hearing, I was impressed by his professionalism, intelligence, and demeanor. Rich enjoys broad bipartisan support, having been reported unanimously by the Senate Judiciary Committee.

I urge all my colleagues to join Senator CARPER and me in supporting Mr. Andrews so he will have the opportunity to continue his selfless service to the people of our State and our Nation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. RUBIO. Mr. President, I ask unanimous consent that I be recognized to speak as in morning business.

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

Mr. RUBIO. I also ask unanimous consent that the Senator from Rhode Island be recognized immediately after me.

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

HUMAN TRAFFICKING AND SLAVERY

Mr. RUBIO. Mr. President, I come to the floor today for a moment to introduce an issue I have become interested in in the last few months, one that, quite frankly, I didn't know a lot about—the issue of human trafficking and slavery.

For many Americans, for many of us in the 21st century, we think of slavery as a concept of the 18th and 19th centuries, something that happened in other places a long time ago, when, in fact, it exists today around the world. The issue is actually pretty startling. The State Department estimates that there are between 700,000 and 800,000 people in the world each year who are trafficked. The number of people trafficked in the United States is about 16,000 to 17,000. That is a lot of people in the 21st century who are being trafficked and are held in bondage. I saw a special on a cable network recently that outlined this issue. I then started researching it. I was shocked to learn that my home State of Florida is particularly affected by this issue.

Recently, I had the honor and the privilege of being appointed to the Helsinki Commission, the group here in the Senate that works, along with the House of Representatives, as Commissioners on that Commission. We held a hearing yesterday on the issue of human trafficking, and it is an issue I am going to be increasingly speaking about over the next few weeks because I truly believe it is one of the great humanitarian causes of this new century. It begins with awareness, with a clear understanding of what is happening around the world with regard to this issue, the fact that there are these people. As we speak, as I stand here today, perhaps within walking distance of this very building there are people held against their will in servitude.

The one that gets all the publicity—and rightfully so because it is so painful and outrageous—is sex trafficking, children and young girls and young women brought into this country and held against their will as sex slaves. It happens all over the world. It is sad to learn there are governments around the world that cooperate with this and tolerate it and are corrupted by it. That gets a lot of publicity and attention, and we are going to be paying a lot of attention to that.

We heard stories of diplomats who work in this city, diplomats from other nations who come here and bring domestic workers with them to their homes and hold them here against their will and take their entire paycheck. We are going to be denouncing some of these people on the floor by name in the weeks and months to come.

The other thing that is shocking—although I said the sex trafficking gets a lot of attention—is the forced-labor aspect of it. People are recruited in other countries, brought here, and they are told: We are going to bring you to the United States, and you are going to come here, you will make a living, make some money, and you can send some back home. When they get here, they are held against their will, and they are not paid. In fact, sometimes they owe traffickers money, and they are held in squalid conditions. That is happening here in this country underneath our very noses, not to mention the egregious cases around the world, and we are going to focus on those cases around the world as well.

The State Department, by the way, ranks every country on the basis of how much they cooperate, on the progress they are making in prosecuting and investigating these issues. Those are available. A report came out recently. It identified the countries that are doing well, the countries that are trying to do well, and the countries that, frankly, couldn't care less and actually do not mind this stuff going on in their jurisdiction. They deserve to be condemned not just on this floor but in the international community, and we will talk about that as well in the weeks to come.

I do not think we can point the finger at anyone unless we look at ourselves as a nation and society and call attention to this issue. So, as I begin to introduce this issue and my involvement in it, there are a couple of things I would like to point out from yesterday's hearing.

The first is that this is largely occurring as a result of criminal enterprises. The same people who traffic drugs and are involved in all kinds of organized crime are also involved in human trafficking. We see that increasingly in major areas, and we have seen prosecutions, but we have also learned that increasingly what we are finding are small-scale operations, sometimes families.

We heard the case of a mother and her two sons who were involved in a human trafficking ring. It is very profitable, very lucrative. It costs about $10,000 to bring a young woman into this country, and they can make that money back in the sex trade within a few days, and after that it is all profit. It is outrageous and has opened the door to small-scale operations that are doing this.

What are the impediments to dealing with this? There are a few, and it will take a long time to work on.

The first, unfortunately, is lack of recognition. I think that at the local level and even at the Federal level, our law enforcement officers and personnel who want to do the right thing probably need more information about identifying these cases, seeing the markers of human trafficking, identifying cases that clearly reek of human trafficking, and identifying those and treating them for what they are.

The second thing we need is better protections for these victims. You know you are not going to be able to prosecute people and put them in jail unless the victims are willing to testify, and victims are not going to testify if they don't feel secure. If they believe you are going to deport them or put them in immigration jails or, worse, if they think these organized crime rings are going to harm their families overseas, it is going to be very hard to get victims to cooperate.

Last but not least—and I know this is a complicated issue—our immigration system is contributing to this. We have a very complicated immigration system, and it is an expensive one, a burdensome one. What it is creating is the need for middlemen, and, guess what, more often than not, unfortunately, nowadays the middlemen, these foreign labor agencies—too many of them—are, in fact, human traffickers who are utilizing this system, the legal immigration system, to bring people into this country and, once they are here, to hold them against their will. We have to focus on that because ultimately that has to be solved. Our legal immigration system has to be modernized. If it is not, one of the problems we will continue to face is this issue of human trafficking.

The good news is that here in Congress there is a bill—reauthorization of the TVPRA. It passed out of the Senate Judiciary Committee in October of this year by a 12-to-6 vote. It does a few things.

It promotes increased cooperation among Federal agencies, between the United States and other countries.

It supports and enhances the victim-centered approach, which basically says we are going to approach this from the viewpoint of the victim and create protections and security for the victims so they can cooperate and help us prosecute these people.

The bill focuses on cutting off human trafficking at its roots by supporting international efforts to focus on this issue. There are a lot of countries out there that want to do the right thing; they either do not have the resources or knowledge base to do it. There are some countries out there that do not mind this. In fact, they cooperate with this stuff. They like that it is going on in their countries. They are on the take, so to speak. They need to be called out for what they are doing as well.

Finally, it promotes accountability. It ensures that the Federal funds are being used for their intended purposes, and it reduces the authorization levels to address fiscal concerns but focuses on the programs that have been most effective.

My hope is that bill, which is a bipartisan bill, will come to this floor soon and that we will have an opportunity to make it better, to get it passed, and to work with our colleagues in the House to send a very clear message that this is a priority, that this is something we should all agree on and work on together. It is a great cause to be involved in. It is one of the great humanitarian, human rights causes of the 21st century, and I think how we deal with it or fail to deal with it will say a lot about us as a people and as a nation. I hope I can encourage as many of my colleagues as possible to take up this cause as their own. I look forward, in the weeks to come, to coming to the floor and talking more about it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I rise in support of the Rebuild America Jobs Act because it responds to two critical needs: the jobs crisis we face throughout this country and the need to improve our national infrastructure, which is obvious to everyone, in every part of this country.

Over the 4 years of this economic crisis, the unemployment rate in Rhode Island has been one of the highest in the Nation. It now stands at 10.5 percent. For many families, it has been a stressful and demoralizing time. Very few have avoided the impacts of this economic crisis in their own lives or in the life of someone close to them.

It has been particularly devastating for those involved in construction, a sector where more than 2 million Americans, including 7,000 Rhode Islanders, have lost their jobs since 2007. It is frustrating for these workers because all around them they can see the need to maintain and improve our infrastructure, which, by the way, is essential to the free-flow of commerce and the economic prosperity of the country going forward. Indeed, all of us, regardless of our economic status, benefit from a sound transportation system.

A few weeks ago, Senator WHITEHOUSE and I joined Rhode Island transportation officials at the Providence Viaduct. This is a 1,300-foot stretch of Interstate 95 that runs directly through the heart of Providence, RI, our capital city. It connects New York and Boston and the whole north-south highway system on the east coast. It is one of 155 bridges in our State alone that have been found to be structurally deficient. It must be replaced within the next few years. It no longer can be repaired time and time again; it has to be replaced. If it is not replaced, then traffic will have to be rerouted, which will have a major impact on our economy and the regional economy. Route 95 is the highway link between New York City and Boston. If suddenly you put up a roadblock in that highway link and restrict traffic to one lane, you are going to see economic activity throughout the Northeast affected. Already, the Rhode Island Department of Transportation has installed wooden planks beneath the viaduct to catch any concrete or debris before it falls on cars and pedestrians below. That is an example of the first signs of the increasing decay. This is the kind of commonsense project this jobs bill addresses, but it is not the only one.

Indeed, 21 percent of Rhode Island's bridges are listed as structurally deficient, while nearly 30 percent are functionally obsolete. There is a huge amount of work that we can do to improve existing conditions that make us more productive going forward. For Rhode Islanders, passing this jobs bill would translate into approximately $141 million of highway funding to help us respond to these obvious needs. Moreover, it would provide approximately $21 million in transit funding, which would provide a real shot in the arm to help maintain an efficient public transportation system. We take pride in that. We have a statewide transportation system. It is oriented around our bus system. It travels the length and breadth of the State. It is very efficient, but it needs support, and this bill would help provide that support.

The bill would also provide funding for airport improvements, which could help Rhode Island's major airport, T.F. Green Airport, with a major runway safety and expansion project. This project would make air travel not only safer, but it would make our airport more capable of intercontinental and international service. Right now we don't have that effective option. If we did, that would be a huge multiplier for our economy, and it is based on sound infrastructure improvement.

These are not new, novel techniques or new, advanced technologies. This is old-fashioned extending a runway, fixing a bridge, getting the economy moving again. Everyone understands that. Everyone on Main Street and East Street and South Street and West Street in every corner of this country understands that, and we have always done it, and this bill will help us do it.

Finally, the bill establishes a national infrastructure bank, which I believe can play a critical role in financing these projects going forward. These projects would include clean water projects, energy projects, as well as transportation projects. There is absolutely no doubt that these investments in infrastructure will benefit our economy.

According to economist Mark Zandi, every dollar invested in these types of projects will generate approximately $1.59 in economic activity, so there is a significant multiplier effect. Importantly, it is part of getting us moving again and building up a self-sustaining momentum. Again, these projects will employ private companies that will hire individuals in all of our home States to begin the work that must be done to improve our infrastructure, to provide the kind of vital transportation links that are critical to any economy. It is also very important to know that this proposal is fully paid for, and you have both business and labor supporting the investments in the bill.

I would hope we could all join together in a sign of not just common unity but common sense and adopt this provision. Build infrastructure. It is paid for, and it puts people to work. That is what the American public is asking us to do and we should do it.

I want to comment briefly on the Republican alternative proposal. It fails to provide the investment to deal with the infrastructure and the job crisis we face today. In fact, it does the opposite. It effectively cuts $40 billion in discretionary funding without addressing the needs of our highway trust fund and other infrastructure improvement vehicles.

More importantly, it scales back important public health protections under the EPA. The Republican package includes the so-called EPA Regulatory Relief Act, the REINS Act, and the Regulatory Time-Out Act. Together these provisions not only threaten our economic progress but also our public health, and they would nullify the EPA boiler rule. This rule has been calculated to produce $10 to $24 in health benefits for every dollar spent, at least a 10-to-1 ratio of health benefits versus dollar spent, preventing approximately 6,600 premature deaths and about 40,000 asthma attacks each year.

This translates, again, into another major crisis we face, and that is an affordable health care system. One way to make the health care system affordable is to prevent premature deaths, asthma attacks, and a host of other things, and that is not incidental to what environmental protection does. That is at the heart of environmental protection.

Finally, it would place a moratorium on most regulations, including financial regulations. We have seen, sadly to our chagrin, the effect of lax regulation in 2008 when our financial markets were on the verge of collapse. Unless we have effective regulation, unless we can effectively deploy the new tool provided under the Dodd-Frank act, unless we can resource regulators to keep a watchful eye on the marketplace, frankly, we are going to once again relive those very dark and daunting days of 2008 when we saw markets on the verge of collapse. And we do so, frankly, in a global economic environment where there are pressures coming from Europe and pressures coming from around the globe, economic pressures. If our markets are not strong and well regulated, can they withstand the backwash from a crisis in Greece, a crisis in Italy, a crisis across the globe?

I do believe the legislation that has been proposed by Leader REID—proposed essentially by the President—makes sense, and I hope we can unite in common purpose to do what is common sense and invest in bridges and roads in America, fully paid for, and avoid the diversion of this alternate proposal that would essentially impair our health, the public health of America, and not advance our financial stability as a nation.

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

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

The bill clerk proceeded to call the roll.

Mr. ENZI. 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. ENZI. Mr. President, I ask unanimous consent to make some brief remarks about a judge who is coming up for a vote, and I ask that both myself and the other Senator from Wyoming be allowed to speak consecutively.

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

NOMINATION OF SCOTT SKAVDAHL

Mr. ENZI. Mr. President, I wish to thank Senator LEAHY and Senator GRASSLEY and their staffs for moving this nomination. Because of their efforts, I have this opportunity to express my support for Judge Scott Skavdahl's nomination to serve on the bench of the U.S. District Court for the District of Wyoming.

Although Scott grew up in Harrison, NE, it wasn't long before he made his way to my home State and enrolled at the University of Wyoming. The university must have felt like a whole new world to him because he had just graduated from a high school that had less than 50 students. Still, while others might have been intimidated, Scott saw it as another of life's challenges to be faced and overcome, so he worked hard to complete the requirements for his undergraduate degree. In between his classes, Scott managed to find the time to pursue another interest of his, as he joined and played on the university's football team for 4 years.

After graduation, Scott made a decision that was to start him on a path that would set the tone and the direction of his life when he applied to and was accepted by the University of Wyoming Law School. His classes were difficult and demanding, but Scott knew what he wanted to do with his life, and, as was true for him in so many things, he just wouldn't quit until he had accomplished what he set out to do. That attitude of confidence and commitment to setting goals and achieving them is one of the reasons Scott has been able to establish a reputation for himself throughout his career as a serious and thoughtful litigator and as a judge. Whenever someone speaks of him, they always seem to use the same words to describe him. They say he is incredibly smart, a hard-working attorney, and a highly competent and capable judge. They also say: Although he wasn't born in Wyoming, we are very glad to have him.

Looking back over each step along the way that led him to this nomination, it is clear that Scott has used his time and his talents wisely and well. Because of his background and his experience on a daily basis, Scott has come to know in detail the issues that face the people of Wyoming and how the people feel about him. That is why it was no surprise that I have heard nothing but good things about Scott, his approach to the law, and his demeanor as a judge. Simply put, Scott knows all about the administrative ins and outs of the District of Wyoming, and he has used his courtroom as a classroom to help us all be informed and aware of the issues that come before him and the reasons for his decisions on all of them.

At times such as these, it is always interesting to take a moment to look back at someone's life and connect the dots that brought him or her to this important moment in time. For Scott, a childhood in Nebraska led him to Wyoming, where he obtained the knowledge and skills he needed to pursue a career in something that really interested him—the law. He then used those credentials he earned in the classroom and his life to move step by step through our legal and judicial system.

His talents and abilities soon caught the attention of former Wyoming Governor Dave Freudenthal and President Obama. The President has now nominated him to serve in this very important post, and he has been unanimously voted out of committee. In and of itself, that recognition is a powerful endorsement of Scott's background, his ability to interpret and apply the law, and his experience both in the courtroom and in his community. It also expresses our confidence that Scott will continue to serve as an integral part of the court system of Wyoming, the West, and our Nation for many years to come.

I urge my colleagues to support this nomination, and I look forward to the Senate's approval of the nomination of Judge Scott Skavdahl.

I thank the Chair, and I yield the floor for my fellow Senator.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, in the 19 years since his graduation from the University of Wyoming School of Law, Judge Skavdahl has distinguished himself both as an attorney and as a trial judge.

After working in the private sector and clerking for U.S. district judge William Downes, Judge Skavdahl was appointed by former Governor Dave Freudenthal to serve as a district judge for Wyoming's Seventh Judicial District.

During his time on the State bench, Judge Skavdahl earned the respect of the attorneys and the parties appearing in his court. He earned that respect for his integrity and his ethics to carry out his duties. He earned that respect for his reasoned decisions. He earned that respect for the manner in which he conducts himself in the courtroom and for being prepared and for his knowledge of the law. There is no doubt in my mind that Judge Skavdahl will bring those same skills and that respect for the law that he exhibited in the Seventh Judicial District to the Federal bench. Wyoming's Federal judges have a long tradition of being widely regarded by their peers and respected by the people who appear in their courts. Judge Scott Skavdahl will continue that tradition for many years to come.

I know Judge Skavdahl. I know his family. He is a judge I respect and admire from a family I respect and admire. I strongly encourage all of the Members of the Senate to join with Senator ENZI and join with me in supporting Judge Skavdahl's nomination.

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

The PRESIDING OFFICER. 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.

Mr. SESSIONS. Mr. President, I see the Senator from West Virginia in the Chamber. Is he prepared to speak? I do not want to take advantage of the Senator from West Virginia. I was going to speak for about 5 minutes, if I could.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, the plan that has been introduced to the Senate today is an affront to common sense, the plan presented by Senator REID. It is an affront to the financial condition this country is in. I am working and hope to be able to support a highway bill that will have a modest increase in highway spending that is paid for that does not increase the debt. We can do that. It is not that hard.

Apparently, it is hard because nobody wants to make any tough choices. They do not want to set priorities. So then it becomes very hard. We just want to keep everything going at the same rate. But we do need to invest some money in our infrastructure to maintain it, our highways, bridges, roads, and expand certain highways that need to be fixed. I think we should do that.

Senator REID comes in with a tax increase plan, a big spending plan, totaling, I think, $60 billion. We are supposed to pass this, and we have not yet found the money to pay for the fundamental highway bill this Congress is supposed to be working on. I believe it is wrong. I do not believe it can be justified by any stretch of the imagination.

They say: Don't worry. We are raising taxes to fund this new transportation infrastructure program. Only a small portion of it is the infrastructure bank. This country is spending enough. We are wasting enough money now. It would be a mistake for the American people to allow Congress to extract more money from them to spend today on even a new program while we are doing nothing about the surging debt that is running on in our country, while we are doing nothing about the Solyndra-type loan programs that are wasting money in huge amounts. That loan failure alone amounts to as much money as Alabama gets from the general fund, the highway bill, and infrastructure bill, period—one loan. So we need to get our act together, and I do not believe it is legitimate.

I am the ranking Republican on the Budget Committee. I am looking at these numbers, and I am astounded. So we raise taxes. One time they said we have to raise taxes to reduce our debt. Now we raise taxes to increase spending on a new program, and we still do

not have the basic $12 billion that is being looked at to be found to fund the basic highway bill.

I am flabbergasted. I do not believe it is right. I think it is some sort of clever gimmick that political thinkers got together and conjured up, that they could imagine: This will be a fun thing. We will bring it up on the floor. It has no chance of passage. We will bring it up on the floor. Republicans will oppose it, and we will accuse them of being against highways. We will accuse them of giving tax breaks to millionaires. That is what we will do. That will be clever. That will be fun.

Sometimes we have to get serious about this debt. For the third year in a row—we have just completed the fiscal year on September 30—we have had over $1 trillion in debt. Forty percent of the money we are spending is borrowed. If we ever have to raise taxes—and that would be the last thing—it ought to be done only after we have squeezed every wasteful dime out of spending in this country before we go back and ask the American people to give more money to a Congress that plays games with their money, that has allowed the deficits to be maintained at a rate beyond anything this Nation has ever seen before and are projected to continue indefinitely under plans that are out there from the budget the President submitted to us, which, fortunately, is not going to be accepted.

We have a real problem. I wish to be on record as saying I do not believe this is a responsible way for us to proceed. I know there are a lot of politics around here. But we are at a point where we need to be thinking about a responsible way to find the funding to maintain a good highway program, and that is not going to be easy. To have this bill thrown in here that is going to be dead as a doornail is not a good approach to it. We need to be worrying about that problem rather than a huge new spending program, allowing a bunch of bureaucrats to pick and choose where they want to send the money. That is the way the progressives like to do it: We give them money and let these smart people decide where to pass it around. They probably will not give any to West Virginia and Alabama. They have bigger projects in their minds than that.

I wanted to share those thoughts, and I thank the Presiding Officer. I hope my colleagues will oppose the Reid idea that will be coming up later today.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Mr. President, we have had a lot of conversation today. We all agree we need infrastructure. On both sides of the aisle we have had a good conversation. I have said before, a road is not a Democratic or Republican road, a bridge is not a Democratic or Republican bridge, nor is a water line or a sewer line. So I rise to address the competing proposals to build infrastructure in this country and to start getting America back to work.

Earlier this week, I attended a ribbon-cutting at the Bluestone Dam in beautiful Hinton, WV. When they started work on that dam, I was the Governor of our great State of West Virginia. I was sitting in my office and said to the Corps colonel: Explain to me what the problem could be.

He said: Maybe the bedrock, and there might be some possibilities with unusual flooding where we could lose that dam, breach that dam.

I asked: What does that mean?

He said: Think of it this way, Governor. We are sitting in your office in the capitol, in Charleston, WV. We would be underwater right now.

So it brought it to reality for me, the extent of the water we are dealing with and the billions and billions of dollars in downstream costs that would be incurred. So we decided we had to fix that. With the help of our Federal Government, we started working on that way back in 2002, and we are going into our third phase of that project.

Roads and bridges are in terrible condition all over the country and in every part of everybody's State. Every Member of the House and every Member of the Senate has a road or a bridge—all 535 of us—Republicans and Democrats alike have a road or a bridge or a water line or a sewer line in our area that needs repair. As the Presiding Officer from Delaware had noted with the work he did for all the good people of Delaware, there was still an awful lot of repair that was needed.

I believe in infrastructure. In West Virginia, we say: Our economy can't grow if people can't go. With that, you have to be able to be mobile. We also say in West Virginia: You have to drive to survive because we are one of the most rural States in the Nation. Our people drive as far, if not farther, than people in most other States do for their jobs.

With that, we have to make sure they have the ability to get to those good jobs and be able to provide for their family.

I have said before—and it has been heard on the floor over the last few hours—that infrastructure is not a Democratic idea or a Republican idea. It is a commonsense idea.

In 2007, we Governors at that time met in Philadelphia. Knowing the economy was slowing down, we asked: What can we do? We looked back in history and saw President Roosevelt, in the 1930s, basically invested in infrastructure. We had the WPA projects which we see today. A lot of us have used the projects and still are. Tremendous value was returned to this country and the infrastructure of this country through those hard-working people at that time who just needed a helping hand.

President Eisenhower, in the 1950s—after the Korean war, the economy needed a jump-start, and we saw the Interstate Highway System being built for a very mobile society coming off the wars. We are still using that same infrastructure that was put in place then.

This issue is bipartisan because building infrastructure is bipartisan. It solves two problems. It fixes our crumbling roads and bridges, and it creates much needed American jobs. Of all the people in my State applying for unemployment—and it might be true in most every State—construction workers are the biggest group of unemployed people today, with the most skill sets in America. Almost 20 percent of the unemployment is in the construction trades. That is unacceptable in this great country when we have repairs being needed everywhere.

We are going to vote on two proposals today. I know one was just put on quick order, and there is another one we are going to be voting on. One is a Democratic measure, which is our Rebuild America Jobs Act, and the other one is a Republican measure that funds transportation, and it reins in the EPA, for which I have been trying to make sure there is a commonsense approach to how we balance the economy and the environment. In West Virginia, I think we can do it as well if not better than most because we are dealing with those types of challenges.

I believe both these bills will help kick-start the economy and create American jobs—I do—and we all know we need that. I will vote for both of them. One is a Democratic proposal and one is a Republican proposal. But I do believe I was sent here as a West Virginian to help my State.

It is not because they are bad ideas or wrong ideas that they are probably going to fail. They both have good merits to them. But as our good friend from Alabama just said, it is politics of the order. That is what we are dealing with, and we will find reasons, probably, why we can't give our support.

On our jobs bill, there is $60 billion—$50 billion, which I think the Presiding Officer spoke so eloquently on earlier, and $10 billion for an infrastructure bank. I know what an infrastructure bank does in my State. In my State, we have $2 billion of need. We have a $300 million resolving account. It is the same as what we are talking about here. It has helped us tremendously. But everybody comes to the table. We are able to bridge some financing and put projects together that we never could have done, and it is tremendously needed.

With that being said, it probably will not pass because our dear friends on the other side of the aisle, our Republican colleagues, and our friends over in the Republican Party, are going to say: It has a seven-tenths-of-1-percent tax on incomes over $1 million—seven-tenths of 1 percent.

I can vote for that. I support that. But I also recognize that is a problem for them. So in recognizing that, I am

willing to reach out and look for other ways to pay for this. I think that is the spirit we should be working in. Are there offsets or credits? I think 73 of us have voted in a bipartisan fashion for an ethanol credit. Isn't that something we could work on? How about the money we are spending in Afghanistan and Iraq and rebuilding those nations' infrastructures? I have said this before: If you help us build a new bridge in West Virginia, we will not blow it up. If you help us build a new school, I guarantee we will not burn it down. We are so proud to say the good people all over this country have helped us in West Virginia, and we like to help other people in other States. We will work together. That is what we should be doing, rebuilding America.

That is what I have asked of everyone: Come together. Let's make sure the infrastructure need we have all over our great country is the first and foremost thing we are working on together because we do agree, as Democrats and Republicans and as Americans, we need it. That is something I think we can come together on.

Let me turn now to the Republican bill, which a few hours ago I was notified will be coming up. This bill is not perfect either. A 2-year extension of transportation spending does not give States the certainty they need. We have usually had a 6-year authorization. I know when I was Governor of West Virginia we did 6 years. We did our 6-year planning of our roads in our State based on the Federal bill, the authorization of the Federal highway bill. With only 2 years, it is hard to get any project completed. Sometimes it is even hard to get it on the drawing board.

That being said, I am a strong supporter of reining in the EPA, which this bill does. I believe we have to set our transportation priorities. Unfortunately, Washington and all of us here seem to have become so dysfunctional that politics—whether it is the party politics or the personal politics—is put before the good of the country. This has to stop.

I heard one of our good Senators from Arizona this morning saying we are down to a 9-percent approval rating. If it was not for our staff and our family, we don't know if we would be within the margin of error. With that being said, we have to come together. We have had disagreements throughout the history of this great country, and we have come together many times on very difficult issues.

This is one I think will challenge all of us to come together as Americans. The people of West Virginia did not send me to Washington to play the blame game. I have said many times, I have never fixed a problem by blaming somebody else for it. I fixed a problem by identifying that we had a problem and then trying to bring all sides together to fix it. That is what we need more of in Washington. I do not think any of us were sent to blame each other. I think we were sent to work together.

Again, I am going to urge all my colleagues and friends on both sides of the aisle to focus on the next generation. We see them every week we come here, our young pages. They are our next generation. We need to be making votes for them, not our next election, which will be in 2012. That election is going to come and go. But if we do not give them the opportunity to have the building tools they need to build a foundation that they can be the greatest next generation this country has ever seen, then I do not know what we are going to say for the future of this country.

I, for one, am not going to vote along those lines, to where it is going to be based on what is good for me, based on what is good for the party I belong to but strictly based on what is good for America and this next generation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. JOHANNS. Mr. President, I ask unanimous consent to speak for about 12 minutes as in morning business.

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

(The remarks of Mr. JOHANNS pertaining to the introduction of S. 1805 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I listened with interest to the Senator's explanation of the cross-air rule. I would just say he is off the mark, because if you produce deadly pollution in your State—deadly—you have an obligation to clean it up before it goes into another State.

It is like taking your garbage and dumping it in your neighbor's front lawn. We don't do that in America. So we are going to have a robust debate next week on the cross-State air rule.

I hope people keep in mind that we are talking about deadly pollution produced in one State and moving over to a series of other States which have no defense. So anyone who wants to come and claim that is the right thing to do morally—just walk away from that rule—I think they are going to have a hard time explaining it back home. I would not dump garbage on the front lawn of my neighbor's house. I think that patina is the best explanation of what this is about. More on that later.

Today we are going to be facing a very interesting choice. As we know, President Obama has put together a major jobs package, and he pays for it by going to the millionaires and saying that once they make $1 million, after that we think they could pay a little bit more to help us get out of this recession. My Republican friends voted that down. They were appalled we would even suggest there would be even a few dollars of increased taxes on people who make over $1 million. They would rather not do any job creation and protect the people who earn over $1 million.

(Mr. MANCHIN assumed the Chair.)

Mrs. BOXER. We have a very stark choice today. We have a small version of the jobs bill—this one focuses on infrastructure, mostly transportation investments—paid for by a seven-tenths-of-1-percent tax on people who earn over $1 million, and it would not go into effect on any of those funds until they pass the million. So it would be taxed seven-tenths of 1 percent on income over $1 million.

I make that point because it is not going to hurt anybody. A person making $1.5 million would pay an additional $3,000. This is not anything that will hurt the millionaires and billionaires. It is going to make this country stronger. It is going to grow this economy.

Here is what we have: We have a Democratic jobs bill. It is $60 billion—$50 billion for roads and bridges and $10 billion for an infrastructure bank.

To put that into the context of why this is such a good bill and why it would create 650,000 jobs, let me tell you what it is doing in essence. It is taking an extra year of transportation funding—we spend about $50 billion a year, approximately, through the highway trust fund—and it would inject essentially another year of spending over the next 12 months, creating well over 650,000 new jobs.

The Republican alternative actually loses jobs. They say they will continue the highway trust fund for 2 years. So they are just continuing what we are already doing. That is great. But then they cut the equivalent amount from police, fire, food inspection, and the FBI, and it will result in a loss of many jobs—200,000 jobs. So we have one bill, the Democratic bill, that creates a minimum of 650,000 jobs, and we have the Republican bill that cuts 200,000 jobs.

What are they thinking, Mr. President? What are they thinking? This is not the time to cut 200,000 jobs. Then they end health care reform which we all know, while not perfect, is going to help reduce our deficit. What they have done is continue the highway spending at current levels—it doesn't add one job—and then they cut all those other jobs to pay for it—200,000 jobs—and then they repeal health care reform, which will add to the deficit.

They cannot stand the thought of a millionaire paying a little bit more to help us at this time even though everybody knows we are at a point in time where the gap between the wealthiest and the middle class has never been bigger. Four hundred families earn more than 50 percent of all the rest of us; 400 families earn more than 50 percent of all the rest of us. It is unbelievable.

My State has many wealthy people in it, many poor people in it, and has a good middle class. But it is getting tougher to be part of that middle class.

The middle class is hit hard with health costs, with college costs that keep going up, and with gas prices going up. They are hit hard with mortgages they can't refinance because their mortgage is now higher than their home is worth. So we have to act on these issues. We have the ability to do it.

If we just read the Preamble of our Constitution, it tells us what we are supposed to do: work for a more perfect union, establish justice, domestic tranquility, and promote the general welfare. We have to do these things today because we are losing the middle class.

This bill before us, the Democratic jobs bill, is an excellent place to start this very day by infusing $60 billion into spending that will go mostly to private sector contractors, people who build roads and bridges. Do you know that 70,000 bridges in America are deficient?

My colleague, Senator INHOFE, and I are working closely on a highway bill. We are going to have one soon. He tells the story of a woman walking in Oklahoma. She is simply taking a walk, and the bridge starts to fall apart; it falls down and traps her and kills her. He said she was a young mother. This is America in the 21st century. That is not acceptable. We can't have a country like ours neglect its infrastructure. It is wrong.

But our Republican friends will not work with us because they don't want to ask people earning over $1 million to pay just a little bit more. For example, if someone makes $1.1 million, they will have to pay $700 more in their taxes. That is it. But they don't even want to go there. What they want to do is say: Oh, yes, we will just renew the highway bill, but we will slash across the board everything but defense. That is how we are going to pay for their jobs bill, which actually will lose hundreds of thousands of jobs. It is unbelievable to me.

I don't think this is the time to say we will turn our backs on jobs. As a matter of fact, in order to extend the highway trust fund we are going to fire cops, firefighters, food safety inspectors, FBI agents, and Border Patrol agents. That is their alternative. So don't vote for it unless you think it is the time to put all those people out of work.

What Republicans also do in this so-called jobs bill—which is a no jobs bill; it is a jobs loss bill—is they decide they want to block implementation of very important health and safety rules. I want to go through what those rules are. We are going to talk about the Clean Air Act right now.

The Republicans are repealing two rules that deal with clean air. Here is the thing. It is going to make people sicker. It is going to mean lots of jobs in clean tech. It is the last thing the country needs. It flies in the face of the views of the people. Let's talk about one of the rules they want to cut back: industrial boilers and incinerators.

This bill, called a jobs bill, would halt an EPA rule issued in February 2011 to reduce toxic air pollution. What do I mean? Toxic means it is toxic to our health; it will hurt us. People will die from toxic air pollution. People do die from toxic air pollution. The toxins the boilers and incinerators rule would reduce include mercury, lead, and other hazardous air pollution released by boilers and incinerators.

They can write it the way they want it, but here is what happens when we go back to those days when we allowed these toxins to be emitted. We saw developmental disabilities in our children. We saw more cases of cancer, more cases of heart disease, aggravated asthma, and premature death.

These are not just words. Congress commissioned a study, and we now know exactly what we are doing, how many lives it saves, and how many visits to the hospital it saves. Let me remind my friends who think that it is good for the economy to have toxic air pollution, if we cannot breathe we cannot work. If someone has to rush to the hospital or their child is rushed there because of an asthma attack, they lose a day's work. If a pregnant woman now has a problem with the child, and the child is disabled or has problems mentally from too much mercury, this is a tragedy.

Some people say: Oh, the EPA is regulating too much and it costs too much. Let me tell you the price of the Republican agenda: sick people, loss of jobs in the clean tech industry, lost days of work, loss of kids' schooldays.

I urge my colleagues in the Senate, when they have their next meeting with a large group of people—whether it is 100 or 50 or just a couple—ask them how many of them have asthma. Ask them how many know someone close to them with asthma. I guarantee the hands of one-third to one-half of those in the room will go up. That doesn't just happen—asthma—because a person just woke up on the wrong side of the bed. It happens because of the air they are breathing. It is toxic.

But in the Republicans' so-called jobs bill—which I already told you loses jobs—they not only do that, but to add insult to injury they repeal all of these rules.

Let me put it into context for you, since I have now spoken emotionally about what it does to people when they breathe in toxins. Let me cite the numbers.

Congress demanded a study. We said, give us the numbers, and so a study was done. We believe the protections from this industrial boiler rule will annually prevent up to 6,500 premature deaths, 4,000 heart attacks, 4,300 hospital emergency room visits, 310,000 days when people miss work or school, and 41,000 cases of aggravated asthma. The benefits from these safeguards are expected to be $54 billion annually by 2014. That is the rule my Republican colleagues want us to set aside.

If you went to your constituents and said to them: You know, we have a rule here that says industry is going to have to use the best available technology and clean up their pollution, and here is what it is going to do—it is going to prevent 6,500 premature deaths, 4,000 heart attacks, 4,300 hospital visits, 310,000 days when people miss school or work, and 41,000 cases of aggravated asthma, and it is going to deliver $54 billion a year in health benefits—I think your constituents would say, go for it, Senator; that makes sense.

Let me talk about a poll that just came out that reflects how people feel about this. Listen to this. We have our Republican friends offering what they call a jobs bill, which I have proven contains job cuts because they simply continue the highway trust fund. They do not add anything new, but they cut a couple hundred thousand jobs to pay for it. That is their so-called jobs bill.

They then want to repeal two rules that fall under the Clean Air Act, and I just talked about the boiler rule. But let me tell you what the people think, since we are supposed to represent the people.

There was a bipartisan poll done in October, a few days ago, reflecting 88 percent of Democrats, 85 percent of Independents, and 58 percent of Republicans opposed Congress stopping the EPA from enacting new limits on air pollution from electric powerplants.

Who is speaking for the people? We need to vote down the Republican alternative because 88 percent of Democrats want us to, 85 percent of Independents want us to, and 58 percent of Republicans want us to. They do not want Congress stepping in.

On Tuesday, Senator PAUL is going to have a motion to repeal the cross-state air pollution rule, which is a rule that says to the States if they are creating toxic air pollution and it is flowing to another State, it has to be cleaned up. Now, 67 percent of voters support the cross-state air pollution rule and 77 percent of voters support the mercury air toxics rule. So 65 percent of voters surveyed are confident the health and environmental benefits of air pollution standards outweigh the costs, and 75 percent of voters believe a compelling reason to implement these air rules is the boost to local economies and thousands of new jobs that are created from investments in new technologies.

If we are representing the people of these great United States, we better listen to what they are saying in a bipartisan way. They are telling us to leave the EPA alone. When people come to this floor and demonize the EPA, they are going against the beliefs of the American people.

There are some incredible quotes I want to read, because, to me, it is amazing what is happening around here. When I get to the place here I want, I am going to cite some quotes from unlikely sources.

Mr. President, how many minutes remains on our side?

The PRESIDING OFFICER. There is 14 minutes 10 seconds.

Mrs. BOXER. I thank the Chair.

Here is a quote from General Motors:

General Motors company recognizes the benefit of the country continuing the historic national program to address fuel economy and greenhouse gases that the EPA began.

That is signed by the chairman and CEO of General Motors.

Here is a quote from a letter from a whole group of electricity-producing companies: PG&E, Calpine Corp., NextEra Energy, Inc., Public Service Enterprise Group, National Grid USA, Exelon Corp., Constellation Energy, and Austin Energy. This is a quote from their letter to the Wall Street Journal:

Our companies' experience complying with air quality regulations demonstrates regulations can yield important economic benefits, including job creation, while maintaining reliability.

Kind of amazing, isn't it? And there is Gerald Ford, the Republican President who signed the Safe Drinking Water Act in 1974—also under attack, by the way—who said:

Nothing is more essential to the life of every single American than clean air, pure food, and safe drinking water.

Yet if you look at the Republican plan, they roll back clean air regulations and they roll back food safety. Even after we had people die from contaminated cantaloupe, my friends on the other side think now is the time to cut back on food safety inspection. Give me a break. Who are we here representing?

This is why people across the country are upset. They see things such as this and they say, is this Alice in Wonderland?

Listen to what Christine Todd Whitman and William Ruckelshaus wrote—two Republicans who were former EPA Administrators under Republican Presidents. They said:

It is easy to forget how far we have come in the past 40 years. We should take heart from all this progress and not, as some in Congress have suggested, seek to tear down the agency that the President and Congress created to protect America's health and environment.

They wrote that letter in March of this year. They understand. This isn't a partisan issue. Republicans breathe the same air that Democrats and Independents breathe. That is why it is so frustrating to see, in a so-called jobs bill from my colleagues on the other side of the aisle, an actual loss of jobs and loss of clean air regulations and loss of food safety inspectors.

I have to say I find myself quoting Richard Nixon more and more these days. He signed the Clean Air Act. Listen to what he said at a State of the Union speech. He said:

Clean air, clean water, open spaces—these should once again be the birthright of every American.

I have cited these quotes from Republican Presidents and former Administrators of the EPA under Republican Presidents, so I am stunned at this so-called jobs bill. I have talked about the industrial boiler rule, but they also roll back the cement manufacturing facilities rule that would indefinitely delay standards to address smog and toxic soot pollution from over 150 cement kilns nationwide. These facilities contain hazardous air pollutants, including mercury, arsenic, lead, and other heavy metals.

Remember the movie ''Arsenic and Old Lace''? Arsenic kills you. Too much of it does that. Come on. We need to clean up the air, and we need to be sure we do it in a reasonable way. I am on that side—the side of doing it in a reasonable way. And no one could be more reasonable than Lisa Jackson. I tell you, the woman has the patience of a saint. She is not going to go out and hit people over the head with this. She is going to phase in these regulations, and she is going to listen carefully. And you have to listen. Mercury, arsenic, lead, and other heavy metals are the third largest mercury source in the country. These relate to cement manufacturing facilities.

Let me tell you what these pollutants do. They cause cancer and they harm the reproductive system and the developmental system. Pregnant women and children are at risk. We hear a lot of talk about life—when does life begin? That is up to each individual and their God to decide that. But one thing I hope we can agree on is that a pregnant woman shouldn't be subjected to too much mercury or too much arsenic in the air.

We have a rule here, a reduction of mercury and toxic soot emissions. We know that rule will prevent 2,500 premature deaths, 1,500 heart attacks, more than 1,700 emergency room and hospital visits, that it will prevent 17,000 cases of aggravated asthma attacks, 130,000 days of lost work, and it will provide up to $18 billion of benefits annually by 2013, which is a benefits-to-cost ratio of 19 to 1. Yet my friends on the other side think it is a terrible idea and want to indefinitely delay it.

Let me tell you something. If we had that kind of attitude in Congress years before, we wouldn't have a Clean Air Act. I can tell you what happened in Los Angeles. We used to have about 160 days in Los Angeles where people could not go out. They were warned to stay indoors. As a result of the Clean Air Act, we have had none of those days—none—in Los Angeles in 2010.

So why on Earth does anyone want to delay these rules? If you want to sit with Lisa Jackson and sit with me, as the chairman of the Environment and Public Works Committee, and sit with others and see if there is a way we can do this in a fair manner, of course. But the public wants us to act, and the action they want us to take is to support the EPA, not to put our noses in there and stop them from doing what the Clean Air Act requires them to do.

Poll after poll shows that voters are on the side of clean air. They are on the side of protecting the public health. They are not on the side of polluters. So I wish to say, we know two things today: People want jobs, and they also want their health protected. We also know that when you protect the people's health, what happens is a huge economic boost is given to the clean tech sector, and that boost has resulted in many jobs. As many as 1.7 million jobs are created because of these clean air rules and clean water rules.

The whole world wants these technologies. I had the amazing experience of visiting China, and I didn't see the Sun—I didn't see the Sun—for the 7 days or so I was there. The air is filthy, and people complain about it. One day we had the hint of sun—the hint of sun—breaking through the pollution, and the people there said, what a beautiful day. You must have brought the good weather. I said, you know what, come to California, I will show you a blue sky.

We cannot go backward. We need to move this country forward.

If the arc of history bends toward justice, it also bends toward health, public health, making sure our people get that health care, that they don't have those public health enemies out there—the soot, the arsenic, the lead, the mercury—and, yes, jobs. We have seen our GDP explode since we passed the Clean Air Act, and we grew more than any other industrialized nation while we had these laws in place, for two reasons. One, these laws create clean tech jobs. Two, if we can't breathe, we can't work. When we have a healthy society, we are far more productive.

So we have the Democratic alternative that will create over 600,000 jobs in transportation. It doesn't go into these extraneous issues such as the air pollution laws, and it is paid for by seven-tenths of 1 percent of income over $1 million.

Then we have the Republican alternative that just continues our transportation at the same levels and pays for it by cutting 200,000 jobs—police, fire, and the rest, FBI agents, food safety inspectors, Border Patrol agents. Just what we don't need. That is what they do. Plus, just for good measure, they repeal basically two Clean Air Act rules that I talked about from boilers and cement plants.

Folks, if ever there was a difference between the parties in evidence, this is it. If one person comes up to me and asks if there is really a difference between Democrats and Republicans, I will point them to this debate.

So I hope very much that we will get enough votes to take up the Democratic bill that is fully paid for and will create over 600,000 jobs, that will fix our deficient bridges and our deficient highways, that will say to the construction workers: We know you are out of work, and we are going to put you back to work—or the Republican alternative that would result in 200,000

jobs lost and overturn these clean air rules that are so important that the vast majority of people, including Republicans, who are asked about it would say: Congress, keep your hands off these rules because, you know what. We think they are working.

I reserve the remainder for other speakers, and I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, let's be clear about what the Democrats' Rebuild America Jobs Act is and what it is not about.

It is about expanding infrastructure spending, financed by tax increases. It is about setting up a brand-new government bureaucracy in the form of an infrastructure bank that will take years to get underway and will subject taxpayers, once again, to private sector risk-taking and to bailouts.

It is about following in the footsteps of the ongoing costly government-sponsored enterprises, or GSEs, called Fannie and Freddie. It is about increasing the Federal footprint in the infrastructure arena. It is about increasing taxes on those with incomes above $500,000, now creatively called millionaires, including incomes of many business owners who risk their own capital to create jobs.

It is about further Federal wage controls on construction projects which lead to inefficient use of taxpayer funds. It is also about creating political talking points for the upcoming Presidential election. They know their bill is doomed to fail. It is all a game.

Here is what the legislation is not about. It is not about creating jobs. It is not about engineering a more efficient and a more fair tax code. No, this is the same tune, different song: A bill for more spending, financed with new taxes.

It remains baffling to me that this is all the other side ever seems to have to offer. The Democrats' proposal incorporates more spending on various infrastructure initiatives, including one of the President's favorites, high-speed rail.

As columnist Robert Samuelson wrote in the Washington Post in February of this year:

> High-speed rail is not an investment in the future. It's mostly a waste of money.

As for the arguments by some that we risk losing our global competitive edge without things such as high-speed rail, I would encourage them to pay attention to what is going on beyond our shores.

China, facing safety concerns, high debt associated with high-speed rail, and political scandals involving kickbacks and undue influence on rail spending has scaled its plans back and operates some high-speed rail at 30 miles per hour.

Spain, a one-time darling of those who promote high-speed rail spending, is also scaling back, having identified such spending as imprudent in the current economic environment.

Here at home, States have rejected high-speed rail initiatives. We just learned in recent days that California's bullet train is now projected to cost close to $100 billion, nearly twice its previous projection.

Nonetheless, the administration and my friends on the other side of the aisle wish to plow forward by shoveling more taxpayer funds into exactly those sorts of projects, with little more than rosy projections of future costs and benefits that justify the expense.

I am deeply skeptical that the Democrats' legislation to fund more infrastructure projects is a good way to address our current national unemployment emergency and need for jobs.

According to CBO:

> Large-scale construction projects of any type require years of planning and preparation. Even those that are ''on the shelf'' generally cannot be undertaken quickly enough to provide timely stimulus to the economy.

More often than not, the delays are because of burdensome and inefficient regulatory red tape.

As President Obama discovered too late, shovel-ready projects are hard to find. In June he joked about his first stimulus, saying:

> Shovel-ready was not as shovel-ready as we had expected.

Now, that may have been humorous, except they should have known better. Unfortunately, Americans looking for jobs and the American taxpayers who are now on the hook to pay off President Obama's stimulus-driven debt do not find this to be a laughing matter.

The infrastructure bank proposed by the other side would not even be up and running for well over 1 year, and probably longer. It will take 1 year or more just to set up the bureaucracy. How can this possibly have anything to do with creating jobs and lowering unemployment today?

There are worrisome details about the proposed new government infrastructure bank bureaucracy and the power it will wield. The proposed bank's board is required to give ''adequate consideration''—whatever that means—to a host of features, including ''whether there is sufficient State or municipal political support for the successful completion of the infrastructure project.''

While proponents of the infrastructure bank are selling it as a new, politics-free way to fund projects, even the authorizing legislation explicitly calls for political considerations.

The Democrats' bill also claims the bank would be a ''United States Government-owned independent'' institution—government-owned and controlled by political appointees but somehow independent, just like a GSE, government-sponsored enterprise.

The definition of ''eligible infrastructure project'' in their bill includes a wide range of possible projects, including high-speed rail, which Americans do not want or need, and solid waste disposal facilities such as the one that drove Harrisburg, PA, into bankruptcy.

Most worrisome, the infrastructure bank board is provided with the authority to make any modifications it would like, at its discretion, to what constitutes an eligible infrastructure project. How long do we think it would take for the board to start doling out taxpayer funds to non-viable projects? Haven't we seen enough of that in this administration?

Proponents of the infrastructure bank make the peculiar argument that somehow because the bank would not be able to make grants, taxpayers face no risks of losses. Yet the bank is empowered to make loans, which are risky. The bank is empowered to issue loan guarantees just like taxpayer-backed government guarantees of Fannie and Freddie. Really. Stop and think about it. This just looks like a rebirth of Fannie and Freddie. That is all we need. How is that not risky?

Also problematic is direct authorization in the Democrats' proposed infrastructure bank for deferral of payments of direct loans in the event ''the infrastructure project is unable to generate sufficient revenues to pay the scheduled loan repayments of principal and interest on the direct loan under this Act.''

Translation: If a project's revenues streams are insufficient to pay off the government loan, then the loan gets modified and extended. This, of course, benefits any private partner of the taxpayer-funded infrastructure project while taxpayers are put on the hook for the losses.

Have we been here before? We all know what the answer to that is.

This is an explicit admission, in the authorizing legislation, that contingencies are expected in which taxpayers suffer losses and end up bailing out private entities. This is the essence of a corporate bailout. This is corporatism at its worst—privatized profits and socialized losses.

The whipsawing is too much to handle. On one hand, the President, a former community organizer, stands with the Occupy Wall Street protesters, criticizing the so-called rich. On the other hand, he and his congressional allies support legislation that would make taxpayers responsible for the bad decisions of wealthy contractors. I look forward to the critiques of this crony capitalism at the Occupy Wall Street gatherings.

Taxpayers are on the hook for billions. Keep in mind it is not merely the advertised initial price of $10 billion of taxpayer money necessary to start up the proposed new infrastructure bank bureaucracy that would be at stake. The bank will be empowered to ''leverage'' taxpayer dollars to support 10, 20, or maybe 30 times that amount for so-called public-private partnership projects.

Have we already forgotten that leverage is what helped create the largest financial crisis since the Great Depression? Yet, amazingly, for proponents of the infrastructure bank, leverage in this case is a good thing.

Make no mistake, leverage means risk, and more leverage means more risk. Why, when taxpayers have not even seen the last of the losses from Fannie and Freddie, would we even consider setting up a brand-new public-private mongrel called an infrastructure bank that will again subject taxpayers to losses? Why would we set up a new Federal bureaucracy that will require bailouts on projects specially selected by unelected political appointees with the power to pick winning and losing projects eligible for government assistance?

It is of interest that one of the new pitches for an infrastructure bank is that we need it to help us be more globally competitive. Sometimes comparisons are made with the growth of infrastructure spending in developing countries such as China. But, of course, developing countries devote many resources to infrastructure spending. It is almost a tautology. Those countries are starting with a much smaller beginning base, so we would expect a need for greater growth.

Proponents of infrastructure spending cite rankings of the United States globally on its infrastructure from a recent World Economic Forum's Global Competitiveness Report. If they had read the most recent report carefully, they would note that it identifies that the top two most problematic factors for doing business in America are tax rates and inefficient government bureaucracy. Yet the Democrats' bill seeks to increase tax rates and construct a new bureaucracy called an infrastructure bank.

We do not need a new Federal bureaucracy filled with politically appointed bureaucrats. We do not need a government picking economic winners and losers. We do not need more government spending years from now to deal with an unemployment crisis today. We do not need more taxes at a time when the unemployment rate is stuck at 9.1 percent. And we most definitely do not need another GSE. But if you like Fannie and Freddie, you will love the proposed infrastructure bank.

Once again, the other side has turned to divisiveness and class warfare. Evil millionaires and billionaires, whom Democrats now define as an individual with income starting at $500,000, need to be brought to economic justice. A 0.7-percent tax—or whatever the rate-of-the-week special cooked up by the Democratic war room happens to be—imposed on individual incomes that begin at $500,000 will bring equality and justice for all.

A few points need to be made about the surtax proposal. First, it is more taxes to pay for more government spending. We need to keep that in mind when we hear Democrats talk about the need to raise taxes to reduce the deficits.

Second, it is not real economic or tax policy. It is designed to deliver a talking point to an administration increasingly concerned about its reelection prospects.

I remind my friends on the other side of the aisle again that those earning $500,000 or more, whom they creatively call millionaires and billionaires, are not a static group of people. Many who earn those amounts in 1 year are likely to earn far less in the next year or in the prior year. In fact, the highest income taxpayers are a dynamic and rapidly changing group. Any one of us could get there if we just work hard enough and are smart enough to get there. That income group is constantly changing.

Keep in mind that a significant number of people hit by the Democrats' tax hike would be business owners—the same people we need to create new jobs. Significant fractions of net-positive business income and of active flow-through business income would be subject to Senator REID's new surtax. This is especially harmful to small businesses, which are often organized as flow-through entities, including sole proprietorships, partnerships, LLCs, and S corporations.

We do not need higher taxes that will fall on job creators to write checks for the President's special preferences, such as spending on high-speed rail that Americans do not want or need. We do not need a risky, GSE-like, taxpayer-funded infrastructure bank populated by political appointees, able to pick and choose whatever spending they would like to define as an infrastructure project, while subjecting taxpayers to private risk-taking.

Fortunately, there is a better way, and it is contained in my legislation, the Long-Term Surface Transportation Extension Act of 2011. Briefly, here is what it does.

It eliminates dedicated funding for transportation enhancements and gives States the authority to decide whether to spend resources on add-ons, such as bike paths.

It reforms the National Environmental Policy Act, or NEPA, by eliminating inefficient bureaucratic red tape and accelerating project delivery and contracting, just as called for by the President's Jobs Council.

It supports job creation by placing a temporary timeout on job-killing regulations that are estimated to have significant economic effects.

It includes provisions for waivers of inefficient environmental reviews, approvals, and licensing and permitting requirements for road, highway, and bridge rebuilding efforts in emergency situations.

It goes straight to the matter of job creation, and it draws from bipartisan recommendations, including recommendations from the President's own bipartisan Jobs Council. We have not ignored the President. We are taking some of his ideas and putting them in this bill.

It allows fully paid-for infrastructure projects to be undertaken to help build roads, bridges, and a host of other projects without imposing permanent, job-killing, higher taxes during our national unemployment emergency.

I urge all of my colleagues to vote in support of my legislation and to vote against the tax-and-spend alternative offered by those on the other side. We have had enough of this. We had enough with Fannie and Freddie. Yes, it was set up to do good, but it has wound up putting us in hock, and then just this week we find that they all—many of the leaders of Fannie and Freddie—are taking home huge bonuses for running the place. The new ones, the new leadership—maybe that is a little harsh, but the fact is, why should they be taking bonuses when we know Fannie and Freddie are in real trouble? I predict that if the Democratic bill passes and we get this infrastructure bank set up, it is only a matter of time until this will be another Fannie or Freddie. That is what happens when government bureaucrats decide who wins, who loses, and interferes with the private sector and those who have always made the private sector go and work well for all of us.

I yield the floor.

Ms. MIKULSKI. Mr. President, I rise in strong support of the Rebuild America Jobs Act. This bill is about jobs today and jobs tomorrow across the Nation and in my home State of Maryland. It also is about repairing our crumbling infrastructure.

This bill does three things. First, it provides $50 billion for immediate transportation investments. It will provide formula funding and award competitive grants to our States for transportation infrastructure projects. This includes funding for our highways and bridges. It also includes our transit systems and passenger and freight networks as well as our aviation system and ports.

Second, it provides $10 billion to establish a national infrastructure bank. This bank will leverage private and public capital to fund large infrastructure projects. These include not only transportation projects but also desperately needed water and sewer, and energy projects. The bank will provide direct loans and loan guarantees for projects of regional and national significance.

I have been a strong proponent of establishing a national infrastructure bank for several years now going back to the original Dodd-Hagel legislation. I am now a cosponsor of Senators KERRY, HUTCHISON, and WARNER's bill.

Third, this bill pays for itself. It implements a surtax of less than 1 percent on those that make more than $1 million a year. This tax will begin in 2013.

This bill is so important because it will create hundreds of thousands of jobs across America by putting construction workers and engineers back to work. According to Moody's, every $1 spent on infrastructure spurs economic activity raising GDP by about $1.59. Without this investment, nearly 1 million Americans will lose their jobs and our economy will lose nearly $1 trillion over the next 10 years.

Our failing transportation infrastructure is costing everyone money we don't have: State and local governments, motorists, and companies shipping their goods. Americans pay approximately $333 in car repairs a year because of poor road conditions and more at the pump because of congestion. We just learned Marylanders have the longest commute in the country—even longer than New Yorkers. Can you believe that?

Freight bottlenecks and congestion are costing us about $200 billion a year. It is estimated that our failing infrastructure will drive the cost of doing business up by adding $430 billion to costs in the next decade. This means it will cost more to ship goods and consumers will feel it in their pocketbooks.

My State of Maryland has a 6-year transportation plan with $10 billion worth of needs. A recent blue ribbon commission found the State needs another $500 million annually to meet these needs. This bill will help close this funding gap by providing nearly $600 million in transportation formula funding to Maryland. This funding will support about 7,500 jobs.

This formula funding will pay for repaving and improving safety on our highways and byways. It will be used for to replace diesel buses with more environmentally friendly hybrid models. Improvements also will be made to Maryland's commuter rail service, MARC, and the light rail and metro in the Baltimore region. Lastly, Maryland would be eligible for competitive grants for all modes of transportation including high-speed rail investments along the Northeast corridor.

In addition, the infrastructure bank will provide new financing options for Maryland. It will help move along projects of regional and national significance that currently are harder to get underway with traditional financing options. Most promising is that the bank will provide financing for water and sewer and energy infrastructure projects too. Maryland alone has $14 billion in water and sewer infrastructure needs.

I firmly believe that a reliable and well maintained infrastructure is a vital to sustain economic growth and create jobs. That is why we must pass this bill and get Americans back to work.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I ask unanimous consent to speak for up to 5 minutes.

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

NOMINATION OF RICHARD ANDREWS

Mr. CARPER. Mr. President, last year, I was pleased to provide the President with the names of three superbly qualified Delawareans for him to consider for the one open seat on the U.S. District Court in Delaware. Any one of them would have made an excellent addition to the court, and all of them uphold the high regard in which this court is held, not only in Delaware but across the country.

The President has made a particularly strong choice in nominating Richard G. Andrews for this judicial appointment this past May. The Senate Judiciary Committee used sound judgment in approving his nomination unanimously in September. We are grateful for the expeditious handling and approval of this nomination—unanimously.

When I travel across Delaware, I often hear from people who are convinced that the Senate is overwhelmed by partisan tensions. I am sure that my colleagues—both Republicans and Democrats here today—have heard similar concerns. Confirming Rich Andrews will help to win back confidence that we can work together to do the right thing, not just for the people of Delaware but the people of America.

Throughout his career, Rich Andrews has been supported by members of both parties. He was appointed to U.S. Attorney under Attorney General Janet Reno and Attorney General John Ashcroft. Most recently, the Senate Judiciary Committee supported his nomination without one single dissent.

Our country is fortunate that someone with his outstanding credentials has stepped forward to do this critical work. Mr. Andrews' education, background, and legal experience make him superbly qualified for this position.

As a student at Haverford College, Rich Andrews graduated with a bachelor of arts degree in political science, after which he earned his law degree at the University of California at Berkley—where he served as Note and Comment Editor for the California Law Review. After law school, Rich Andrews launched his career as a Clerk for the Honorable Collins J. Seitz, legendary chief judge of the Third Circuit Court of Appeals.

Following his clerkship, for 23 years Rich served as a prosecutor in the U.S. Attorney's Office in Wilmington—serving in a number of high-profile positions and eventually rising to the position of assistant U.S. attorney. When duty called, he stepped up to serve as acting U.S. attorney on three separate occasions. I kidded him and said he served as acting U.S. attorney longer than other people have served as U.S. attorney in other States. During his time with the United States Attorney's office, Rich prepared and prosecuted countless Federal cases, and in so doing, gained wide-ranging trial experience that he will draw upon heavily while serving as District Court Judge, if confirmed today.

Currently, Rich serves as the State prosecutor for the Delaware Department of Justice, where he manages the Criminal Division, oversees more than 70 deputy attorneys general, and makes critical decisions about how to proceed in high-level criminal cases.

Finally, in addition to his professional experience, Rich is a family man and a person of great character. His wife, Cathy Lanctot is the associate dean and a professor of law at Villanova University. Their son Peter is a sophomore at Columbia University, and their daughter Amy is a senior—and student council president—at Mount Pleasant High School, not far from where my family and I live.

In his ''free time,'' Rich has coached for the Concord Soccer Association of Delaware for more than a decade—and I understand that Rich also has spent the last 4 years grading answers for the Delaware bar exam.

In every facet of his life, Richard Andrews has performed with distinction. Let me conclude by saying that I am proud to support someone who has provided, and who will continue to provide, exemplary service for the people of our State and Nation.

His sound legal judgment, his tireless work ethic, and his experience as a Federal prosecutor have prepared Richard Andrews well to fill this seat on the U.S. District Court in Delaware. I urge my colleagues to join me in supporting his confirmation.

I yield the floor.

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

Ms. KLOBUCHAR. Mr. President, I would like to speak on the vote that is about to occur in this Chamber on the Rebuild America Jobs Act.

Over the past few days, we have been discussing how to best address our Nation's crumbling infrastructure. The cracks in this broken system became tragically clear on a beautiful summers day in Minnesota, August 1, 2007, when the I–35W bridge simply crashed into the Mississippi River, killing 13 people and throwing dozens of cars in the river. As I said that day, a bridge should not fall down in the middle of America, but it did, and an eight-lane highway should not fall down, not a highway that is literally six blocks from my house, a bridge that I drive over every day with my family, but that is what happened.

Four years after the I–35W bridge collapsed and was fixed a year later, still 25 percent of the Nation's 600,000 bridges have been declared structurally deficient or obsolete—25 percent. Our country has gotten a near-failing grade from the Civil Academy of Engineers. Our construction workers have an unemployment rate that is over 13 percent—more than 4 points above the national average. These are not acceptable realities in this country.

Americans spend 4.8 billion hours every year stuck in congestion, stuck in traffic.

When you look at what happens in other countries, other countries that are spending 7, 8, 9 percent of their gross national product on infrastructure, we are barely hanging in at 2 percent. Yet we want to be a competitive nation, we want to be a nation that makes things again, that exports to the world. If we do not have the air traffic control system that works, if we

don't have the bridges that work, if we don't have the highways that work, if we don't have the waterways to bring our barges down to bring our goods to market, we are not going to be able to compete in this economy. This is simply not an acceptable reality for a country such as America.

Think about the Interstate Highway System, built during Eisenhower's Presidency with a Democratic Congress. Think about rural electrification. These things were built during difficult times in this country. Why? Because we didn't think America was about just tinkering at the edges, we believed America was about moving ahead. That is why we need to move forward today on the Rebuild America Jobs Act. All of us recognize the urgent need for new and bold initiatives to fix what is broken and to build the roads, the bridges, and the airports we need to fuel a 21st-century export economy.

The infrastructure bank, which is, of course, included in this legislation, is something that has enjoyed bipartisan support from the beginning. It is one of those initiatives that will foster public-private partnership, with the potential to leverage hundreds of billions of dollars for infrastructure investment. It is about big projects, but it is also about rural projects in States such as Vermont and Minnesota. It is about wastewater treatment plants and water projects and sewer projects—work that has been neglected for way too long.

Fixing our Nation's infrastructure will provide a broad range of benefits. We can reduce our congestion, we can better compete globally, and we can create jobs and improve public safety. This is about working to ensure that no bridge ever again collapses in the middle of America. This is our challenge. We cannot put it off any longer. This is the time to act.

Traditionally, there had been no such thing as a Democratic bridge or a Republican bridge. In fact, the Transportation Secretary for President Obama is a former Republican Congressman. We have come together on infrastructure. We cannot come apart. This is the time to come together.

I urge my colleagues to vote to allow this bill to proceed to a vote.

Mr. President, I yield back all the time on both sides, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to the motion to proceed to S. 1769. Under the previous order, 60 votes are required to adopt the motion.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 51, nays 49, as follows:

[Rollcall Vote No. 195 Leg.]

YEAS—51

Akaka	Bennet	Boxer
Baucus	Bingaman	Brown (OH)
Begich	Blumenthal	Cantwell
Cardin	Klobuchar	Reed
Carper	Kohl	Reid
Casey	Landrieu	Rockefeller
Conrad	Lautenberg	Sanders
Coons	Leahy	Schumer
Durbin	Levin	Shaheen
Feinstein	Manchin	Stabenow
Franken	McCaskill	Tester
Gillibrand	Menendez	Udall (CO)
Hagan	Merkley	Udall (NM)
Harkin	Mikulski	Warner
Inouye	Murray	Webb
Johnson (SD)	Nelson (FL)	Whitehouse
Kerry	Pryor	Wyden

NAYS—49

Alexander	Graham	Moran
Ayotte	Grassley	Murkowski
Barrasso	Hatch	Nelson (NE)
Blunt	Heller	Paul
Boozman	Hoeven	Portman
Brown (MA)	Hutchison	Risch
Burr	Inhofe	Roberts
Chambliss	Isakson	Rubio
Coats	Johanns	Sessions
Coburn	Johnson (WI)	Shelby
Cochran	Kirk	Snowe
Collins	Kyl	Thune
Corker	Lee	Toomey
Cornyn	Lieberman	Vitter
Crapo	Lugar	Wicker
DeMint	McCain	
Enzi	McConnell	

The PRESIDING OFFICER (Mrs. MCCASKILL). On this vote, the yeas are 51, the nays are 49. Under the previous order requiring 60 votes for the adoption of this motion, the motion to proceed is rejected.

The majority leader.

Mr. REID. Madam President, we wish to outline what the rest of the day appears to be.

I ask unanimous consent that notwithstanding the previous order, following the next vote, the Senate proceed to executive session to consider the following nominations: Calendar No. 353 and Calendar No. 356; that there be 15 minutes for debate equally divided in the usual form; that following that debate, Calendar No. 356 be confirmed and the Senate proceed to vote with no intervening action or debate on Calendar No. 353, with the provisions of the previous order remaining in effect; and that the next 2 votes be 10 minutes in duration.

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

The question is on agreeing to the motion to proceed to S. 1786.

Under the previous order, 60 votes are required to adopt this motion. Under the previous order, there will now be 2 minutes of debate, equally divided.

Who yields time?

The Senator from California.

Mrs. BOXER. Madam President, what is before us now is supposed to be a jobs bill. Actually, all they do in this alternative, my Republican friends, is extend the highway trust fund at the current levels. That is something we intend to do, and Senator INHOFE and I are going to bring the bill to the floor that does that, but they decided they want to do it now. And how do they pay for it? They cut $40 billion out of such functions as firefighters, police, Border Patrol, food safety inspectors, and we will lose 200,000 jobs from that action.

In addition, there are two rollbacks of environmental laws that deserve a heck of a lot more notice than putting them in this bill. That is going to hurt our people because if you can't breathe, you can't work. We have to get the mercury and the soot and the arsenic out of the air.

I hope we will vote no on this. It is not a jobs bill.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

All time is yielded back.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 47, nays 53, as follows:

[Rollcall Vote No. 196 Leg.]

YEAS—47

Alexander	Enzi	McCain
Ayotte	Graham	McConnell
Barrasso	Grassley	Moran
Blunt	Hatch	Murkowski
Boozman	Heller	Paul
Brown (MA)	Hoeven	Portman
Burr	Hutchison	Risch
Chambliss	Inhofe	Roberts
Coats	Isakson	Rubio
Coburn	Johanns	Sessions
Cochran	Johnson (WI)	Shelby
Collins	Kirk	Thune
Corker	Kyl	Toomey
Cornyn	Lee	Vitter
Crapo	Lugar	Wicker
DeMint	Manchin	

NAYS—53

Akaka	Hagan	Nelson (FL)
Baucus	Harkin	Pryor
Begich	Inouye	Reed
Bennet	Johnson (SD)	Reid
Bingaman	Kerry	Rockefeller
Blumenthal	Klobuchar	Sanders
Boxer	Kohl	Schumer
Brown (OH)	Landrieu	Shaheen
Cantwell	Lautenberg	Snowe
Cardin	Leahy	Stabenow
Carper	Levin	Tester
Casey	Lieberman	Udall (CO)
Conrad	McCaskill	Udall (NM)
Coons	Menendez	Warner
Durbin	Merkley	Webb
Feinstein	Mikulski	Whitehouse
Franken	Murray	Wyden
Gillibrand	Nelson (NE)	

The PRESIDING OFFICER. On this vote, the yeas are 47, the nays are 53. Under the previous order requiring 60 votes for the adoption of this motion, the motion to proceed is rejected.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT OF 2012

The PRESIDING OFFICER. Under the previous order, the Senate having received from the House a message with respect to H.R. 2112, the Senate insists on its amendments, agrees to a conference with the House, and the Chair appoints Mr. KOHL, Mr. HARKIN, Mrs. FEINSTEIN, Mr. JOHNSON of South Dakota, Mr. NELSON of Nebraska, Mr. PRYOR, Mr. BROWN of Ohio, Mr. INOUYE, Mrs. MURRAY, Ms. MIKULSKI, Mr.

BLUNT, Mr. COCHRAN, Mr. MCCONNELL, Ms. COLLINS, Mr. MORAN, Mr. HOEVEN, Mrs. HUTCHISON, and Mr. SHELBY conferees on the part of the Senate.

EXECUTIVE SESSION

NOMINATION OF SCOTT WESLEY SKAVDAHL TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF WYOMING

NOMINATION OF RICHARD G. ANDREWS TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF DELAWARE

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations, which the clerk will report.

The bill clerk read the nominations of Scott Wesley Skavdahl, of Wyoming, to be United States District Judge for the District of Wyoming, and Richard G. Andrews, of Delaware, to be United States District Judge for the District of Delaware.

The PRESIDING OFFICER. There is 2 minutes, equally divided.

The Senator from Wyoming.

Mr. ENZI. Madam President, I wish to ask for your wholehearted support for Judge Skavdahl of Wyoming. He was nominated by our Democratic Governor. He was appointed by the President, and he has the wholehearted support of our delegation. We have spoken for him in committee and are doing that again on the floor. We have a full statement we submitted. So I would thank you for your vote on this nomination. He came up through the courts in Wyoming and now will be a Federal judge, with your help.

I thank the Chair.

Mr. LEAHY. Madam President, I thank the majority leader for securing votes on 2 of the 22 judicial nominees on the Senate's Executive Calendar ready for Senate consideration. I am glad that we will finally vote on the nominations of Scott Skavdahl to the District of Wyoming and Richard Andrews to the District of Delaware, both qualified, consensus nominees reported unanimously by the Judiciary Committee nearly 2 months ago. I wish that we were able to vote today on the other 20 judicial nominees who have been ready and waiting for final Senate action.

This morning the Judiciary Committee reported another 5 judicial nominations, bringing the total to 27 who have been thoroughly vetted, considered and reported by the Judiciary Committee. All 27 of these nominees are qualified and have the support of their home State Senators, Republican and Democratic. Twenty-three of the 27 nominees, like the 2 we will consider today, were unanimously approved by the Judiciary Committee with all members. Senate Democrats are prepared to have votes on all these important nominations. I know of no good reason why the Republican leadership is refusing to proceed on the 20 nominees who have been stalled before the Senate for weeks and months. At a time when vacancies on Federal courts throughout the country remain near 10 percent, the delay in taking up and confirming these consensus judicial nominees is inexcusable.

The American people need functioning Federal courts with judges, not vacancies. Though it is within the Senate's power to take significant steps to address this problem, refusal by Senate Republicans to consent to voting on consensus judicial nominations has kept vacancies high for years. The number of judicial vacancies has been near or above 90 for over 2½ years. A recent report by the nonpartisan Congressional Research Service found that we are in the longest period of historically high vacancy rates in the last 35 years. These needless delays do nothing to help solve this serious problem and are damaging to the Federal courts and the American people who depend on them.

More than half of all Americans—over 163 million—live in districts or circuits that have a judicial vacancy that could be filled today if Senate Republicans just agreed to vote on the nominations reported by the Judiciary Committee with bipartisan support. As many as 26 States are served by Federal courts with vacancies that would be filled by these nominations. Millions of Americans across the country are harmed by delays in overburdened courts. The Republican leadership should explain why they will not consent to vote on the qualified, consensus candidates nominated to fill these extended judicial vacancies.

Senator GRASSLEY and I have worked together to ensure that each of the 27 nominations reported by the Judiciary Committee was fully considered after a thorough but fair process, including completing our extensive questionnaire and questioning at a hearing. This White House has worked with the home State Senators, Republicans and Democrats, and each of the judicial nominees being delayed from a Senate vote is supported by both home State Senators. The FBI has conducted a thorough background review of each nominee. The American Bar Association's Standing Committee on the Federal Judiciary has conducted a peer review of their professional qualifications. When the nominations are then reported unanimously by the Judiciary Committee, there is no reason for months and months of further delay before they begin serving the American people.

Despite the damagingly high number of vacancies that has persisted throughout President Obama's term, some Republican Senators have tried to excuse their delay in taking up nominations by suggesting that the Senate is doing better than we did during the first 3 years of President Bush's administration. That is simply not true. It is wrong to suggest that the Senate has achieved better results than we did in 2001 through 2003. As I have pointed out, in the 17 months I chaired the Judiciary Committee in 2001 and 2002, the Senate confirmed 100 of President Bush's Federal circuit and district court nominees. By contrast, after the first 2 years of President Obama's administration, the Senate was allowed to proceed to confirm only 60 of his Federal circuit and district court nominees.

Indeed, as 2010 was drawing to a close, Senate Republicans refused to proceed on 19 judicial nominees who had been considered and reported by the Judiciary Committee and forced them to be returned to the President. It has taken the Senate nearly twice as long to confirm the 100th Federal circuit and district court judge nominated by President Obama as we had when President Bush was in the White House.

During the third year of President Bush's administration, the Senate confirmed 68 of his Federal circuit and district court nominees. By early November, 66 judges had been confirmed. In contrast this year, even including many nominees confirmed this year who should have been confirmed last year, the Senate has only confirmed 53 of President Obama's judicial nominees. Fifty-three is not better than 66. By this point in President Bush's first 3 years, the Senate had confirmed 166 of his Federal circuit and district court nominees. So far in the 3 years of the Obama administration, that total is only 113. One hundred and thirteen is not better than 166. Notably, the Senate this year is lagging far behind the pace we set for circuit court nominations in the third year of President Bush's administration. The Senate this year has confirmed just 6 circuit court nominations, compared to 12 at this point in President Bush's third year. The six confirmations this year are only half as many as were confirmed at this point in President Bush's third year. There are five circuit court nominations pending on the Senate's Executive Calendar today and a sixth circuit court nomination reported by the committee this morning. By this point in the third year of President Bush's administration, the Senate had confirmed a total of 29 of his circuit court nominees. By comparison, the Senate has confirmed only 22 of President Obama's circuit court nominees. Twenty-two is not better than 29. By this point in the Bush administration, vacancies had been reduced to 42. Today they stand at 85. Eighty-five vacancies is not better than 42.

This is not the way to make real progress. No resort to percentages of nominees ''processed'' or ''positive action'' by the committee can excuse the lack of real progress by the Senate. In the past, we were able to confirm consensus nominees more promptly, often

within days of being reported to the full Senate. They were not forced to languish for months. The American people should not have to wait weeks and months for the Senate to fulfill its constitutional duty and ensure the ability of our Federal courts to provide justice to Americans around the country.

I think confirmations and vacancies numbers better reflect the reality in our Federal courts and for the American people. It is hard to see how the Senate is supposed to be doing better when it remains so far behind the pace we set in those years. During President Bush's first 4 years, the Senate confirmed a total of 205 Federal circuit and district court judges. As of today, we would need another 92 confirmations over the next 12 months to match that total. That means a faster confirmation rate for the next 12 months than in any 12 months of the Obama administration to date. That would require Senate Republicans to abandon their delaying tactics. I hope they will.

The two nominations we consider today are each superbly qualified consensus nominees whom I expect will be confirmed with significant bipartisan support. The nomination of Judge Scott Skavdahl to fill a vacancy on the District of Wyoming was reported unanimously by the Judiciary Committee on September 8, nearly 2 months ago. Judge Skavdahl, who is currently a magistrate judge on the District of Wyoming, having previously served as a law clerk for Chief Judge William Downes, the judge he is nominated to replace, has the strong support of his Republican home State senators, Senators ENZI and BARRASSO. Judge Skavdahl spent 8 years as a State court judge for the Seventh Judicial District of Wyoming before that working in private practice in Wyoming. The ABA's Standing Committee on the Federal Judiciary unanimously rated Mr. Skavdahl ''well qualified'' to serve, its highest rating.

The Judiciary Committee also unanimously reported the nomination of Richard Andrews to fill a vacancy on the District of Delaware nearly 2 months ago. Mr. Andrews currently serves as Delaware's State prosecutor, having previously spent 24 years as a Federal prosecutor in Delaware, where he rose through the ranks to become chief of the Criminal Division. Mr. Andrews was appointed to serve as the acting U.S. attorney for Delaware on three occasions, including by John Ashcroft, the Attorney General under President Bush. He also clerked for Chief Judge Collins Seitz of the U.S. Court of Appeals for the Third Circuit. Mr. Andrews has the strong support of both his home State Senators, Senator CARPER and Senator COONS, who worked with Mr. Andrews in Delaware. I thank Senator COONS for chairing the committee's hearing on Mr. Andrews' nominations and for working hard to move it through the committee and Senate process.

The Senate must come together to address the serious judicial vacancies crisis on Federal courts around the country that has persisted for well over 2 years. We can and must do better for the more than 163 million Americans being made to suffer by these unnecessary Senate delays.

Mr. GRASSLEY. Madam President, today the Senate will confirm two more judicial nominees, which will be the 52nd and 53rd article III confirmations of this Congress. We have confirmed 17 judges in the past 30 days.

I may sound like a broken record, but despite what others have said, we have and continue to make real progress on consensus nominees. We have taken positive action on 85 percent of the judicial nominees submitted by President Obama this year. Over 91 percent of nominees submitted during President Obama's Presidency have had their hearing. With these votes, only during 8 of the last 30 years has the Senate confirmed more judicial nominees than we have done during this year.

I would like to say a few words about the nominees, both of whom I support.

Scott Wesley Skavdahl is nominated to be a district court judge for the District of Wyoming. He is a graduate from the University of Wyoming and their College of Law. Judge Skavdahl began his legal career in 1992 as an associate attorney at the law firm of Brown, Drew, Massey & Sullivan. After 2 years with the firm, he departed for a 3-year clerkship with the Honorable William F. Downes on the District Court for the District of Wyoming.

In 1997, he returned to private practice at the firm Williams, Porter, Day & Neville, where he made partner in 2000. From 2001 to 2003, Judge Skavdahl served as a part-time U.S. magistrate judge. He also served as a State district judge for the Seventh Judicial District of Wyoming from 2003 to 2011. In February 2011, Judge Skavdahl was appointed U.S. magistrate judge for the District of Wyoming, a post he holds to this day.

The American Bar Association Standing Committee on the Federal Judiciary has rated Judge Skavdahl with a unanimous ''well qualified'' rating.

Richard G. Andrews is nominated to be a district judge for the District of Delaware. Mr. Andrews received his bachelor of arts from Haverford College in 1977 and a juris doctorate from the University of California at Berkley Boalt Hall School of Law in 1981.

He began his legal career as a law clerk to the Honorable Collins J. Seitz, Chief Judge of the U.S. Court of Appeals for the Third Circuit. Mr. Andrews then joined the Office of the United States Attorney for the District of Delaware as a Federal law clerk. After a year in that position, he was named an assistant U.S. attorney.

Mr. Andrews spent the next 24 years in that office, handling a mix of criminal and civil cases in Federal district court. He has served on three occasions as acting or interim U.S. attorney, was first assistant for a number of years in the office, and served as chief of the Criminal Division.

Since 2007, Mr. Andrews has served as State prosecutor within the Delaware Department of Justice.

The American Bar Association Standing Committee on the Federal Judiciary has rated Mr. Andrews with a substantial majority ''well qualified,'' minority ''qualified'' rating.

The PRESIDING OFFICER. Who yields back time?

Mr. HARKIN. Madam President, I yield back all time on our side.

The PRESIDING OFFICER. Time is yielded back.

Under the previous order, the nomination of Richard G. Andrews, of Delaware, to be United States District Judge for the District of Delaware is confirmed.

The question is, Will the Senate advise and consent to the nomination of Scott Wesley Skavdahl, of Wyoming, to be United States District Judge for the District of Wyoming?

Mr. INHOFE. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Illinois (Mr. DURBIN) and the Senator from California (Mrs. BOXER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN) and the Senator from Nevada (Mr. HELLER).

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

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 197 Ex.]

YEAS—96

Akaka	Graham	Moran
Alexander	Grassley	Murkowski
Ayotte	Hagan	Murray
Barrasso	Harkin	Nelson (NE)
Baucus	Hatch	Nelson (FL)
Begich	Hoeven	Paul
Bennet	Hutchison	Portman
Bingaman	Inhofe	Pryor
Blumenthal	Inouye	Reed
Blunt	Isakson	Reid
Boozman	Johanns	Risch
Brown (MA)	Johnson (SD)	Roberts
Brown (OH)	Johnson (WI)	Rockefeller
Burr	Kerry	Rubio
Cantwell	Kirk	Sanders
Cardin	Klobuchar	Schumer
Carper	Kohl	Sessions
Casey	Kyl	Shaheen
Chambliss	Landrieu	Shelby
Coats	Lautenberg	Snowe
Cochran	Leahy	Stabenow
Collins	Lee	Tester
Conrad	Levin	Thune
Coons	Lieberman	Toomey
Corker	Lugar	Udall (CO)
Cornyn	Manchin	Udall (NM)
Crapo	McCain	Vitter
DeMint	McCaskill	Warner
Enzi	McConnell	Webb
Feinstein	Menendez	Whitehouse
Franken	Merkley	Wicker
Gillibrand	Mikulski	Wyden

NOT VOTING—4

Boxer	Durbin
Coburn	Heller

The nomination was confirmed.

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

LEGISLATIVE SESSION

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

The Senator from Vermont.

MORNING BUSINESS

Mr. LEAHY. Madam President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

The Senator from Oklahoma is recognized.

THE HIGHWAY BILL

Mr. INHOFE. Madam President, after the vote today, I think that any effort to pass a bill such as the ones we just voted on would be very difficult. But something good does happen from that; that is, we had the vast majority of people in the Chamber recognizing that we need to do something that would be stimulative to the economy—something unlike the stimulus bill we had before, where only 3 percent of the money actually went to building roads, highways, maintenance, and that type of thing.

I do appreciate the fact that we are now in a position where I think, with this behind us, we can be looking at a good, legitimate highway transportation reauthorization bill. I have been working very closely with Senators BOXER, VITTER, and BAUCUS—we are considered the ''big four'' in the Environment and Public Works Committee—to come up with something. I have to say that we have worked very hard, and I am talking about hours and hours. Anytime you can get Senator BARBARA BOXER from California and me to agree on something, you know we have gone through a lot of work—and we have. We have gone through a lot of give and take.

Senator BOXER and I, along with Senators VITTER and BAUCUS, recognize that we desperately need to have a transportation reauthorization bill, and we need to do it the right way. All these things we have been doing with extensions don't work. There is not a Member of this Chamber who doesn't go back every week and talk to his transportation director and say why can't we quit these extensions and get a good bill.

We have a good bill, and we are talking about reforms. It is our intention next week, I believe, to mark up this bill. We are looking forward to that. I have a very strong bias toward transportation. For the years I was in the House, I was on that committee. We didn't have these problems then. We had a highway trust fund that always had a surplus because we were very aggressive at that time and, of course, a lot more people were purchasing gas at that time and revenues were up. So we had a surplus.

Unfortunately, this always happens in Washington, DC. Members came along and looked at the surplus, and that was a target. Everybody wanted in on it, so they put their deals into the highway trust fund. That is partly why we got to where we are today.

I appreciate the conversation we have gotten from the President. He talks about how he wants infrastructure, and he has a picture of where he was standing in front of a bridge making a speech about creating jobs. But he doesn't have anything in his program that does anything with infrastructure. Our problem is that President Obama has been talking the talk, and he has spoken more about infrastructure than any other President since Eisenhower proposed the Interstate Highway System. But when you get up to the $800 billion stimulus bill, in doing the calculations, only 3 percent—about $27 billion of that—was in highway construction or maintenance. Senator BOXER and I made an effort on the floor—a bipartisan effort—to try to raise the percentage. I wanted it up to 10 percent or higher, but we were unable to do it. The President was not on our side on that.

I think the good news is that today's votes, of both Democrats and Republicans, showed that they are very interested and supportive of a highway bill. We have gotten a lot of that out of the way and we can concentrate on a highway bill. I think both parties are trying to create jobs and economic growth through the building of highways and bridges.

Most Americans are unaware of how damaging regulations are. When I stop and think about proposing a massive program, which is what we are talking about now—reauthorization program—it is massive in that the funding level would probably stay the same as it has been since the highway authorization bill of 2005. But when they talk about that, we are always faced with the regulation problems. We are trying to address in this bill the regulation problems that are out there to try to have some shortcuts, to try to get some things done that otherwise would take a lot longer. Regulations have been a huge problem.

EPA REGULATIONS

This administration's Environmental Protection Agency alone has an unprecedented number of regulations, and they are destroying jobs. The results are there. I will mention the five most expensive regulations of all the regulations that have come out.

First is the greenhouse gas regulation. I think we all know what that is. That is them trying to do something through regulations they were unable to do through legislation.

Second, ozone, the national ambient air quality standards. That would be about a $678 billion loss in GDP by 2020.

Incidentally, I failed to mention the greenhouse gas regulations, which would be in excess of $300 billion to $400 billion a year.

The boiler MACT regulations—that would be a $1 billion loss to GDP. Utility MACT—MACT is maximum achievable technology. In other words, one of the problems with all these MACT bills coming out of the administration is that there is no technology available to carry out the mandates on emissions. Cement MACT is another, with $3.5 billion in compliance costs.

Fortunately, in September, President Obama withdrew the EPA's proposed toughened ozone standards. There is good reason for that, and one is that ozone standards are supposed to be predicated upon new science. This was on the same science that the last ozone changes were based on. I think when people caught on to that and recognized what it would cost—in Oklahoma, we would be looking at some 15 counties that would be out of attainment, and there is nothing more dreadful that could happen to a State than have your counties go out of attainment so that you are not able to recruit jobs, or even keep the jobs you have. We would be talking about around 7 million jobs throughout the United States. Because of that, politically, he postponed that. Frankly, I think he is postponing it until after the next election. If he should be reelected, I can assure you we will see that again.

Democrats always say we need to have tax increases and that is the best way to grow. I look at this sometimes. Recently, the Office of Management and Budget came up with a calculation that is consistent with one I have been using for 20 years: For each 1-percent increase in economic activity in this country, or 1-percent growth, that equates to about $50 billion of new revenue. Interestingly enough, this is all a Republican idea. President Kennedy, who was a Democrat, said we have to raise more money for the Great Society, and the best way to raise money is to reduce marginal tax rates. He did it and it worked. We saw what President Ronald Reagan did in the years that followed that. During the 8 years he was in office, the proceeds for marginal rates went from $204 billion to $466 billion. That was at a time when rates were reduced more than any other 8-year period in history. We are looking at other opportunities to reduce regulations and all that so we can resolve the problem.

There is one thing that is very important—and I know there is nobody in this Chamber who doesn't recognize the concern I have expressed over the

years about the legislation proposed ever since the Kyoto treaty on legislative cap and trade. Every time there is an analysis made—whether by MIT, or by the Wharton School, Charles Rivers, or any of the rest of them—the range of the cost of cap and trade legislatively is always between $300 billion and $400 billion a year. We found out that if you do it by regulation, it is going to be far more than that. These are Democrats who are on record as saying that. Lisa Jackson, for whom I have a great deal of respect, is the Obama-appointed Director of the Environmental Protection Agency. Every time I ask her a question, she gives me an honest answer. She said:

> I have said over and over, as has the President, that we do understand that there are costs to the economy of addressing global warming emissions, and that the best way to address them is through a gradual move to a market-based program like cap and trade.

Yes, they would cost a lot of money. Nobody refutes the $300 billion to $400 billion figure.

JOHN KERRY said this:

> If Congress does not pass legislation dealing with climate change, the administration will use the Environmental Protection Agency to impose new regulations.
>
> These regulations would be more expensive. I think the EPA admitted that if they were able to accomplish this through regulations, they would need to hire an additional 230,000 employees and spend an additional $21 billion to implement its greenhouse gas regime.

All of this economic pain is for no gain. As EPA Administrator Jackson also admitted before the EPA committee, these regulations will have no effect on the climate. I want to mention that. That is significant. A lot of people disagree with me in terms of the impact of CO_2 emissions and all of that.

Let me say this. Two things having to do with that issue are very important. One is that if we were to pass legislation or do something through regulation that would be aimed at reducing greenhouse gases, would this have an effect on the reduction of emissions worldwide? I asked that question to Lisa Jackson, and her answer was ''no.'' Obviously, the problem is not here in the United States, it is in China, India, and other places.

In looking at it that way, I have to also mention that we all know what happened with climategate. We all know, when we went in and started an endangerment finding, it was based on the science that came from the IPCC, which has now been totally discredited. When I have more time, I will go into the details as to how that was discredited. For example, this was such a great scandal, the Daily Telegraph said:

> This scandal could well be the greatest in modern science.

So that is what was happening. They were cooking the science at the United Nations and the IPCC. Now we are at the point where we asked for an inspector general opinion as to whether the EPA had followed the proper guidelines in trying to regulate greenhouse gases, and, in fact, they did not follow the right guidelines.

So I would only say that the inspector general's investigation uncovered that the EPA failed to engage in the required record-keeping process leading up to the endangerment finding decision, and it also did not follow its own peer review procedures to ensure that the science behind the decision was sound science. EPA Administrator Lisa Jackson readily admitted the science that was used was flawed, the science used by the Intergovernmental Panel on Climate Change.

So I would say this: We are concerned about what is going to happen now. We are concerned about the overregulations. We are concerned about the process that has been used and how regulations are used to support an agenda the President has.

I will mention one last thing, and that is a regulation I didn't mention before. Of the five most expensive regulations, this isn't one of them, but it could end up costing the most. We know for a fact that the United States of America—we have a report now that shows that with all the findings and with all the good things that are happening in the shale throughout the United States and elsewhere in the Northern Hemisphere, we could be totally free from dependency on any other country if we would just get politicians out of the way and develop our own resources.

We have enough natural gas to meet America's demand for 90 years and enough oil for 50 years, but in order to do this, they have to use a process called hydraulic fracturing. Ironically, that was started in my State of Oklahoma in 1949 and has been used ever since that time, and there has never been a confirmed case of groundwater contamination. Nonetheless, right now we see that they are going through this process of saying: We are going to take over the regulation of hydraulic fracturing from the States and place it with the Federal Government. I have to be suspicious that there is motive behind that, and that motive is to restrict the use of hydraulic fracturing.

We could open the east coast, the west coast, the gulf coast, the northern slope, and everything else, but if we can't use that process, we will not be able to achieve energy independence, which we can do. We don't have to use anything new that is out there other than oil, gas, and coal. With what is happening right now with hydrogen, we have an opportunity to become self-sufficient.

With that, I will yield the floor so my good friend can make his comments.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

TRIBUTE TO THE 389TH EXPEDITIONARY FIGHTER SQUADRON

Mr. RISCH. Madam President, I rise today to recognize the valor and accomplishments of the 389th Expeditionary Fighter Squadron. The 389th—better known as the T-Bolts—is part of the 366th Fighter Wing based at Mountain Home Air Force Base in Idaho. At Mountain Home, the squadron is composed of 80 airmen from across the United States, including aviators and essential ground personnel. While deployed, the squadron grew to over 400, including maintainers, intelligence personnel, and support staff from the 366th.

In May 2011, the T-Bolts deployed to Bagram airbase in Afghanistan, with 18 F–15E Strike Eagles to support Operation Enduring Freedom. In the process, they demonstrated resolve and what can be accomplished through fierce loyalty to each other and to our country. The T-Bolts prosecuted 3,100 combat missions and dropped 800 tons of ordnance. They supported 3,700 ground missions by American and allied forces and responded to 820 ''troops in contact'' emergency combat support calls. In addition, they worked directly with special operations forces to destroy 170 enemy weapons caches and capture 620 detainees, including 90 high-value individuals.

The diligence of the maintainers and ground personnel ensured that the 389th met 100 percent of their taskings without missing a single sortie. And the pilots and weapons system officers broke the F–15E deployment record, flying more than 14,000 hours in just over 6 months.

Through their excellence and determination, the 389th kept relentless pressure on the al-Qaida network, killing key members of their senior leadership. Additionally, they directly supported numerous large-scale coalition ground operations with kinetic and non-kinetic effects as they provided lethal close air support across Afghanistan.

The men and women of the 389th made a real and substantial contribution to the safety of America, the success of the global war on terror, and the destruction of al-Qaida and those who would do us harm. By successfully taking the fight to the enemy, the T-Bolts helped write the history of the early 21st century through their tenacity and courage.

No one summed it up better or more eloquently than the commander of the 366th Fighter Wing, COL Ron Buckley, who said of his airmen:

I am incredibly proud of the professionalism and dedication our gunfighters displayed while flawlessly executing their mission to deliver precise combat air power for joint operations on the ground. From aircrews to maintainers to support, the T-Bolts carried on the incredible legacy of the gunfighters and answered our Nation's call.

I also want to take this important opportunity to honor America's unsung heroes by recognizing and commending the families and loved ones of those who serve in the 389th. We are also

proud of their service, their commitment, and the immense sacrifices they made and continue to make on behalf of our country.

The T-Bolts served honorably in defense of a grateful nation, and I am pleased today to recognize the heroic members of the 389th for their valorous service while deployed in support of Operation Enduring Freedom.

I am reminded of the core values of the Air Force: integrity first, service before self, and excellence in all you do. There is no better example than the airmen of the 389th Expeditionary Fighter Squadron. With consummate bravery and boldness, the T-Bolts honor every American through a spirit of dedication and a sense of duty to defend a cause larger than one's self. For their efforts, we and future generations are forever indebted and eternally grateful.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

EPA REGULATIONS

Mr. INHOFE. Madam President, I apologize to the Chair. I had a misunderstanding as to where we were, and I only wanted to try to get the point across, which I think I failed to do, regarding the cost of these regulations.

I think I used as an example the five—I mentioned, actually, six when you consider hydraulic fracturing also as one of the regulations. By far, the one that is the most expensive is the regulation that would be for the greenhouse gases. I think we have pretty much established the cost to do a cap-and-trade bill and the range being from $300 billion to $400 billion. The quotes I used, which I won't repeat now, were from Administrator Jackson and Senator KERRY and others stating that doing it through regulation would be far more expensive. So I think we need to be looking at it in terms of about $400 billion a year. This would be a tax on the American people. This would be the cost to our GDP.

I remember back in 1993 when we had the Clinton-Gore tax increase. It was the largest one in four decades at that time. It was an increase in the death tax, an increase in marginal rates, an increase in capital gains—an increase in almost all taxes—and it was a $30 billion tax increase. What we are talking about here is a tax increase that is 10 times that great—10 times. We are using the figure now of $400 billion because we know that through regulation, it will cost more.

Again, I go back and repeat the quote we had from Administrator Jackson of the EPA, who said in response to my question, live in our committee, if we were to pass legislation—at that time, I think it was the Waxman-Markey bill, although it doesn't really matter because cap and trade is cap and trade—would that reduce overall emissions, and she said no because it would only apply to the United States.

I would carry it one step further. If we were to pass or do anything through regulation here, all it will do is cause our manufacturing base to go out and find the energy necessary to operate. And where do they go? They go to places such as China, India, and Mexico—places that have almost no emission standards. So if there is a pollution problem, it becomes much greater, not less, in terms of overall emissions.

Another situation I often talk about is the time before I left to go to the Copenhagen United Nations event, where they were going to try to convince the rest of the world that we were going to pass legislation that would be cap and trade and impose this tax on the American people.

In a committee hearing, I said to Administrator Jackson: I have a feeling that as soon as I leave town, you are going to have an endangerment finding.

Sure enough, that is what happened.

I said: When you have an endangerment finding, it has to be based on science. So what science would you be using?

She said: By and large, it would be the science developed by the United Nations Intergovernmental Panel on Climate Change.

Ironically, right after that, climategate came up and really destroyed the legitimacy of the IPCC.

I have read some of the quotes that were given by different people when they talked about climategate. One of them is a British writer George Monbiot, who is known for his environmental and political activism, and he is on the other side of this. He writes a weekly column for the Guardian. He said:

> Pretending that this isn't a real crisis isn't going to make it go away.

Here, he is referring to climategate and the fact that they were cooking the science.

> Nor is an attempt to justify the emails with technicalities.

Again talking about the participants in IPCC.

> We'll be able to get past this only by grasping reality, apologizing where appropriate and demonstrating that it cannot happen again.

I also mentioned the Daily Telegraph in the UK. Quoting from it:

> This scandal could well be the greatest in modern science.

Then the Atlantic Magazine, which generally is editorializing the other side of this issue, said:

> The closed-mindedness of these supposed men of science, their willingness to go to any lengths to defend a preconceived message, is surprising even to me. The stink of intellectual corruption is overpowering.

That was the loss of credibility of the whole idea of the science that was put together by the Intergovernmental Panel on Climate Change at the United Nations. But to make it even worse, we requested that the inspector general do a study and report back as to the science and how the science was developed by the IPCC and whether it followed the guidelines that were necessary. They came back just 1 week ago with a report that says the EPA has failed to follow the responsible guidelines. In fact, even before the scope of the study was finalized today, the EPA was already collecting data samples at the undisclosed fracking sites, so they are going in now to using the same type of flawed science and going after other parts of their agenda. In this case, it would be hydraulic fracturing, which I mentioned just a few minutes ago, is an attempt to stop our ability to develop our own resources.

In the course of this overregulation, I think we have to keep in mind and to keep talking about these six greatest and most costly regulatory problems that we have out there and how much it is going to cost the American people. Again, the one that is the most serious right now is trying to regulate and do a cap-and-trade through the regulations as opposed to doing it through legislation.

We are going to keep talking about that. It is not going to go away. People think time will make people forget. But we don't forget something of that magnitude.

I did a calculation in my State of Oklahoma; as I always do, I get the number of families who file a tax return each year. When something comes along that will cost something, I do the calculation and I do the math and then I go back to the American people and say: Get ready. This is what it is going to cost.

If we were to have passed any of the bills that were like the Kyoto Protocol, and the last one being the Waxman-Markey bill, the cost would have been at least $300 billion. If we take that annual cost, that would cost my tax-paying families in Oklahoma in excess of $3,000 a family, and they get nothing for it.

We can do an awful lot of talking about the deficits and the spending of this administration. Let's don't overlook perhaps the most expensive thing to the American people; that is, the overregulation that makes us noncompetitive with the rest of the world.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

PUBLIC DEFENDER JOHN J. HARDIMAN

Mr. REED. Madam President, I rise to pay tribute to John Hardiman, public defender for the State of Rhode Island, who passed away several days ago.

John was, frankly, the finest public servant I have ever seen in my entire

career, as a soldier, as an elected official. I have never encountered anyone with the dedication, decency, and the determination of John Hardiman. He literally devoted his life to the office of public defender in the State of Rhode Island.

He graduated from law school in 1982. He started as a staff attorney there, worked his way up to the head of trial division, and then became the public defender for the entire State of Rhode Island.

His life was devoted to the law. Quietly, persistently, with diligence, dedication, and decency, he sought to do justice—justice not to the powerful or privileged but for the powerless. Indeed, in many cases, his clients were not only notorious; they were infamous. But John knew the test of our ideals, the test of our legal system, and of our constitutional form of government was that the laws would not simply protect the powerful and privileged, but that they protect all Americans.

Above the entrance of the U.S. Supreme Court are the words ''Equal Justice Under Law.'' For many people, even lawyers, those are just words. For John Hardiman, it was his life's vocation, and he made real those words in the lives of every Rhode Islander.

John was a tenacious advocate, but he was always a remarkably modest and decent man. His legal skills rested on a foundation of unimpeachable integrity and decency. He dedicated his life to serving others. In that advocation and vocation, he was following the example of his father, Dr. James Hardiman, and his mother. They left John a shining example of compassion and concern, a generous spirit, and a humble heart. All his brothers and sisters follow that same example as they, too, in their lives served others.

I had the privilege of growing up with John. He was one of the little kids in school, about 5 years younger, but he always had the reputation—entirely justified—of being a good kid. Where I come from, being a good kid was the highest form of praise. That good kid turned out to be an extraordinary man, advocate, and public servant. This is a poignant moment for me because I recall the many times I saw him throughout his life and my life, as a young student in grammar school, as an athlete similar to his brothers, as a lawyer, as a public defender, as a public servant. He was someone whom you were always glad to see, and those types of individuals are rare and precious, indeed.

John's passing diminishes all of us, especially his family. But his life has touched the lives of every Rhode Islander. Many will never recognize what he has done. But in standing for justice and for the rule of law and for the rights of those who are in the shadows, he stood for all of us, nobly, decently, with a proud spirit but a gentle spirit also. We have all been diminished, but what he has done for us has made us stronger and better and more ready to go on to take up his work. His example will sustain us and inspire us as we go forward, as we try to finish his noble work.

I wish to especially extend my condolences to his children, Elizabeth and Emmett, and to all his family. Rhode Island has lost an extraordinary public servant, an extraordinary gentleman. But we are better for having known him, we are better for having him serve us so well, so courageously, so decently.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

SUPERCOMMITTEE DELIBERATIONS

Mr. SANDERS. Madam President, there has been a lot of discussion in the Senate, in the House, and in the media about what the supercommittee is doing and what they should be doing. The American people understand their responsibility in terms of trying to reduce our national debt and our deficit is difficult. I wish them the best of luck in coming up with a solution.

My hope, simply stated, is that the supercommittee will do what the American people want them to do. The American people, through demonstrations all over this country and in poll after poll, have made it pretty clear what they want to see happen. The American people are becoming more and more aware that there is something very wrong in this country when we have the most unequal distribution of income and wealth of any major country on Earth; when the top 1 percent earns more income than the bottom 50 percent; when in a recent 25-year period, 80 percent of all new income went to the top 1 percent; and when the gap between the very rich and everybody else is wider today than it has ever been since 1928, the year before the Great Depression.

If anyone thinks distribution of income in this country is unfair, then they should look at distribution of wealth, which is much more unfair. Today the wealthiest 400 Americans own more wealth than the bottom half of America, 150 million people—400 people, 150 million Americans. That unbelievable inequality in terms of wealth, in my view, is not only morally wrong, it is very bad economics, and it is not sustainable.

When the supercommittee deliberates as to where they should go, I think one direction is very clear. The American people of all political spectrums have made their point of view known very strongly on this issue. Whether Democrat, Independent, or Republican, poll after poll shows when the wealthiest people in this country are becoming wealthier; when, as Warren Buffett reminds us, their effective tax rate—i.e. real tax rate—is the lowest it has been in decades; yes, the wealthiest people in this country are going to have to pay more in taxes to enable us to go forward on deficit reduction.

So any serious plan brought forth by the supercommittee must ask the wealthiest people in this country to pay more in taxes. Furthermore, as I think everybody knows, we have corporation after corporation that benefits from huge tax loopholes.

A study just came out today that shows one out of four major corporations pays nothing in taxes. Recently, there are examples that major corporations made billions of dollars in profit and not only paid nothing in taxes but got rebates from the IRS. Many of these corporations stash their profits in tax havens in the Cayman Islands and elsewhere to avoid U.S. taxes.

I think the American people are very clear; if we are going to go forward with deficit reduction, large corporations are also going to have to start paying their fair share of taxes. This is across the political spectrum.

I hope the supercommittee is hearing and understands that any agreement must contain significant revenue from the wealthiest people in this country and from the largest corporations.

Furthermore, at a time when military spending has tripled since 1997, I hope as part of their agreement that the supercommittee takes a hard look at our defense budget and asks whether it is necessary that the United States of America spends more on defense than the entire rest of the world combined.

Those are some of the areas I hope the supercommittee will explore: asking the wealthy to start paying their fair share of taxes, ending tax loopholes for large corporations, and taking a hard look at military spending which has tripled since 1997.

Then there is another area the supercommittee must also look at; that is, to understand that in the midst of the worst recession since the Great Depression, a recession caused by the greed and recklessness and illegal behavior on Wall Street, the supercommittee must not cut Social Security, cut Medicare, or cut Medicaid. Social Security is the most successful Federal program in the history of our country. It has a $2.5 trillion surplus. It can pay out all benefits for the next 25 years because it is funded by the payroll tax. It has not contributed one nickel to our deficit. The supercommittee must not cut Social Security.

Madam President, 50 million Americans have no health insurance and many others are underinsured. According to a study at Harvard University, 45,000 Americans die each year because they do not get to the doctor when they should. Under those conditions it

would be immoral, it would be wrong for the supercommittee to cut Medicare and to cut Medicaid.

I hope the supercommittee does what the American people have said very loudly and clearly—they have said it in demonstrations, they have said it in polls, they have said it in communications with their Members in the House and the Senate—we have an opportunity to make significant progress in terms of deficit reduction, but that deficit reduction should not take place on the backs of the elderly, the children, the sick, and the poor. Those populations, the most vulnerable people in this country, are hurting enough right now.

I hope the supercommittee has the courage to do what is right. I hope they have the courage to do what the American people want them to do.

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

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

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. 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. WHITEHOUSE. I ask that I be allowed to speak for up to 15 minutes.

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

RIGGED ECONOMICS

Mr. WHITEHOUSE. Mr. President, we are going through one of the most difficult and painful periods in American history, and millions of Americans are wondering what is happening to our country. Behind the curtain of spin, propaganda, and political attacks, here is what I believe is happening.

The rules of the economic game in this country are increasingly being rigged to provide unfair advantage to the wealthy and well-connected and to take unfair advantage of regular folks and families. America has always promised a straight deal, and that straight deal, for many Americans, is getting harder and harder to find.

Let me say I am relentlessly proud to be an American. I grew up in the foreign service of this country, surrounded by families who put public service and pride in this country ahead of their comfort, their convenience, even their safety and their family's safety. I am absolutely convinced of American exceptionalism. I have seen it, and I have lived it.

That is why I am so upset to see our country in the shape it is in today. Our Founding Fathers changed the world when they set in place our finely balanced system of government, illuminated by the clear and guaranteed rights of the American people. We are squandering that inheritance. Our government is not working, our rights are being undermined, and it is the American people who are paying the price. They are paying the price because too often they are not getting a straight deal anymore.

Let's look at some of the places where the deal is rigged, where special interest gets special deals, and where the regular American family doesn't get a straight deal. Big multistate banks are allowed to charge middle-class families 30 percent credit card interest rates that are likely illegal under the State laws where that family lives. Senators in this Chamber who are ardent States rights federalists in every other circumstance have no complaint when their State law is overruled and overborne by the big banks. Students with college loans—who now carry $1 trillion of debt—and families with home mortgages are denied the privileges every corporate borrower gets to seek, bankruptcy protection against their debt when they are in over their heads.

Our individual tax system allows the wealthiest and highest income Americans to pay lower tax rates than middle-class wage earners pay or even hide their income in offshore tax havens and pay no tax at all. The corporate tax system allows international corporations to route their profits through foreign countries and through tax shelters to pay little or no tax in this country.

When you drill down to cases, GE, General Electric, on billions of dollars in profit, paid little or no Federal income tax. When you pull up to look system-wide, even though corporations are richer than ever, American people now contribute $5 for every $1 corporations contribute to sustaining our country's revenues. It used to be 1 to 1. For every $1 corporations contributed, the American people contributed $1. There was an even sharing of our Nation's revenue needs. But for 75 years now it has been steadily sliding, and now it is 5 to 1 against ordinary Americans and in favor of corporations.

The wealthy elite who make their fortunes in the marketplace don't protect and honor the marketplace. They try to rig the game, even when it puts the marketplace itself at risk. When that requires everybody else to come to their rescue, they show no shame and little gratitude and go right back to work gaming the system. Those who have become CEOs extract from their company's ridiculous amounts of compensation. CEO pay is up in my lifetime from 40 times the average wage of the employee to 400 times the average wage. These CEOs even extract princely compensation when they fail.

The big polluters have one party denying science entirely, denying the plain evidence of carbon pollution all around us and spinning the phony theory that the cost of controlling pollution is a burden on the economy when it is actually a huge net gain for our country. A party that used to proudly carry the banner of conservation and environmental protection is now reduced to serving corporate spin masters with phony fabrications, and it is the middle-class families who pay the price.

The appointees of one party on the Supreme Court, by a bare 5-to-4 majority, are willing to overturn precedent and flout the rules of judicial decision-making to decrease something novel and remarkable: that corporations are people and money is speech and, therefore, our precious constitutional rights to free speech, as American people, give corporations a right to spend as much money as they please, even anonymously, in American elections.

International corporations with no loyalty to any flag or nation but with virtually unlimited money may now drown out the voices of regular people, regular families in our American democracy. CEOs get to use the corporate megaphone amplified by the corporate treasury to drown out their employees' voices. Just one big corporation with just 5 percent of one-quarter's profits could match the entire political spending of both Presidential campaigns in the last election.

Our Constitution and Bill of Rights established the jury not once but three separate times as an important institution of freedom in our system of democracy. DeTocqueville—one of the great historians and commentators on the American system of government—called the American jury ''one of the forms of the sovereignty of the people.'' Big corporations go to court all the time and fight it out before a jury when they want to. Yet over and over again, a middle-class family, in contracts, cannot negotiate or control, in fine print they probably never even read, their credit card company, their cell phone company, the companies they do business with, quietly take away their right to go against them before an American jury. Over and over again those same Supreme Court Justices who decided a corporation was a person have let them down. They have to go, instead, to something called arbitration instead of a constitutional American jury.

To give an idea of how arbitration works, for a long time the biggest arbitration company in the country was a racket rigged to rule against the consumer. It had to be shut down by legal actions by our State attorneys general. Add it all up, all those different areas that I mentioned, and there have been a lot of changes since my childhood.

There are a lot of changes in how our country runs, and it is all in the same direction—special deals and special tax rates and special rules that help big corporations and people who are as wealthy as big corporations and leave out regular people who don't have masses of money, money, money; rules that allow corporations to intrude into our public discourse in this democracy and drown out people's voices through mighty corporate megaphones amplified by money, money, money; lies and nonsense cooked up in corporate spin

factories being treated as fact obtaining acceptability by how often the lies are repeated thanks to money, money, money.

Under all of that money, what is drowning is the sense we are all in this together as Americans. One of the things America actually stands for in this world is that we are fair with each other. We get a straight deal, and we give each other a straight deal. That is one of the ways we, as Americans, set an example in this world, an example of being fair. There are plenty of countries in the world whose internal political and economic systems amount to a racket, a racket rigged for the benefit of the rich and powerful where farmers and workers and ordinary families get screwed and the wealthy skim all the cream. Some of these countries are so bad we call them kleptocracies. The world is full of that.

It has been the pride and joy of America that we are not like that. It has been our message to the world that it doesn't have to be like that. But now it is looking more and more like we actually are becoming just like that.

What can we do about it? What can we do to make sure Americans are getting a straight deal in all of this? I propose these actions: No. 1, big banks should have to follow the State laws just like local banks do and just like you and I do. No more going to South Dakota and marketing from their credit cards 30 percent interest rates that violate the laws of the home State.

No. 2, if big corporations can restructure all their debts in bankruptcy court, so should students and families be able to. No second-class citizenship for those who borrowed college loans and home mortgages.

No. 3, amend the Constitution to make it clear that corporations are not people—never were, never could be. The Good Lord just did not make it that way. We need to make it crystal clear that corporations can't spend money in American elections anonymously or through phony shell organizations. If big oil wants to influence American elections, Americans should know it is big oil.

No. 4: Straighten out our tax systems and, until we do, put in a minimum tax for ultra-high income earners that is at least at the rate that ordinary American taxpaying families pay. While we are at it, put in a minimum corporate tax rate that is at least half of what average corporations pay. No corporation that is making millions or billions of dollars should get away with paying nothing in income tax.

No. 5: Shut down the offshore tax havens and charge companies a CEO pay surtax on CEO compensation that is more than 100 times their average worker's compensation.

No. 6: Make polluters pay the actual costs of their pollution. Why should a polluting company be able to push onto all of the rest of us the costs of their pollution? Why should American families bear that polluting corporation's costs? Economics tells us that should be part of the company's cost of doing business.

No. 7: No more corporate tax deductions for offshoring American jobs, and no more favoring of offshore corporate income derived from what used to be American jobs.

No. 8: Take out of those take-it-or-leave-it consumer contracts the provisions that take away in the fine print the American right to go before an American jury, as the Constitution and Bill of Rights promises whenever a citizen has a grievance or has been harmed.

None of these eight things I have mentioned asks anything of anyone that isn't fair, and most of them simply ask that ordinary Americans get the same deal, or at least no worse of a deal, than special Americans get and big corporations get. This all does no more than put people on the same level, or at least under the same rules, as the rich and powerful.

When someone is getting a better deal than you because of who they are, you are not getting a straight deal. When someone is taking advantage of you because you are small and easy to take advantage of, you are not getting a straight deal. When the rules of the game are rigged to help the winners win and to make you a loser, you are not getting a straight deal. It is time we started giving the people of America a straight deal around here.

I thank the Chair. I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

TRIBUTE TO MR. DELMER GROSS

Mr. MCCONNELL. Madam President, I rise today to pay tribute to an outstanding Kentuckian who dedicated his life to serving the children of Laurel County. Mr. Delmer Gross was a bus driver for the Laurel County Board of Education for 39 years and cherishes his memories driving kids to and from school—many of his former students are his good friends still to this day. In his spare time, Delmer serves as the pastor at London Community Church, a role he has enjoyed for almost 43 years.

Delmer started driving a school bus in 1969 when he was only 21 years old. He spent 5 years driving a double route as his first assignment. Each morning he would start by busing students in grades 1 through 12 to Swiss Colony. Then he would go to Mitchell Creek, located west of Interstate 75, and pick up elementary school students, only to return them to Swiss Colony via the road that is now Ky. 1956.

His second route took him all the way down to Rockcastle River and was much more dangerous because of the truck traffic. ''We didn't have a four-lane road then,'' Delmer recalls. ''There were a lot of crooked places where I had to pick up kids on the opposite side of a curve. I've had trucks slide at me sideways. A couple of times it was quite frightening.'' Delmer drove this route for almost 24 years before he began driving a town route with special-needs students in 1997.

One time, Delmer was driving on Ky. 1956 through freezing rain and snow and made a stop just under the crest of a hill. Two girls got off the bus just before a car came over the hill and barely stopped in time. Unfortunately, a second car came along and was unable to stop. It crashed into the back of the first, sending the car spinning into a driveway. The second car bounced into Delmer's lane as a result of the crash and hit the bus head-on, clipping one of the girls in the knee. Delmer went straight home, got in his car, and drove over to the little girl's house to help her father take her to the hospital. Thankfully, she walked away with only minor injuries.

Delmer deeply cherishes the countless memories that he made with the students he shuttled throughout his three-decade-long career, and he rarely had any disciplinary issues with any of the children. ''I had a good relationship with almost all of the students I hauled,'' Delmer said.

Madam President, Mr. Delmer Gross's dedication to his job and the safety of his students is admirable. I commend him for his 39 years of excellent service to the children of Laurel County schools. Delmer's career serves as an inspiration to the people of our great Commonwealth and exemplifies the true spirit of Kentucky. The Laurel County-area Sentinel Echo published an article in the spring of this year to honor Mr. Delmer Gross's achievements. I ask unanimous consent that the full article be printed in the RECORD.

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

[From the Sentinel Echo, Spring 2011]

DRIVING A BUS IS NO LAUGHING MATTER

(BY CAROL MILLS)

Delmer Gross loved being a bus driver for the Laurel County Board of Education for 39 years, but he saw the behavior of students getting worse over the years.

''The last 15 years the students have been getting progressively worse,'' he said. ''Less respect for adults, less respect for authority. You had several that were pushing their boundaries. I see the attitudes of children, the discipline and behavior is a much greater problem than it was 20 years ago. It's becoming a problem in all public places. Kids don't have parents who really discipline them. As adults they have major problems with society. They weren't taught respect, weren't forced to respect and it's showing.''

Gross said the Bible teaches ''to spare the rod we hate our child.'' ''I don't think we get much smarter than the man who said that,'' he said. ''In his day he was the wisest man

that ever lived. Solomon wrote all those proverbs that are recorded in the Bible.''

Gross did not have many disciplinary problems with the students on the bus and when he did, he usually handled them himself.

Gross, now 64, started driving a school bus in 1969 when he was 21 years old. He also painted houses between routes and has been the pastor at London Community Church for almost 43 years.

''I had a double route, which most drivers did,'' Gross recalled. ''I left this community and went to the next community which is White Oak. I transported all of the children first through 12th grade to Swiss Colony and then I would drop all of the kids and go to Mitchell Creek, which is back by Interstate 75 just on the west side of 75. Then I would go through that community and would pick up just elementary kids and bring them back on what was old Route 80 at the time. It's (Ky.) 1956 now. I would run that route from Interstate 75 along with Mitchell Creek and transport them back to Swiss Colony. I did that for a short time.''

Gross drove the White Oak route for five years and then he let someone else take it over who lived in that community. He then took a dangerous route on Old Ky. 80.

''It was a very dangerous route because of the truck traffic. We didn't have a four-lane road then,'' he said. ''I drove all the way down to the Rockcastle River. I drove that route for 23 or 24 years. There were a lot of crooked places where I had to pick up kids on the opposite side of a curve. I've had trucks slide at me sideways. A couple of times it was quite frightening.''

In 1997, Gross started driving a town route with special-needs students. He said it was not as hectic as driving a route with all the age groups.

Over the years while driving a school bus, Gross had two or three minor accidents and one that could have been very dangerous.

''It was a day in March. It would snow and then it would melt, then freeze and then snow some more, melt and freeze,'' he recalled. ''The officials kept an eye on most of the main roads, but just about 3 o'clock it started freezing and snowing. I picked up a load at South High School and came to (Ky.) 1956. I made a stop just under the crest of a hill, probably 150 to 200 yards away. A car came over the hill just after I dropped off two girls. The car stopped in time. Another car came over the crest and when she braked, she hit the little car in the rear end and spun it around and pushed it back into a driveway.''

''One of the girls managed to run across the road and over to the edge of a bank,'' he continued. ''The car that caused all of this bounced off that little car and into my lane and hit my bus head on and went underneath the bus. The other girl who had gotten off the bus was clipped on the knee by the car that caused the accident. She only had a minor injury. The drivers of the two cars weren't hurt. I thought both girls were going to be pinned between my bus and the car.''

Gross said the officer who worked the accident did not mandate the girl who was hurt be taken to the hospital to be checked out.

''I was quite surprised after it was all over and when I went home, I called back to the child's home and I took my little car and waited until her father got home from work and we took her to the hospital.''

One of Gross's memorable moments on the bus route was the day two boys were cutting up and joking. They were sitting up front so that he could keep an eye on them.

''They were cutting up quite a bit, joking, teasing and laughing,'' Gross said. ''That didn't bother me. I was listening to them. One of them said something kind of funny. I thought I could be cute so I said something I thought topped what he had said. He looked at his little buddy—they were both elementary kids—'Tell you what,' he said, 5,000 comedians in this country out of a job and look what we're stuck with.' I got so tickled I didn't even try to top that line.''

''I had a good relationship with almost all of the students I hauled,'' Gross added. ''A lot of the older age groups are grown up now and are good friends of mine.''

Gross is married to Yvonne and they have three children—Suzanne Gray, Cheryl Winters, and Delmer Paul Gross.

ILLINOIS JUVENILE JUSTICE REFORM

Mr. DURBIN. Madam President, as a proponent of smart and fair crime policies, as well as improving the effectiveness of the juvenile justice system, I would like to commend my home State of Illinois for its recent reforms in this area. I have long supported and sponsored legislation in Congress to ensure that children are treated appropriately, whether they are sexually exploited victims who do not belong in the criminal justice system, or whether they commit crimes and deserve targeted assistance or punishment. As one of several States in the Nation moving away from a punishment-based juvenile justice system and toward one of rehabilitation and prevention, Illinois has been nationally recognized for its progress. Two recent laws in particular have advanced our treatment of youth in the criminal justice system in Illinois.

First, as of January 1, 2010, 17-year-old misdemeanants in Illinois are no longer automatically filtered into the adult justice system. Under Public Act 95–1031, 17-year-olds charged with misdemeanors will now have access to the juvenile courts rather than the adult system. This change will allow more youth to participate in much-needed rehabilitation services such as mental health, drug treatment, and community-based services.

In addition, the state legislature took another step forward by enacting Public Act 96–1199 last year. This law requires the Illinois Juvenile Justice Commission to study the impact of expanding the juvenile court's jurisdiction to 17-year-olds charged with felonies. It also requires the Commission to develop timelines, propose a funding structure, and submit a final report to the Illinois General Assembly by December 31, 2011.

These new State laws will help our state use its resources more effectively and give more young people the opportunity to live productive lives. In their efforts to further these goals, I would also like to commend two of our juvenile justice advocates in Illinois. Betsy Clarke is the founder and president of the Illinois Juvenile Justice Initiative and has spent more than 20 years advocating for the youth of our state. Along with leading efforts to reduce the prosecution of youth in adult criminal courts, she has supported Redeploy Illinois, a program that emphasizes community-based alternatives over secure confinement. Redeploy Illinois has saved Illinois taxpayers millions in corrections costs. Ms. Clarke also played a role in the formation of the new Illinois Department of Juvenile Justice and legislation requiring early counsel so youth can obtain quality legal representation from the beginning of their dealings with the criminal justice system.

Grace Warren is the co-director and family organizer for the National Parent Caucus, a group of parents and family members dedicated to keeping youth under the age of 18 out of the adult criminal system. She became involved in this public awareness campaign in 2004 when her 17-year-old son was convicted and sentenced as an adult. Previously, she worked with the Tamms Year Ten Campaign and the Illinois Coalition for Fair Sentencing of Children at Northwestern University. She currently volunteers with the John Howard Association of Illinois, monitoring juvenile and adult facilities, and she recently provided testimony to the Federal Coordinating Council on Juvenile Justice on the importance of family engagement by juvenile and criminal justice systems.

In this time of shrinking state budgets, it is important to recognize efforts to improve outcomes for our youth and communities which also utilize our state resources more effectively. With the recent juvenile justice reforms in Illinois and the hard work of two dedicated leaders in this field, Illinois is well on track to succeeding in these goals. I commend this progress, and I will continue to wholeheartedly support these efforts through my work in the U.S. Senate.

OBJECTION TO FCC NOMINATIONS

Mr. GRASSLEY. Madam President, I intend to object to proceeding to the nomination of Jessica Rosenworcel and Ajit Pai to be commissioners on the Federal Communications Commission.

I will object to proceeding to the nomination because the FCC continues to stonewall a document request I submitted to the FCC over 6 months ago on April 27, 2011, regarding their actions related to LightSquared and Harbinger Capital. Since then, I have repeated my request to the FCC through letters I sent on July 5 and September 8 and the FCC continues to deny my request for documents.

During the course of my correspondence with the FCC, the FCC has made it clear that it will not voluntarily turn over documents to the 99.6 percent of the Members of Congress and Senators who do not chair a committee with direct jurisdiction over the FCC. As I said in my September 8, 2011, letter their actions are misguided and unsupportable.

It not only sets a dangerous precedent for Federal agency to unilaterally set the rules on how it engages with

Congress it also prevents any meaningful ability for the vast majority of Congress to inform themselves of how an agency works.

Several months ago, I had to take similar action when I supported Senator CHAMBLISS' hold of James Cole's nomination to be Deputy Attorney General in order to get documents from the Department of Justice. In the end, the documents we uncovered shed light on the Department's actions regarding Operation Fast and Furious and the murder of Agent Brian Terry.

I strongly believe that it is critical for Congress to have access to documents in order to conduct vigorous and independent oversight. It is unfortunate that this administration, which has pledged to be the most transparent in history, disagrees. As long as they continue to do so, I will be forced to take steps like this in order to ensure that Congress receives a complete picture of this administration's actions.

TRIBUTE TO KRISTEN KELLIHER

Mr. LEAHY. Madam President, I am taking this opportunity to share with the Senate the extraordinary accomplishment of a young Vermonter. At the age of 17 years, 4 months, and 13 days, Kristen Kelliher became the youngest female to climb the highest peaks in all 48 States in the continental United States. Her journey began in 2002 as she and her family started climbing during family vacations. Soon she progressed to scaling the tops of America's most challenging peaks, including Mount Hood and Mount Rainer. Along the way, she endured injuries and logistical setbacks, but she never let those stop her from reaching her goal. She saved the best for last. Surrounded by 30 family members on a sunny September day, she summited Vermont's Mount Mansfield, in Stowe. She is a dynamic role model to all Vermonters, young and old.

Along with excelling on the hiking trails, Kristen is also an honor student and a three-sport athlete. She plans to graduate early and climb the last two peaks—Hawaii's Mauna Kea, and Alaska's Mount McKinley—next year. Kristen is modest when praised about her achievement and says she only hopes to inspire others to reach goals they once thought unattainable. Vermonters are proud to recognize Kristen Kelliher's strength, skill and stamina, and we congratulate her on this great accomplishment. I ask unanimous consent to have printed in the RECORD an article about her achievement, from The Boston Globe.

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

[From the Boston Globe, Oct. 14, 2011]

CLIMBING INTO THE RECORD BOOK

(By Josephe P. Kahn)

NORWICH, VT.—On a warm, sunny afternoon last month, Kristen Kelliher hiked to the top of Mount Mansfield, the highest point in her home state of Vermont. Accompanied by 30 family members and friends, she was greeted at the summit by a banner celebrating her achievement, one that landed Kelliher in the record books.

That day, at age 17 years, 4 months, and 13 days, she became the youngest female to ''highpoint''—stand atop the highest peak—in all 48 states in the continental United States.

Climbing Mount Mansfield, all 4,393 feet of it, was a piece of cake, though, compared with what Kelliher accomplished this year. Beginning in June, she conquered three peaks that rank among America's most challenging: Oregon's Mount Hood, Montana's Granite Peak, and Washington's Mount Rainier, whose imposing height (14,410 feet) and treacherous weather conditions make any ascent risky.

The previous female record holder, Danielle Birrer, was 18 years, 4 days old when she set the record in 2000. In all, only 404 climbers of any age or gender have achieved the 48-state feat, according to the Highpointers Club, a Colorado organization that compiles such statistics.

In the meantime, Kelliher has set her sights on Hawaii and Alaska—and an even more exclusive club, the 50-staters. Of its 214 members, fewer than 15 are female.

''I've wanted to do this since I was 9,'' Kelliher said in an interview at the high school she attends across the Vermont border in Hanover, N.H., where she is in her senior year. A three-sport athlete and honors student, Kelliher was preparing to play in a varsity field hockey game.

Inspired by an article about a record-setting 12-year-old male highpointer, Kelliher, who has been hiking and skiing all her life, decided to try for the girls' record at an age when many girls might consider hiking more of a chore than a challenge.

''I'm kind of competitive. OK, a lot,'' Kelliher said, breaking into smile. ''It sounded like a cool goal. I thought, I could do that, too.''

Her climb into the record books has not been uneventful, uninterrupted, inexpensive, or worry-free, however, particularly on her family's part.

Conquering Rainier in July took three attempts, each with its own challenges. Her first expedition—accompanied by her stepfather, Bill Bender, a solar-energy company owner, and led by a professional guide team—ended in disappointment. After returning to base camp, Kelliher learned that while her group had technically ''summited,'' they had stopped short of reaching Rainier's actual highpoint, because of bad weather. The mountain's true highpoint, known as Columbia Crest, was a 40-minute round trip from where her party turned around, even though the group received papers certifying that they had summited.

It took two more attempts, each costing several hundred dollars in guide fees and equipment rentals, for Kelliher to cross Washington off her list: number 46, and counting.

''I was so upset,'' she recalled of the stomach-sinking moment when she found she had fallen short. ''If I am going for a record, I have to get to the top. Technically, nobody would have known. But morally it wasn't quite right.''

Her stepfather says it's in her nature to persevere where others might not.

''Mentally as well as physically, Kristen's very tough,'' he said. Climbing Mount Hood, Kelliher incurred painfully swollen shins that stayed unhealed through her first Rainier climb. ''You never heard her complain, though'' Bender said. Instead, Kelliher grew even more determined after other climbers seemed doubtful she could make it up Rainier, period, potentially forcing them to turn back, too.

What has recently become a celebration of one teen's extraordinary feat is also a family saga, one that has taken Kelliher, her parents, and three siblings to remote corners of America that few seek out, much less scale with backpacks and ice axes.

Their first conquest happened almost by accident, on a 2002 cross-country road trip, when the family hiked up South Dakota's Harney Peak. Highpointing wasn't even in their vocabulary yet.

In 2004, urged on by Kelliher, they began targeting other states more systematically. First came New England (all except Vermont, which she saved for last), then six mid-Atlantic states. An 18-state odyssey in 2005 took them through the Deep South, Midwest, and Southwest. In 2006, they knocked off 11 more states. In most cases, the family—including Kelliher's older brother, Ryan, now 19, and two half-brothers, Billy, 10, and Danny, 7—drove from state to state, camping along the way and hiking together up all but the steepest peaks.

''This trip has taken places we just wouldn't have gone to otherwise,'' said her mother, Mary Bender, a pediatrician. Asked whether her daughter's quest to set a record had been their driving force, she nodded and laughed. ''Although I will say that if Kristen had set out to see every shopping mall in America, that wouldn't have worked for us.''

Only once, in June 2006, did the family highpoint twice (Illinois and Indiana) in a single day. States like Florida, whose 345-foot highpoint, Britton Hill, is America's lowest, were no challenge at all. Five, including Rhode Island, never rise above 900 feet.

On the other extreme are 11 state highpoints soaring 11,000 feet and higher, many of which are difficult to access. Wyoming's Gannett Peak, for instance, which Kelliher and Bender climbed in August 2010, is reachable only by a 46-mile round trip hike. Lugging backpacks crammed with climbing equipment and camping gear, the two spent six long days getting to the top and back.

Highpoints, said Bill Bender, ''are all kind of weird in their own way. You have to be a little eccentric to do this.'' He has never calculated the overall cost of their highpointing excursions, which until recently have been budgeted as ordinary family vacations. However, flying to the last few Western states and paying for guides and equipment have nudged their spending into ''the many thousands. I'm not sure we want to know the total. Except for the last handful, though, it's been fairly inexpensive.''

Tim Webb, president of the 3,000-member Highpointers Club, says his organization attracts a diverse mix of hikers, wilderness backpackers, and serious mountaineers, each with different objectives.

''We get a broad spectrum, including lots of families who plan vacations around highpointing,'' Webb notes. Accumulating even 40 states, for which his club awards a special pin, is ''a pretty significant accomplishment,'' he adds.

Early on, the Benders were unsure Kelliher would remain interested in pursuing all 48. By 2007, Kelliher having completed 10 trips and 42 highpoints, only two Eastern states, New York and Vermont, were left. Then came a two-year hiatus.

''Kristen was still growing, and she needed to grow into the bigger mountains,'' her stepfather recalled.

She began last year taller, stronger, and more resolute than ever. ''If I wanted to do this [set the record],'' Kelliher said, ''I knew I'd have to start moving.''

Now it's on to 50, and another possible age record. Next February, after completing high school a semester early, Kelliher will tackle Hawaii's 13,796-foot Mauna Kea, a relatively easy climb. Last is Alaska's 20,320-foot Mount McKinley (also known as Denali), the most challenging of all. For every 1,000 climbers who go up, three fail to make it down alive.

Kelliher has signed with a guide team for next May and will pay for the trip's $17,000 cost herself. Already filling out college applications, she's looking for corporate sponsorship or grant money to help.

''It's definitely scary,'' her mother said. ''If Kristen can figure out how to fund it, in her 17-year-old way, I won't stop her, though. And if she can't, well, then I don't have to worry about her being killed in an avalanche.''

Kelliher says she will not be discouraged if her group fails to conquer Denali.

Yet if she succeeds, it just might inspire another fourth-grader to work harder—and climb higher—to achieve goals she once thought were unreachable.

ADDITIONAL STATEMENTS

TRIBUTE TO STEVEN C. BORELL

• Ms. MURKOWSKI. Madam President, today I bid farewell to Steven C. Borell, the executive director of the Alaska Miners Association, who has decided to retire after 22 years at the helm of Alaska's foremost mining advocacy agency.

While I am sure the State's mining industry will be in great hands when Mr. Fred Parady takes over as the new executive director in January, still it is very hard for me to imagine a minerals industry in the State of Alaska without Steve championing not only its regulatory survival but its future growth.

For far longer than I have been in public service, Steve has been the steady, knowledgeable voice on all issues surrounding mineral development in Alaska. His depth of knowledge of land laws and regulatory/permitting issues is legendary. He has had the trust of regulators and politicians and has done a sensational job of representing the interests of the minerals industry, fighting for reasonable terms and commonsense regulation of the industry—an increasingly difficult task given recent regulatory proposals out of Washington.

Alaskans are extremely lucky that Steve, an industrial engineer by training, came to Alaska in spring 1988 to run Valdez Creek mineral operations at Cantwell and then stayed on to cheerlead the rebirth of the State's minerals industry. Steve, who graduated from Kansas State University in 1968, had previously worked first as a foreman at a mine in Velva, ND, advancing to be the mine's superintendent in 1976. He later worked at mines in Colorado and in Colombia in South America before working at the Consolidated Coal Company and for the Arch Mineral Corporation in Illinois before coming to Alaska. While in Alaska, he also served as a consulting engineer on several mineral projects.

In 1989, the State, after the death of efforts to open the U.S. Borax molybdenum claims at Misty Fjords outside of Ketchikan, had only two major operating hard-rock mines, the Red Dog and Greens Creek Mines, and the Usibelli coal mine that together produced $277 million in minerals. Since Steve assumed the helm of the industry's main advocacy arm, Fort Knox, Pogo, and the Kensington mines have all come on line, exploration spending has quadrupled, and the value of the minerals industry has risen more than tenfold, topping $3 billion, and many more projects are on the way. While higher ore prices certainly have helped, Steve's hardwork, perseverance, and dedication to helping the industry overcome regulatory barriers is a key reason for the increase.

I know how hard he has worked to keep track of and to help bring some common sense to the mind-boggling permitting and regulatory processes that have dogged the minerals industry in recent years. His determination and attention to detail have helped numerous Alaska projects advance. He has always been a strong advocate for Alaska's hundreds of small-scale placer and recreational miners and for large-scale mineral developers. He has helped both equally, giving freely of his time and talent to promote Alaskan development for the good of the State and all its citizens.

I could sing his praises on this floor for hours. My staff and I will miss him greatly, and I am sure all of the industry will too. But promoting mineral development, fighting the forces that want to overregulate and lock up Alaska lands, has become not just a full-time job, but now requires an all-consuming passion given the administration's wild land edicts, more than 2,000 Federal regulatory proposals, and an endless stream of environmental suits and attacks. No one has earned a rest more than Steven C. Borell.

I can only wish him well in the future and again thank him for all that he has done for Alaska and our citizens. The State is a far better place for all of his many efforts. We all owe him our true thanks and gratitude for a job very well done, and we will all miss his sage advice and wisdom.•

RECOGNIZING THE COLORADO NONPROFIT ASSOCIATION

• Mr. UDALL of Colorado. Madam President, today I honor the Colorado Nonprofit Association as it celebrates 25 years of supporting Colorado's nonprofit organizations and strengthening our communities.

Colorado has a strong and diverse nonprofit sector with almost 19,000 public charities. These nonprofits perform many services that strengthen Colorado's communities and enrich the lives of our residents. It is also important to note that even in our current troubled economy, these organizations are an engine of growth, generating almost $17 billion in revenue in 2009 and sustaining thousands of jobs throughout the State.

Colorado Nonprofit Association is a statewide organization with almost 1,400 nonprofit members whose mission is to lead, assist, and strengthen nonprofits. Founded in 1986 as the Colorado Association of Nonprofit Organizations, its original charge was to create and support programs designed to increase the effectiveness of nonprofits around the State. The Association has since expanded its scope as the nonprofit sector has grown.

The association has developed key resources for nonprofit organizations and the public. ''The Principles and Practices for Nonprofit Excellence in Colorado,'' first published in 2007, contains State and Federal legal requirements, management best practices, and transparency and accountability standards. Supported by Colorado's secretary of state and attorney general, the association has distributed more than 30,000 copies of this resource and conducted numerous training sessions around the State. The association's Colorado Generosity Project seeks to increase charitable giving in Colorado by increasing awareness of the nonprofit sector. It has also published several research reports about nonprofit economic activity and the beliefs and behaviors of Colorado's donors. Each of these initiatives has contributed to a greater culture of giving in the State while strengthening local economies and improving the well-being of every Coloradan.

The association further encourages civic engagement by nonprofit organizations. With wide community networks, nonprofits are well situated to solve community and social problems and to engage policymakers in this effort. The Colorado Nonprofit Association provides resources and information to nonprofits to support their advocacy and develop productive working relationships with elected officials. I appreciate the association's continued partnerships, which make our State a better place to live.

In the Nation's current economic climate, the demand for services and programs offered by nonprofit organizations is greater than ever. The Colorado Nonprofit Association provides the right leadership to assist our nonprofits in these challenging times. I recognize this organization for its contributions over the years and look forward to its continued success.•

MESSAGES FROM THE HOUSE

At 10:31 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1070. An act to amend the Securities Act of 1933 to require the Securities and Exchange Commission to exempt a certain class of securities from such Act.

H.R. 1965. An act to amend the securities laws to establish certain thresholds for shareholder registration, and for other purposes.

H.R. 2061. An act to authorize the presentation of a United States flag on behalf of Federal civilian employees who die of injuries in connection with their employment.

The message also announced that the House has passed the following bill, without amendment:

S. 894. An act to amend title 38, United States Code, to provide for an increase, effective December 1, 2011, in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

The message further announced that pursuant to 22 U.S.C. 6913 and the order of the House of January 5, 2011, the Speaker appoints the following Members of the House of Representatives to the Congressional-Executive Commission on the People's Republic of China: Mr. WOLF of Virginia, Mr. MANZULLO of Illinois, and Mr. ROYCE of California.

At 3:15 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks announced that the House disagrees to the amendments of the Senate to the bill (H.R. 2112) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and appoints the following as managers of the conference on the part of the House: Mr. ROGERS of Kentucky, Mr. YOUNG of Florida, Mr. LEWIS of California, Mr. WOLF, Mr. KINGSTON, Mr. LATHAM, Mr. ADERHOLT, Mrs. EMERSON, Mr. CULBERSON, Mr. CARTER, Mr. BONNER, Mr. LATOURETTE, Mr. DICKS, Ms. DELAURO, Mr. OLVER, Mr. PASTOR of Arizona, Mr. PRICE of North Carolina, Mr. FARR, Mr. FATTAH, and Mr. SCHIFF.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

S. 894. An act to amend title 38, United States Code, to provide for an increase, effective December 1, 2011, in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

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 Advocacy Council, and for other purposes.

The enrolled bills were subsequently signed by the 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. 2061. An act to authorize the presentation of a United States flag on behalf of Federal civilian employees who die of injuries in connection with their employment; to the Committee on Homeland Security and Governmental Affairs.

MEASURES DISCHARGED

The following joint resolutions were discharged by petition, pursuant to 5 U.S.C. 802(c), and placed on the calendar:

S.J. Res. 6. A joint resolution disapproving the rule submitted by the Federal Communications Commission with respect to regulating the Internet and broadband industry practices.

S.J. Res. 27. A joint resolution disapproving a rule submitted by the Environmental Protection Agency relating to the mitigation by States of cross-border air pollution under the Clean Air Act.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2042. An act to require the Secretary of Homeland Security, in consultation with the Secretary of State, to establish a program to issue Asia-Pacific Economic Cooperation Business Travel Cards, and for other purposes.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 1070. An act to amend the Securities Act of 1933 to require the Securities and Exchange Commission to exempt a certain class of securities from such Act.

H.R. 1965. An act to amend the securities laws to establish certain thresholds for shareholder registration, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate announced that on today, November 3, 2011, she had presented to the President of the United States the following enrolled bill:

S. 894. An act to amend title 38, United States Code, to provide for an increase, effective December 1, 2011, in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, 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–3775. A communication from the Secretary of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Derivatives Clearing Organization General Provisions and Core Principles'' ((17 CFR Parts 1, 21, 39, and 140)(RIN3038–AC98)) received in the Office of the President of the Senate on November 1, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3776. A communication from the Assistant Secretary of the Navy (Research, Development and Acquisition), transmitting, pursuant to law, a report relative to requesting a waiver of realistic survivability testing of the Ship to Shore Connector (SSC) program; to the Committee on Armed Services.

EC–3777. A communication from the Secretary, Division of Investment Management, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Reporting by Investment Advisers to Private Funds and Certain Commodity Pool Operators and Commodity Trading Advisors on Form PF'' (RIN3235–AK92) received in the Office of the President of the Senate on November 2, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–3778. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Virginia; Revision to Nitrogen Oxides Budget Trading Program'' (FRL No. 9487–6) received in the Office of the President of the Senate on November 1, 2011; to the Committee on Environment and Public Works.

EC–3779. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Texas; Regulations for Control of Air Pollution by Permits for New Construction or Modification'' (FRL No. 9485–3) received in the Office of the President of the Senate on November 1, 2011; to the Committee on Environment and Public Works.

EC–3780. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, Placer County Air Pollution Control District and Sacramento Metro Air Quality Management District'' (FRL No. 9477–4) received in the Office of the President of the Senate on November 1, 2011; to the Committee on Environment and Public Works.

EC–3781. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District'' (FRL No. 9481–6) received in the Office of the President of the Senate on November 1, 2011; to the Committee on Environment and Public Works.

EC–3782. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District'' (FRL No. 9481–1) received in the Office of the President of the Senate on November 1, 2011; to the Committee on Environment and Public Works.

EC–3783. A communication from the Director of the Regulatory Management Division,

Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District and Imperial County Air Pollution Control District'' (FRL No. 9479–3) received in the Office of the President of the Senate on November 1, 2011; to the Committee on Environment and Public Works.

EC–3784. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; North Dakota; Revisions to the Air Pollution Control Rules'' (FRL No. 9486–2) received in the Office of the President of the Senate on November 1, 2011; to the Committee on Environment and Public Works.

EC–3785. 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 ''Addition of the Cook Islands to the List of Nations Entitled to Special Tonnage Tax Exemption'' (CBP Dec. 11–21) received in the Office of the President of the Senate on November 1, 2011; to the Committee on Finance.

EC–3786. 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 ''United States-Peru Trade Promotion Agreement'' (RIN1515–AD79) received in the Office of the President of the Senate on November 1, 2011; to the Committee on Finance.

EC–3787. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Medicare Part B Monthly Actuarial Rates, Premium Rate, and Annual Deductible Beginning January 1, 2012'' (RIN0938–AQ16) received in the Office of the President of the Senate on November 2, 2011; to the Committee on Finance.

EC–3788. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Part A Premiums for Calendar Year 2012 for the Uninsured Aged and for Certain Disabled Individuals Who Have Exhausted Other Entitlement'' (RIN0938–AQ15) received in the Office of the President of the Senate on November 2, 2011; to the Committee on Finance.

EC–3789. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Final Waivers in Connection With the Shared Savings Program'' (RIN0938–AR30) received in the Office of the President of the Senate on November 2, 2011; to the Committee on Finance.

EC–3790. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; End-Stage Renal Disease Prospective Payment System and Quality Incentive Program; Ambulance Fee Schedule; Durable Medical Equipment; and Competitive Acquisition of Certain Durable Medical Equipment, Prosthetics, Orthotics and Supplies'' (RIN0938–AQ27) received in the Office of the President of the Senate on November 2, 2011; to the Committee on Finance.

EC–3791. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Inpatient Hospital Deductible and Hospital and Extended Care Services Coinsurance Amounts for Calendar Year 2012'' (RIN0938–AQ14) received in the Office of the President of the Senate on November 2, 2011; to the Committee on Finance.

EC–3792. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Home Health Prospective Payment System Rate Update for Calendar Year 2012'' (RIN0938–AQ30) received in the Office of the President of the Senate on November 2, 2011; to the Committee on Finance.

EC–3793. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Medicare Shared Savings Program: Accountable Care Organization'' (RIN0938–AQ22) received in the Office of the President of the Senate on November 2, 2011; to the Committee on Finance.

EC–3794. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program: Payment Policies Under the Physician Fee Schedule, Five-Year Review of Work Relative Value Units, Clinical Laboratory Fee Schedule: Signature on Requisition, and Other Revisions to Part B for Calendar Year 2012'' (RIN0938–AQ25 and RIN0938–AQ00) received in the Office of the President of the Senate on November 2, 2011; to the Committee on Finance.

EC–3795. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare and Medicaid Programs: Hospital Outpatient Prospective Payment; Ambulatory Surgical Center Payment; Hospital Value-Based Purchasing Program; Physician Self-Referral; and Patient Notification Requirements in Provider Agreements'' (RIN0938–AQ26) received in the Office of the President of the Senate on November 2, 2011; to the Committee on Finance.

EC–3796. A communication from the Department of State, transmitting, pursuant to law, a report relative to U.S. Assistance for the Government of Ukraine (DCN OSS–2011–1727); to the Committee on Foreign Relations.

EC–3797. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to recent Global Fund audit information, commitment and disbursement data, and a summary of the recipient and sub-recipient expenditures as reported to the United States Government; to the Committee on Foreign Relations.

EC–3798. A communication from the Chairman of the National Council on Disability, transmitting, pursuant to law, a report entitled ''National Disability Policy: A Progress Report''; to the Committee on Health, Education, Labor, and Pensions.

EC–3799. A communication from the Chairman of the National Council on Disability, transmitting, pursuant to law, a report entitled ''The Power of Digital Inclusion: Technology's Impact on Employment and Opportunities for People with Disabilities''; to the Committee on Health, Education, Labor, and Pensions.

EC–3800. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to waiving or partially waiving Section 404(a) of the Child Soldiers Prevention Act of 2008 with respect to Yemen, the Democratic Republic of the Congo, and Chad; to the Committee on the Judiciary.

EC–3801. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the Fiscal Year 2010 Annual Report to Congress for the Office of Justice Programs; to the Committee on the Judiciary.

EC–3802. A communication from the Deputy Assistant Administrator of the Office of Diversion Control, Drug Enforcement Agency, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Schedules of Controlled Substances: Temporary Placement of Three Synthetic Cathinones Into Schedule I'' (Docket No. DEA–357) received during recess of the Senate in the Office of the President of the Senate on October 24, 2011; to the Committee on the Judiciary.

EC–3803. A communication from the Chair, U.S. Sentencing Commission, transmitting, pursuant to law, a report entitled ''Mandatory Minimum Penalties in the Federal Criminal Justice System''; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 75. A bill to restore the rule that agreements between manufacturers and retailers, distributors, or wholesalers to set the minimum price below which the manufacturer's product or service cannot be sold violates the Sherman Act.

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 1487. A bill to authorize the Secretary of Homeland Security, in coordination with the Secretary of State, to establish a program to issue Asia-Pacific Economic Cooperation Business Travel Cards, and for other purposes.

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1759. A bill to facilitate the hosting in the United States of the 34th America's Cup by authorizing certain eligible vessels to participate in activities related to the competition.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Stephanie Dawn Thacker, of West Virginia, to be United States Circuit Judge for the Fourth Circuit.

Michael Walter Fitzgerald, of California, to be United States District Judge for the Central District of California.

Ronnie Abrams, of New York, to be United States District Judge for the Southern District of New York.

Rudolph Contreras, of Virginia, to be United States District Judge for the District of Columbia.

Miranda Du, of Nevada, to be United States District Judge for the District of Nevada.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

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. GRASSLEY (for himself and Mr. JOHANNS):

S. 1795. A bill to require the Corps of Engineers to revise the Missouri River Mainstem Reservoir System Master Water Control Manual to ensure greater storage capacity to prevent serious downstream flooding; to the Committee on Environment and Public Works.

By Mr. PRYOR (for himself and Mr. ISAKSON):

S. 1796. A bill to make permanent the Internal Revenue Service Free File program; to the Committee on Finance.

By Mr. MERKLEY:

S. 1797. A bill to amend title 23, United States Code, to permit as part of certain highway projects the installation of charging infrastructure for plug-in electric drive vehicles; to the Committee on Environment and Public Works.

By Mr. UDALL of New Mexico (for himself, Mr. CORKER, Mrs. MCCASKILL, Mr. BINGAMAN, Mr. SCHUMER, Mr. NELSON of Florida, Mr. UDALL of Colorado, and Mr. ALEXANDER):

S. 1798. A bill to direct the Secretary of Veterans Affairs to establish an open burn pit registry to ensure that members of the Armed Forces who may have been exposed to toxic chemicals and fumes caused by open burn pits while deployed to Afghanistan or Iraq receive information regarding such exposure, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. TESTER (for himself, Mr. WYDEN, Mr. BEGICH, and Mr. PRYOR):

S. 1799. A bill to amend title 38, United States Code, to provide for certain requirements relating to the immunization of veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. PAUL:

S. 1800. A bill to prohibit the use of Federal funds for any universal or mandatory mental health screening program; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SNOWE:

S. 1801. A bill to amend the Internal Revenue Code of 1986 to extend certain provisions of the Creating Small Business Jobs Act of 2010, and for other purposes; to the Committee on Finance.

By Mr. UDALL of Colorado (for himself, Mrs. GILLIBRAND, Mr. MERKLEY, and Mr. BENNET):

S. 1802. A bill to authorize the Secretary of the Interior to carry out programs and activities that connect Americans, especially children, youth, and families, with the outdoors; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. MCCASKILL:

S. 1803. A bill to amend the Clean Air Act to limit Federal regulation of nuisance dust in areas in which that dust is regulated under State, tribal, or local law, to establish a prohibition against revising any national ambient air quality standard applicable to nuisance dust, and for other purposes; to the Committee on Environment and Public Works.

By Mr. REED (for himself, Mr. DURBIN, Mr. WHITEHOUSE, Mr. LEVIN, and Mr. MERKLEY):

S. 1804. A bill to amend title IV of the Supplemental Appropriations Act, 2008 to provide for the continuation of certain unemployment benefits, and for other purposes; to the Committee on Finance.

By Mr. JOHANNS:

S. 1805. A bill to prohibit the Administrator of the Environmental Protection Agency from rejecting or otherwise determining to be inadequate a State implementation plan in any case in which the State submitting the plan has not been given a reasonable time to develop and submit the plan in accordance with a certain provision of the Clean Air Act; to the Committee on Environment and Public Works.

By Mrs. BOXER (for herself, Mr. BEGICH, and Mr. MERKLEY):

S. 1806. A bill to amend the Internal Revenue Code of 1986 to allow taxpayers to designate overpayments of tax as contributions to the homeless veterans assistance fund; to the Committee on Veterans' Affairs.

By Mr. BINGAMAN:

S. 1807. A bill to amend the Federal Nonnuclear Energy Research and Development Act of 1974 to provide for the prioritization, coordination, and streamlining of energy research, development, and demonstration programs to meet current and future energy needs, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. COONS (for himself and Mr. GRAHAM):

S. 1808. A bill to amend the Immigration and Nationality Act to toll, during active-duty service abroad in the Armed Forces, the periods of time to file a petition and appear for an interview to remove the conditional basis for permanent resident status, and for other purposes; to the Committee on the Judiciary.

By Mr. KERRY:

S. 1809. A bill to amend the Public Health Service Act to revise and extend the program for viral hepatitis surveillance, education, and testing in order to prevent deaths from liver cancer, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. MIKULSKI (for herself and Ms. COLLINS):

S. Res. 310. A resolution designating 2012 as the ''Year of the Girl'' and Congratulating Girl Scouts of the USA on its 100th anniversary; to the Committee on the Judiciary.

By Mr. SCHUMER:

S. Res. 311. A resolution to authorize the printing of a collection of the rules of the committees of the Senate; considered and agreed to.

ADDITIONAL COSPONSORS

S. 91

At the request of Mr. WICKER, the name of the Senator from Wisconsin (Mr. JOHNSON) was added as a cosponsor of S. 91, a bill to implement equal protection under the 14th article of amendment to the Constitution for the right to life of each born and unborn human person.

S. 299

At the request of Mr. PAUL, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 299, a bill to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law.

S. 412

At the request of Mr. LEVIN, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 412, a bill to ensure that amounts credited to the Harbor Maintenance Trust Fund are used for harbor maintenance.

S. 700

At the request of Ms. KLOBUCHAR, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 700, a bill to amend the Internal Revenue Code of 1986 to permanently extend the treatment of certain farming business machinery and equipment as 5-year property for purposes of depreciation.

S. 704

At the request of Mr. WYDEN, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 704, a bill to provide for duty-free treatment of certain recreational performance outerwear, and for other purposes.

S. 707

At the request of Mr. DURBIN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 707, a bill to amend the Animal Welfare Act to provide further protection for puppies.

S. 720

At the request of Mr. THUNE, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 720, a bill to repeal the CLASS program.

S. 752

At the request of Mrs. FEINSTEIN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 752, a bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner.

S. 829

At the request of Mr. CARDIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 829, a bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps.

S. 1002

At the request of Mr. CORNYN, his name was added as a cosponsor of S. 1002, a bill to prohibit theft of medical products, and for other purposes.

S. 1251

At the request of Mr. CARPER, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1251, a bill to amend title XVIII and XIX of the Social Security Act to curb waste, fraud, and abuse in the Medicare and Medicaid programs.

S. 1391

At the request of Mr. TESTER, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1391, a bill to amend title 38, United States Code, to improve the disability compensation evaluation procedure of the Secretary of Veterans Affairs for veterans with post-traumatic stress disorder or mental health conditions related to military sexual trauma, and for other purposes.

S. 1451

At the request of Mr. VITTER, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1451, a bill to prohibit the sale of billfish.

S. 1506

At the request of Mr. RUBIO, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1506, a bill to prevent the Secretary of the Treasury from expanding United States bank reporting requirements with respect to interest on deposits paid to nonresident aliens.

S. 1527

At the request of Mrs. HAGAN, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from Arkansas (Mr. BOOZMAN), the Senator from Idaho (Mr. RISCH) and the Senator from Colorado (Mr. BENNET) 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. 1582

At the request of Mr. LAUTENBERG, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1582, a bill to amend the Federal Water Pollution Control Act to modify provisions relating to beach monitoring, and for other purposes.

S. 1588

At the request of Mr. WEBB, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1588, a bill to protect the right of individuals to bear arms at water resources development projects administered by the Secretary of the Army, and for other purposes.

S. 1616

At the request of Mr. ENZI, the name of the Senator from Georgia (Mr. ISAKSON) 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.

At the request of Mr. MENENDEZ, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1616, supra.

S. 1671

At the request of Mrs. HAGAN, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 1671, a bill to amend the Internal Revenue Code of 1986 to allow a temporary dividends received deduction for dividends received from a controlled foreign corporation.

S. 1702

At the request of Mr. MORAN, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 1702, a bill to provide that the rules of the Environmental Protection Agency entitled ''National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines'' have no force or effect with respect to existing stationary compression and spark ignition reciprocating internal combustion engines operated by certain persons and entities for the purpose of generating electricity or operating a water pump.

S. 1707

At the request of Mr. BURR, the name of the Senator from Kansas (Mr. ROBERTS) 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. 1718

At the request of Mr. WYDEN, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 1718, a bill to amend title XVIII of the Social Security Act with respect to the application of Medicare secondary payer rules for certain claims.

S. 1737

At the request of Mr. BENNET, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1737, a bill to improve the accuracy of mortgage underwriting used by Federal mortgage agencies by ensuring that energy costs are included in the underwriting process, to reduce the amount of energy consumed by homes, to facilitate the creation of energy efficiency retrofit and construction jobs, and for other purposes.

S. 1759

At the request of Mrs. FEINSTEIN, the names of the Senator from Pennsylvania (Mr. TOOMEY) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 1759, a bill to facilitate the hosting in the United States of the 34th America's Cup by authorizing certain eligible vessels to participate in activities related to the competition.

S. 1769

At the request of Ms. KLOBUCHAR, the name of the Senator from New Hampshire (Mrs. SHAHEEN) 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. CARPER, his name was added as a cosponsor of S. 1769, supra.

S. 1780

At the request of Mr. HELLER, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of 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.

S. 1784

At the request of Mr. HELLER, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of 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.

S.J. RES. 29

At the request of Mr. UDALL of New Mexico, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S.J. Res. 29, a joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

S. RES. 274

At the request of Mr. WHITEHOUSE, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. Res. 274, a resolution expressing the sense of the Senate that funding for the Federal Pell Grant program should not be cut in any deficit reduction program.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE:

S. 1801. A bill to amend the Internal Revenue Code of 1986 to extend certain provisions of the Creating Small Business Jobs Act of 2010, and for other purposes; to the Committee on Finance.

Ms. SNOWE. Mr. President, today I introduce the Small Business Tax Extenders Act of 2011, targeted tax relief legislation to extend, for one year, the essential tax relief provisions that were included in the Small Business Jobs Act of 2010.

When the Small Business Jobs Act was crafted, I worked closely with Finance Committee Chair BAUCUS and then Ranking Member GRASSLEY to ensure the critical small business tax provisions that reflected our shared priorities were included in that legislation. I sincerely appreciate all of their hard work on that legislation.

As the former Chair and now Ranking Member of the Small Business Committee, I am well aware of the urgent imperative of job creation in our country. According to the Bureau of Labor Statistics, the average annual unemployment rate for 2010 was 9.6 percent. For 27 out of the past 32 months the unemployment rate has been at 9 percent or above. About 45 percent of the unemployed have been out of work for at least 6 months—a level previously unseen in the 6 decades since World War II.

At a time when 14 million Americans are still unemployed, and have been so for the longest period since record keeping began in 1948, our government should be taking every possible step to ease the burden on job creators. We

must help create an environment that is conducive to small businesses' job creation. One critical way to do so is through targeted small business tax incentives.

That is why as a senior member of the Senate Finance Committee, I have been urging this administration to champion tax reform and in fact, I led a panel on the issue as part of the Economic Summit at the White House more than 2 years ago.

The individual income tax form has more than tripled in length from 52 pages for 1980 to 174 pages for 2009. American taxpayers spend 7.6 billion hours and shell out $140 billion, or 1 percent of GDP, just struggling to comply with tax filing requirements. This is not surprising as there has been 15,000 changes to the tax code since the last overhaul in 1986.

Alarmingly, the tax code is also needlessly handcuffing our ability to compete in today's integrated global economy, as we strain under the second highest corporate tax burden in the industrialized world. While this administration and the Senate majority are pondering whether we should reform our tax code, small businesses continued to struggle with the current tax regime at the expense of creating more jobs and growing operations.

While I continue to advocate for comprehensive tax reform, there are certain measures that, although not a silver bullet, should be passed right away to help improve the economic environment for small businesses. The Small Business Tax Extenders Act of 2011 is a critical example. This legislation contains provisions I have championed for years to provide small businesses greater cash flow, incentivizing their investments, and increasing tax fairness.

The lifeblood of a small business is its cash flow and this bill contains several provisions to improve it. One of these provisions will address a fundamental injustice of the tax code by extending for another year deduction for health insurance premiums against not only income taxes but also against payroll taxes. At a rate of 15.3 percent, the self-employment, or SECA, tax is imposed on the health benefits of business owners. This is a costly injustice that makes health insurance just that much more expensive at a time when insurance costs are already prohibitively expensive.

In the coming year we will certainly see health premiums rise, making it all the more onerous on small businesses to provide critical benefits to their employees. Allowing the full deduction for health insurance is critical for its affordability. I was thrilled that we were able to address this injustice in the Small Business Jobs Act of 2010, and I sincerely hope that this provision can be extended for another year.

This legislation will also extend for 1 year a provision permitting general business credits to be carried back 5 years and taken against the Alternative Minimum Tax, AMT. Before the enactment of the Small Business Jobs Act, a business's unused general business credit could be carried back to offset taxes paid in the previous year, and the remaining amount could be carried forward for 20 years to offset future tax liabilities.

The 5-year carryback of credits will allow business owners to reach back to prior years when they had taxable income to offset prior tax liability with these credits and get immediate cash infusion. Business owners can use this cash as they choose, but as we have seen with net operating loss relief, they use these funds for anything from meeting payroll to investing in new equipment. The same principle applies with respect to the provision that allows credits to be used against the AMT.

When Congress implements policies through the tax code, it is with intent that businesses will utilize such incentives to do what they do best—grow their operations which in turns leads to hiring additional employees. Unfortunately during a downward business cycle that we have been experiencing for more than two years, businesses do not have income tax liability that can be offset with a credit. It is rather simple: if you do not have enough revenue to claim a credit, that credit is of little use to you.

An incredible benefit of the carryback and the use of general business credits against the AMT is to make the small business health insurance tax credits enacted earlier this year more effective and make health insurance more affordable for business owners to offer to their employees.

This bill would also extend for 1 year the availability of the so-called section 179 expensing to give businesses the option of writing off the cost of qualifying capital expenses in the year of acquisition instead of recovering these costs over time through depreciation, and allow businesses to take advantage of higher limits for the so-called section 179 expensing. Under this provision, up to $250,000 can be expensed for real property and up to $250,000 for equipment, or up to the full $500,000 for just equipment.

Expanding Section 179 expensing has been a significant Small Business Committee bipartisan priority of mine, and former Small Business Committee Chair KERRY and current Chair LANDRIEU, as reflected in no fewer than three separate bills in the previous Congress: the Small Business Stimulus Act of 2009, S. 156, Snowe-Kerry-Landrieu; the Small business Expensing Permanency Act of 2009, S. 2822, Snowe-Landrieu; and the Small Business Job Creation Act of 2010, S. 3103, Snowe.

I want my colleagues to understand that this provision is expected to confer a major economic boost because it certainly speeds up the recovery time on these investments. Extending this provision will help the businesses modernize while aiding construction firms and their employees.

Additionally, the Small Business Jobs Act of 2010 provided for a temporary reduction in the recognition period for S corporation built-in gains tax. When businesses move from being a corporation with two levels of tax to an S corporation, they have generally been required to hold their ''retained earnings'' for up to 10 years. This prevents owners from taking the retained earnings as distributions where only income taxes are owed rather than both corporate income tax at one level and then personal income tax at the second. Recent law changes have shortened this holding period to 7 years, but that is still too long.

By infusing capital, of their own retained earnings, this provision in the Small Business Jobs Act enabled companies to reduce the holding period from 7 years to 5 years so that companies that made the conversion before 2006 can redeploy this capital for use in their business. Extending this provision also underscores how vital retained earnings are for small businesses.

A final provision would extend for one year a complete exclusion on capital gains attributable to small business stock held for 5 years. Extending this measure will help further critical investment in our Nation's small businesses. This is a longstanding priority of mine and of Senator JOHN KERRY, former Chair of the Small Business Committee and my fellow colleague on the Finance Committee. The Kerry-Snowe Invest in Small Business Act of 2009 included this exclusion, which we fought to incorporate into the Small Business Jobs Act.

It is essential that we pass these small business tax extensions. I urge my colleagues to support this legislation so we can ensure that our Nation's small businesses and their employees are provided with much needed tax relief.

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. 1801

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the ''Small Business Jobs Tax Extenders Act of 2011''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; etc.
Sec. 2. Findings.

TITLE I—EXTENSION OF SMALL BUSINESS TAX RELIEF

Sec. 101. Extension of temporary exclusion of 100 percent of gain on certain small business stock.
Sec. 102. Extension of 5-year carryback of general business credits of eligible small businesses.
Sec. 103. Extension of alternative minimum tax rules for general business credits of eligible small businesses.
Sec. 104. Extension of temporary reduction in recognition period for built-in gains tax.
Sec. 105. Extension of increased expensing limitations and treatment of certain real property as section 179 property.
Sec. 106. Extension of bonus depreciation.
Sec. 107. Extension of special rule for long-term contract accounting.
Sec. 108. Extension of increased amount allowed as a deduction for start-up expenditures.
Sec. 109. Extension of allowance of deduction for health insurance in computing self-employment taxes.

TITLE II—OFFSETTING PROVISIONS

Sec. 201. Expansion of affordability exception to individual mandate.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) A vibrant and growing small business sector is critical to the recovery of the economy of the United States.

(2) Small businesses represent 99.7 percent of all employer firms and generate approximately two-thirds of net new jobs.

(3) Broadening the tax base and lowering statutory rates through comprehensive tax reform is preferable to short term tax rate extensions.

(4) There is no consensus on Congressional passage and implementation of such reform at this time; it is therefore critical that tax relief for small businesses promulgated in the Small Business Jobs Act of 2010 be extended.

TITLE I—EXTENSION OF SMALL BUSINESS TAX RELIEF

SEC. 101. EXTENSION OF TEMPORARY EXCLUSION OF 100 PERCENT OF GAIN ON CERTAIN SMALL BUSINESS STOCK.

(a) IN GENERAL.—Paragraph (4) of section 1202(a) is amended—

(1) by striking ''January 1, 2012'' and inserting ''January 1, 2013'', and

(2) by striking ''AND 2011'' and inserting ''2011, AND 2012'' in the heading thereof.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to stock acquired after December 31, 2011.

SEC. 102. EXTENSION OF 5-YEAR CARRYBACK OF GENERAL BUSINESS CREDITS OF ELIGIBLE SMALL BUSINESSES.

(a) IN GENERAL.—Subparagraph (A) of section 39(a)(4) is amended by ''or 2011'' after ''2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to credits determined in taxable years beginning after December 31, 2010.

SEC. 103. EXTENSION OF ALTERNATIVE MINIMUM TAX RULES FOR GENERAL BUSINESS CREDITS OF ELIGIBLE SMALL BUSINESSES.

(a) IN GENERAL.—Subparagraph (A) of section 38(c)(5) is amended by ''or 2011'' after ''2010''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to credits determined in taxable years beginning after December 31, 2010, and to carrybacks of such credits.

SEC. 104. EXTENSION OF TEMPORARY REDUCTION IN RECOGNITION PERIOD FOR BUILT-IN GAINS TAX.

(a) IN GENERAL.—Clause (ii) of section 1374(d)(7)(B) is amended by inserting ''or 2012,'' after ''2011''.

(b) CONFORMING AMENDMENT.—The heading for section 1372(d)(7)(B) is amended by striking ''AND 2011'' and inserting ''2011, AND 2012''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2011.

SEC. 105. EXTENSION OF INCREASED EXPENSING LIMITATIONS AND TREATMENT OF CERTAIN REAL PROPERTY AS SECTION 179 PROPERTY.

(a) IN GENERAL.—Section 179(b) is amended—

(1) by striking ''2010 or 2011'' each place it appears in paragraph (1)(B) and (2)(B) and inserting ''2010, 2011, or 2012'',

(2) by striking ''2012'' each place it appears in paragraph (1)(C) and (2)(C)and inserting ''2013'', and

(3) by striking ''2012'' each place it appears in paragraph (1)(D) and (2)(D) and inserting ''2013''.

(b) INFLATION ADJUSTMENT.—Subparagraph (A) of section 179(b)(6) is amended by striking ''2012'' and inserting ''2013''.

(c) COMPUTER SOFTWARE.—Section 179(d)(2)(A)(ii) is amended by striking ''2013'' and inserting ''2014''.

(d) ELECTION.—Section 179(c)(2) is amended by striking ''2013'' and inserting ''2014''.

(e) SPECIAL RULES FOR TREATMENT OF QUALIFIED REAL PROPERTY.—Section 179(f)(1) is amended by striking ''2010 or 2011'' and inserting ''2010, 2011, or 2012''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2011.

SEC. 106. EXTENSION OF BONUS DEPRECIATION.

(a) IN GENERAL.—Paragraph (2) of section 168(k) is amended—

(1) by striking ''January 1, 2014'' in subparagraph (A)(iv) and inserting ''January 1, 2015'', and

(2) by striking ''January 1, 2013'' each place it appears and inserting ''January 1, 2014''.

(b) 100 PERCENT EXPENSING.—Paragraph (5) of section 168(k) is amended—

(1) by striking ''January 1, 2013'' and inserting ''January 1, 2014'', and

(2) by striking ''January 1, 2012'' each place it appears and inserting ''January 1, 2013''.

(c) EXTENSION OF ELECTION TO ACCELERATE THE AMT CREDIT IN LIEU OF BONUS DEPRECIATION.—

(1) IN GENERAL.—Subclause (II) of section 168(k)(4)(D)(iii) is amended by striking ''2013'' and inserting ''2014''.

(2) ROUND 3 EXTENSION PROPERTY.—Paragraph (4) of section 168(k) is amended by adding at the end the following new subparagraph:

''(J) SPECIAL RULES FOR ROUND 3 EXTENSION PROPERTY.—

''(i) IN GENERAL.—In the case of round 3 extension property, this paragraph shall be applied without regard to—

''(I) the limitation described in subparagraph (B)(i) thereof, and

''(II) the business credit increase amount under subparagraph (E)(iii) thereof.

''(ii) TAXPAYERS PREVIOUSLY ELECTING ACCELERATION.—In the case of a taxpayer who made the election under subparagraph (A) for its first taxable year ending after March 31, 2008, a taxpayer who made the election under subparagraph (H)(ii) for its first taxable year ending after December 31, 2008, or a taxpayer who made the election under subparagraph (I)(iii) for its first taxable year ending after December 31, 2010—

''(I) the taxpayer may elect not to have this paragraph apply to round 3 extension property, but

''(II) if the taxpayer does not make the election under subclause (I), in applying this paragraph to the taxpayer the bonus depreciation amount, maximum amount, and maximum increase amount shall be computed and applied to eligible qualified property which is round 3 extension property.

The amounts described in subclause (II) shall be computed separately from any amounts computed with respect to eligible qualified property which is not round 2 extension property.

''(iii) TAXPAYERS NOT PREVIOUSLY ELECTING ACCELERATION.—In the case of a taxpayer who neither made the election under subparagraph (A) for its first taxable year ending after March 31, 2008, nor made the election under subparagraph (H)(ii) for its first taxable year ending after December 31, 2008, nor made the election under subparagraph (I)(iii) for its first taxable year ending after December 31, 2010—

''(I) the taxpayer may elect to have this paragraph apply to its first taxable year ending after December 31, 2011, and each subsequent taxable year, and

''(II) if the taxpayer makes the election under subclause (I), this paragraph shall only apply to eligible qualified property which is round 3 extension property.

''(iv) ROUND 3 EXTENSION PROPERTY.—For purposes of this subparagraph, the term 'round 3 extension property' means property which is eligible qualified property solely by reason of the extension of the application of the special allowance under paragraph (1) pursuant to the amendments made by section 7(a) of the Small Business Jobs Tax Extenders Act of 2011 (and the application of such extension to this paragraph pursuant to the amendment made by section 7(c)(1) of such Act).''.

(d) CONFORMING AMENDMENTS.—

(1) The heading for subsection (k) of section 168 is amended by striking ''JANUARY 1, 2013'' and inserting ''JANUARY 1, 2014''.

(2) The heading for clause (ii) of section 168(k)(2)(B) is amended by striking ''PRE-JANUARY 1, 2013'' and inserting ''PRE-JANUARY 1, 2014''.

(3) Paragraph (5) of section 168(l) is amended—

(A) by striking ''and'' at the end of subparagraph (A),

(B) by redesignating subparagraph (C) as subparagraph (B), and

(C) by inserting after subparagraph (A) the following new subparagraph:

''(B) by substituting 'January 1, 2013' for 'January 1, 2014' in clause (i) thereof, and''.

(4) Subparagraph (C) of section 168(n)(2) is amended by striking ''January 1, 2013'' and inserting ''January 1, 2014''.

(5) Subparagraph (D) of section 1400L(b)(2) is amended by striking ''January 1, 2013'' and inserting ''January 1, 2014''.

(6) Subparagraph (B) of section 1400N(d)(3) is amended by striking ''January 1, 2013'' and inserting ''January 1, 2014''.

(e) EFFECTIVE DATES.—The amendments made by this section shall apply to property placed in service after December 31, 2011, in taxable years ending after such date.

SEC. 107. EXTENSION OF SPECIAL RULE FOR LONG-TERM CONTRACT ACCOUNTING.

(a) IN GENERAL.—Clause (ii) of section 460(c)(6)(B) is amended by striking ''January 1, 2011 (January 1, 2012'' and inserting ''January 1, 2012 (January 1, 2013''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2010.

SEC. 108. EXTENSION OF INCREASED AMOUNT ALLOWED AS A DEDUCTION FOR START-UP EXPENDITURES.

(a) IN GENERAL.—Paragraph (3) of section 195(b) is amended—

(1) by inserting ''or 2011'' after ''2010'', and

(2) by inserting ''AND 2011'' in the heading thereof.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2010.

SEC. 109. EXTENSION OF ALLOWANCE OF DEDUCTION FOR HEALTH INSURANCE IN COMPUTING SELF-EMPLOYMENT TAXES.

(a) IN GENERAL.—Paragraph (4) of section 162(l) is amended by striking ''December 31, 2010'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2010.

TITLE II—OFFSETTING PROVISIONS

SEC. 201. EXPANSION OF AFFORDABILITY EXCEPTION TO INDIVIDUAL MANDATE.

Section 5000A(e)(1) is amended by striking ''8 percent'' each place it appears and inserting ''5 percent''.

By Mr. UDALL of Colorado (for himself, Mrs. GILLIBRAND, Mr. MERKLEY, and Mr. BENNET):

S. 1802. A bill to authorize the Secretary of the Interior to carry out programs and activities that connect Americans, especially children, youth, and families, with the outdoors; to the Committee on Health, Education, Labor, and Pensions.

Mr. UDALL of Colorado. Mr. President, today I speak in support of a bill I am introducing called the Healthy Kids Outdoor Act of 2011. This bill will help the development of locally-based plans that will encourage kids to enjoy one of our nation's most cherished past-times: recreating outdoors.

I am introducing the Healthy Kids Outdoors Act of 2011 with the support of Senators GILLIBRAND, MERKLEY and BENNET. My friend and colleague Representative KIND of Wisconsin is introducing companion legislation today in the U.S. House of Representatives. I want to thank Rep. KIND for his leadership on these issues over the years. I especially want to thank him for the opportunity to steal his good idea and appropriate it for myself in the Senate.

Specifically, the Healthy Kids Outdoors Act authorizes the U.S. Secretary of the Interior to provide grants, one per State, to eligible organizations for the development of State-level outdoor recreation plans. Working in cooperation with local partners, the eligible entities will develop plans designed to ensure that States have appropriate programs and infrastructure in place to help Americans effectively connect with the outdoors. These plans supplement current outdoor recreation planning by emphasizing how to use outdoor recreation resources and infrastructure, such as public parks, transportation and health systems, to facilitate outdoor activities. The plans supported by Federal funding under this act must be updated every five years based on evaluations of each state strategy and lessons learned from their implementation. Additionally, in order to ensure that state and local partners are contributing to this effort, funding recipients must provide a 25-percent non-federal cost share.

Finally, this bill requires the administration to develop a national strategy to get Americans active outdoors and evaluate the health impacts of the State strategies authorized under the legislation. The national strategy, to be developed with significant public participation, should align with the State strategies and identify barriers to and opportunities for outdoor activities.

Why is this important you might ask, especially at a time when we are looking at ways to cut spending and other programs?

We live in an increasingly sedentary world that makes it more difficult for our Nation to reach the heights that it can achieve. Today's society provides more distractions from active lifestyles and the natural world around us than ever before. This is particularly true among children, who spend on average just 4–7 minutes a day in unstructured outdoor play while spending an average of 7.5 hours a day in front of electronic media. Partially as a result of this, obesity has become a major public health problem. Today, one in three children is either overweight or obese, whereas only about 4 percent of children in 1960 were. Working together, we must find proactive ways to reverse this harmful trend.

Being overweight or obese can lead to many chronic health conditions, including heart disease, stroke, and diabetes. All of these conditions are costly for health care purchasers and patients, reduce quality of life, and are among the top 6 leading causes of death each year. The good news is that, in the vast majority of cases, obesity is completely preventable. Particularly for children, if we teach them good eating and fitness habits early in life, they will have a much better shot at maintaining a healthy weight later in life. In addition, research demonstrates the myriad mental health benefits of active lifestyles that make use of green spaces outside the home.

Furthermore, spending time in the outdoors, connecting with our public lands and waters and green spaces, furthers America's conservation legacy. For example, research demonstrates that hunters who become engaged in the sport as children are among the most active and interested sportsmen as adults.

Spending time in the outdoors also supports the outdoor recreation industry. We have a large and growing industry in this country of supply stores, manufacturers, guides, hotels, and other important businesses that are the backbone of many rural communities. In fact, outdoor recreation activities add over $730 billion to the national economy every year. In this time of economic uncertainty, outdoor recreation is one of the bright spots in our economy.

Additionally, at a time when disparities in health status and health insurance rates for minority populations are at an all-time high, particularly in my State of Colorado, the common sense goals of the Healthy Kids Outdoors Act can help level the playing field for good health across America. This legislation will make it easier for all Americans, regardless of cultural differences, geography or socio-economic status, especially children and families, to connect with healthy, active, outdoor lifestyles and the natural world. By doing so, we can combat the obesity epidemic, improve public health overall and bolster America's proud legacy of conservation and outdoor recreation economy.

Finally, I want to note that this bill could play a small role in making sure our children, as they reach adulthood, are qualified to serve in our U.S. military, if they so choose. As a member of the Senate Armed Services Committee, I have seen firsthand the studies that have shown that greater and greater numbers of young adults are ineligible to serve in the Armed Forces due to disqualifying health factors such as being overweight. Nearly one in four applicants is rejected for being overweight, which is the most common reason for medical disqualification. It's not a stretch to say that a more fit population can result in a more secure nation.

This legislation is a small but important step we can take to promote healthy, active lifestyles supporting the use and enjoyment of our natural world. I want to thank the Outdoor Alliance for Kids, whose members include many of the country's leading conservation groups and outdoor recreation companies, for its support and help developing this bill. I also want to thank the Campaign to End Obesity for their endorsement of it. I look forward to working with my colleagues to advance this legislation.

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. 1802

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 ''Healthy Kids Outdoors Act of 2011''.

SEC. 2. FINDINGS.

Congress finds as follows:

(1) Children today are spending less time outdoors than any generation in human history, as evidenced by studies that show children enjoy half as much time outdoors today as they did just 20 years ago, while spending more than 7½ hours every day in front of electronic media.

(2) The health of our children is at risk as evidenced by the growing obesity crisis where, during the 20-year period between 1991 and 2011, the childhood obesity rate has more than doubled and the adolescent obesity rate has tripled, costing the economy of the United States billions of dollars each year.

(3) Our military readiness is declining as nearly 1 in 4 applicants to the military is rejected for being overweight or obese, which is the most common reason for medical disqualification.

(4) Research has shown that military children and families are facing increased stress and mental strain and challenges due to multiple, extended deployments. Military family service organizations have developed programs that connect military children and families with positive, meaningful outdoor experiences that benefit mental and physical health, but they lack sufficient resources to meet increasing demand.

(5) In addition to the negative economic impact of childhood obesity, the outdoor retail industry, many local tourist destinations or ''gateway communities'', and State fish and wildlife agencies rely on revenue generated when individuals spend time outdoors to create jobs in local communities.

(6) Over the past several years, urbanization, changing land use patterns, increasing road traffic, and inadequate solutions to addressing these challenges in the built environment have combined to make it more difficult for many Americans to walk or bike to schools, parks, and play areas or experience the natural environment in general.

(7) Visitation to our Nation's public lands has declined or remained flat in recent years, and yet, connecting with nature and the great outdoors in our communities is critical to fostering the next generation of outdoor enthusiasts who will visit, appreciate, and become stewards of our Nation's public lands.

(8) It takes many dedicated men and women to work to preserve, protect, enhance, and restore America's natural resources, and with an aging workforce in the natural resource professions, it is critical for the next generation to have an appreciation for nature and be ready to take over these responsibilities.

(9) Spending time outdoors in nature is beneficial to our children's physical, mental, and emotional health and has been proven to decrease symptoms of attention deficit and hyperactivity disorder, stimulate brain development, improve motor skills, result in better sleep, reduce stress, increase creativity, improve mood, and reduce children's risk of developing myopia.

(10) Children who spend time playing outside are more likely to take risks, seek out adventure, develop self-confidence, and respect the value of nature.

(11) Spending time in green spaces outside the home, including parks, play areas, and garden, can increase concentration, inhibition of initial impulses, and self-discipline and has been shown to reduce stress and mental fatigue. In one study, children who were exposed to greener environments in a public housing area demonstrated less aggression, violence, and stress.

(12) As children become more disconnected from the natural world, the hunting and angling conservation legacy of America is at risk.

(13) Conservation education and outdoor recreation experiences such as camping, hiking, boating, hunting, fishing, archery, recreational shooting, wildlife watching, and others are critical to engaging young people in the outdoors.

(14) Hunters and anglers play a critical role in reconnecting young people with nature, protecting our natural resources, and fostering a lifelong understanding of the value of conserving the natural world.

(15) Research demonstrates that hunters who become engaged in hunting as children are among the most active and interested hunters as adults. The vast majority of hunters report they were introduced to hunting between the ages of 10 and 12, and the overwhelming majority of children are introduced to hunting by an adult.

(16) A direct childhood experience with nature before the age of 11 promotes a long-term connection to nature.

(17) Parks and recreation, youth-serving, service-learning, conservation, health, education, and built-environment organizations, facilities, and personnel provide critical resources and infrastructure for connecting children and families with nature.

(18) Place-based service-learning opportunities use our lands and waters as the context for learning by engaging students in the process of exploration, action, and reflection. Physical activity outdoors connected with meaningful community service to solve real-world problems, such as removing invasive plants or removing trash from a streambed, strengthens communities by engaging youth as citizen stewards.

(19) States nationwide and their community based partners have some notable programs that connect children and families with nature; however, most States lack sufficient resources and a comprehensive strategy to effectively engage State agencies across multiple fields.

(20) States need to engage in cross-sector agency and nonprofit collaboration that involves public health and wellness, parks and recreation, transportation and city planning, and other sectors focused on connecting children and families with the outdoors to increase coordination and effective implementation of the policy tools and programs that a State can bring to bear to provide healthy outdoor opportunities for children and families.

SEC. 3. DEFINITIONS.

In this Act:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) a State; or

(B) a consortium from one State that may include such State and municipalities, entities of local or tribal governments, parks and recreation departments or districts, school districts, institutions of higher education, or nonprofit organizations.

(2) LOCAL PARTNERS.—The term ''local partners'' means a municipality, entity of local or tribal government, parks and recreation departments or districts, Indian tribe, school district, institution of higher education, nonprofit organization, or a consortium of local partners.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(4) STATE.—The term ''State'' means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, any other territory or possession of the United States, or any Indian tribe.

SEC. 4. COOPERATIVE AGREEMENTS FOR DEVELOPMENT OR IMPLEMENTATION OF HEALTHY KIDS OUTDOORS STATE STRATEGIES.

(a) IN GENERAL.—The Secretary is authorized to issue one cooperative agreement per State to eligible entities to develop, implement, and update a 5-year State strategy, to be known as a ''Healthy Kids Outdoors State Strategy'', designed to encourage Americans, especially children, youth, and families, to be physically active outdoors.

(b) SUBMISSION AND APPROVAL OF STRATEGIES.—

(1) APPLICATIONS.—An application for a cooperative agreement under subsection (a) shall—

(A) be submitted not later than 120 days after the Secretary publishes guidelines under subsection (f)(1); and

(B) include a Healthy Kids Outdoors State Strategy meeting the requirements of subsection (c) or a proposal for development and submission of such a strategy.

(2) APPROVAL OF STRATEGY; PEER REVIEW.—Not later than 90 days after submission of a Healthy Kids Outdoors State Strategy, the Secretary shall, through a peer review process, approve or recommend changes to the strategy.

(3) STRATEGY UPDATE.—An eligible entity receiving funds under this section shall update its Healthy Kids Outdoors State Strategy at least once every 5 years. Continued funding under this section shall be contingent upon submission of such updated strategies and reports that document impact evaluation methods consistent with the guidelines in subsection (f)(1) and lessons learned from implementing the strategy.

(c) COMPREHENSIVE STRATEGY REQUIREMENTS.—The Healthy Kids Outdoors State Strategy under subsection (a) shall include—

(1) a description of how the eligible entity will encourage Americans, especially children, youth, and families, to be physically active in the outdoors through State, local, and tribal—

(A) public health systems;

(B) public parks and recreation systems;

(C) public transportation and city planning systems; and

(D) other public systems that connect Americans, especially children, youth, and families, to the outdoors;

(2) a description of how the eligible entity will partner with nongovernmental organizations, especially those that serve children, youth, and families, including those serving military families and tribal agencies;

(3) a description of how State agencies will collaborate with each other to implement the strategy;

(4) a description of how funding will be spent through local planning and implementation subgrants under subsection (d);

(5) a description of how the eligible entity will evaluate the effectiveness of, and measure the impact of, the strategy, including an estimate of the costs associated with such evaluation;

(6) a description of how the eligible entity will provide opportunities for public involvement in developing and implementing the strategy;

(7) a description of how the strategy will increase visitation to Federal public lands within the state; and

(8) a description of how the eligible entity will leverage private funds to expand opportunities and further implement the strategy.

(d) LOCAL PLANNING AND IMPLEMENTATION.—

(1) IN GENERAL.—A Healthy Kids Outdoors State Strategy shall provide for subgrants by the cooperative agreement recipient under subsection (a) to local partners to implement the strategy through one or more of the program activities described in paragraph (2).

(2) PROGRAM ACTIVITIES.—Program activities may include—

(A) implementing outdoor recreation and youth mentoring programs that provide opportunities to experience the outdoors, be physically active, and teach skills for lifelong participation in outdoor activities, including fishing, hunting, recreational shooting, archery, hiking, camping, outdoor play in natural environments, and wildlife watching;

(B) implementing programs that connect communities with safe parks, green spaces, and outdoor recreation areas through affordable public transportation and trail systems that encourage walking, biking, and increased physical activity outdoors;

(C) implementing school-based programs that use outdoor learning environments,

such as wildlife habitats or gardens, and programs that use service learning to restore natural areas and maintain recreational assets; and

(D) implementing education programs for parents and caregivers about the health benefits of active time outdoors to fight obesity and increase the quality of life for Americans, especially children, youth, and families.

(e) PRIORITY.—In making cooperative agreements under subsection (a) and subgrants under subsection (d)(1), the Secretary and the recipient under subsection (a), respectively, shall give preference to entities that serve individuals who have limited opportunities to experience nature, including those who are socioeconomically disadvantaged or have a disability or suffer disproportionately from physical and mental health stressors.

(f) GUIDELINES.—Not later than 180 days after the date of the enactment of this Act, and after notice and opportunity for public comment, the Secretary shall publish in the Federal Register guidelines on the implementation of this Act, including guidelines for—

(1) developing and submitting strategies and evaluation methods under subsection (b); and

(2) technical assistance and dissemination of best practices under section 7.

(g) REPORTING.—Not later than 2 years after the Secretary approves the Healthy Kids Outdoors State Strategy of an eligible entity receiving funds under this section, and every year thereafter, the eligible entity shall submit to the Secretary a report on the implementation of the strategy based on the entity's evaluation and assessment of meeting the goals specified in the strategy.

(h) ALLOCATION OF FUNDS.—An eligible entity receiving funding under subsection (a) for a fiscal year—

(1) may use not more than 5 percent of the funding for administrative expenses; and

(2) shall use at least 95 percent of the funding for subgrants to local partners under subsection (d).

(i) MATCH.—An eligible entity receiving funding under subsection (a) for a fiscal year shall provide a 25-percent match through in-kind contributions or cash.

SEC. 5. NATIONAL STRATEGY FOR ENCOURAGING AMERICANS TO BE ACTIVE OUTDOORS.

(a) IN GENERAL.—Not later than September 30, 2012, the President, in cooperation with appropriate Federal departments and agencies, shall develop and issue a national strategy for encouraging Americans, especially children, youth, and families, to be physically active outdoors. Such a strategy shall include—

(1) identification of barriers to Americans, especially children, youth, and families, spending healthy time outdoors and specific policy solutions to address those barriers;

(2) identification of opportunities for partnerships with Federal, State, tribal, and local partners;

(3) coordination of efforts among Federal departments and agencies to address the impacts of Americans, especially children, youth, and families, spending less active time outdoors on—

(A) public health, including childhood obesity, attention deficit disorders and stress;

(B) the future of conservation in the United States; and

(C) the economy;

(4) identification of ongoing research needs to document the health, conservation, economic, and other outcomes of implementing the national strategy and State strategies;

(5) coordination and alignment with Healthy Kids Outdoors State Strategies; and

(6) an action plan for implementing the strategy at the Federal level.

(b) STRATEGY DEVELOPMENT.—

(1) PUBLIC PARTICIPATION.—Throughout the process of developing the national strategy under subsection (a), the President may use, incorporate, or otherwise consider existing Federal plans and strategies that, in whole or in part, contribute to connecting Americans, especially children, youth, and families, with the outdoors and shall provide for public participation, including a national summit of participants with demonstrated expertise in encouraging individuals to be physically active outdoors in nature.

(2) UPDATING THE NATIONAL STRATEGY.—The President shall update the national strategy not less than 5 years after the date the first national strategy is issued under subsection (a), and every 5 years thereafter. In updating the strategy, the President shall incorporate results of the evaluation under section 6.

SEC. 6. NATIONAL EVALUATION OF HEALTH IMPACTS.

The Secretary, in coordination with the Secretary of Health and Human Services, shall—

(1) develop recommendations for appropriate evaluation measures and criteria for a study of national significance on the health impacts of the strategies under this Act; and

(2) carry out such a study.

SEC. 7. TECHNICAL ASSISTANCE AND BEST PRACTICES.

The Secretary shall—

(1) provide technical assistance to grantees under section 4 through cooperative agreements with national organizations with a proven track record of encouraging Americans, especially children, youth, and families, to be physically active outdoors; and

(2) disseminate best practices that emerge from strategies funded under this Act.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this Act—

(1) $1,000,000 for fiscal year 2013;

(2) $2,000,000 for fiscal year 2014;

(3) $3,000,000 for fiscal year 2015;

(4) $4,000,000 for fiscal year 2016; and

(5) $5,000,000 for fiscal year 2017.

(b) LIMITATION.—Of the amounts made available to carry out this Act for a fiscal year, not more than 5 percent may be made available for carrying out section 7.

(c) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this Act shall be used to supplement, and not supplant, any other Federal, State, or local funds available for activities that encourage Americans, especially children, youth, and families to be physically active outdoors.

By Mr. REED (for himself, Mr. DURBIN, Mr. WHITEHOUSE, Mr. LEVIN, and Mr. MERKLEY):

S. 1804. A bill to amend title IV of the Supplemental Appropriations Act, 2008 to provide for the continuation of certain unemployment benefits, and for other purposes; to the Committee on Finance.

Mr. REED. Mr. President, today I am introducing the Emergency Unemployment Compensation Extension Act of 2011 to ensure that millions of unemployed Americans will not lose desperately needed unemployment benefits and to provide relief to states and employers that are facing automatic penalties for overdrawing on their unemployment insurance trust fund during the worst unemployment crisis in modern history. I am pleased to be joined by my colleagues Senators DURBIN, WHITEHOUSE and LEVIN.

Fourteen million Americans are looking for work and the average length of unemployment is 40 weeks. Rhode Island has endured especially high and persistent rates of unemployment. If Congress fails to extend unemployment benefits or if benefits lapse for as little as a month—10,000 Rhode Islanders and 2 million Americans nationwide will fall through the safety-net and lose benefits. This would have far reaching impacts on families, communities, and businesses. It would seriously endanger our economic recovery as a whole.

The legislation would continue funding for the Federal unemployment programs for jobless workers through 2012 by extending the Emergency Unemployment Compensation Program and making improvements to the Extended Benefits Program.

The bill will also provide relief for States and employers that have been hit the hardest by our unemployment crisis and whose unemployment trust funds have been subjected to historic levels of stress by providing a 1 year moratorium on interest payments for States and tax relief for employers in States with outstanding unemployment trust fund loans.

Requiring States to make such interest repayments now, at a time when they face massive budget deficits and the economy is still weak does not make economic sense. Nor does requiring businesses to pay an additional tax of $21 per employee for the 2011 tax year.

This bill would provide immediate relief and certainty to 23 States with outstanding loans and all of their employers facing automatic tax increases that are otherwise set to be assessed as soon as January 31, 2012.

For States that have remained solvent during this crisis, they would receive a 2 percent interest bonus on trust fund reserves. This reflects the need to start moving in the direction of replenishing and maintaining solvent unemployment trust funds, which is why I joined Senator DURBIN in introducing the Unemployment Insurance Solvency Act earlier this year.

Unfortunately, today's legislation is necessary because Republicans have blocked passage of the President's American Jobs Act. The American Jobs Act proposed extending the EUC and EB programs along with incorporating several important reforms to the Ul system. These reforms would provide enhanced assistance to the long-term unemployed in their job search and ensure benefits are being administered properly. Indeed, as we look to extend unemployment benefits to those who have been harmed by this economy through no fault of their own and aid States and employers, we must be mindful to enhance the integrity of the unemployment system and prevent improper payments, which hurt taxpayers and ultimately erode benefits for those

that are most in need. It is my hope that Congress and States, which are responsible for administering these programs, continue to improve the integrity and functioning of our Ul system.

We know what policies will strengthen our recovery. Extending benefits and addressing solvency are among them and I urge my colleagues to join us in cosponsoring and pressing for action on this important legislation.

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. 1804

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 ''Emergency Unemployment Compensation Extension Act of 2011''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—EXTENSION OF UNEMPLOYMENT PROGRAMS

Sec. 101. Temporary extension of unemployment insurance provisions.
Sec. 102. Modification of indicators under the extended benefit program.
Sec. 103. Additional extended unemployment benefits under the Railroad Unemployment Insurance Act.

TITLE II—STATE AND EMPLOYER ASSISTANCE

Sec. 201. Extension of temporary assistance for States with advances.
Sec. 202. FUTA credit reductions for 2011 contingent on voluntary agreements.
Sec. 203. Assistance contingent on voluntary agreements.
Sec. 204. Solvency bonus.

TITLE I—EXTENSION OF UNEMPLOYMENT PROGRAMS

SEC. 101. TEMPORARY EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.

(a) IN GENERAL.—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(A) by striking ''January 3, 2012'' each place it appears and inserting ''January 3, 2013'';

(B) in the heading for subsection (b)(2), by striking ''JANUARY 3, 2012'' and inserting ''JANUARY 3, 2013''; and

(C) in subsection (b)(3), by striking ''June 9, 2012'' and inserting ''June 8, 2013''.

(2) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking ''January 4, 2012'' each place it appears and inserting ''January 4, 2013''; and

(B) in subsection (c), by striking ''June 11, 2012'' and inserting ''June 11, 2013''.

(3) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110–449; 26 U.S.C. 3304 note) is amended by striking ''June 10, 2012'' and inserting ''June 10, 2013''.

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (F), by striking ''and'' at the end; and

(2) by inserting after subparagraph (G) the following:

''(H) the amendments made by section 101(a)(1) of the Emergency Unemployment Compensation Extension Act of 2011; and''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (Public Law 111–312).

SEC. 102. MODIFICATION OF INDICATORS UNDER THE EXTENDED BENEFIT PROGRAM.

(a) EXTENSION.—Section 203 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) is amended—

(1) in subsection (d), by striking ''December 31, 2011'' and inserting ''December 31, 2012''; and

(2) in subsection (f)(2), by striking ''December 31, 2011'' and inserting ''December 31, 2012''.

(b) INDICATOR.—Section 203(d) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) is amended by adding at the end the following: ''Effective with respect to compensation for weeks of unemployment beginning on or after January 1, 2012 (or, if later, the date established pursuant to State law) and ending on or before December 31, 2012, the State may by statute, regulation, or other issuance having the force and effect of law provide that the determination of whether there has been a State 'on' or 'off' indicator beginning or ending any extended benefit period shall be made under this subsection, disregarding subparagraph (A) of paragraph (1) and disregarding 'either subparagraph (A) or' in paragraph (2).''.

(c) ALTERNATIVE TRIGGER.—Section 203(f) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

''(3) Effective with respect to compensation for weeks of unemployment beginning on or after January 1, 2012 (or, if later, the date established pursuant to State law) and ending on or before December 31, 2012, the State may by statute, regulation, or other issuance with the force and effect of law provide that the determination of whether there has been a State 'on' or 'off' indicator beginning or ending any extended benefit period shall be made under this subsection, disregarding clause (ii) of paragraph (1)(A) and as if paragraph (1)(B) had been amended by striking 'either the requirements of clause (i) or (ii)' and inserting 'the requirements of clause (i)'.''.

SEC. 103. ADDITIONAL EXTENDED UNEMPLOYMENT BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.

(a) EXTENSION.—Section 2(c)(2)(D)(iii) of the Railroad Unemployment Insurance Act, as added by section 2006 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) and as amended by section 9 of the Worker, Homeownership, and Business Assistance Act of 2009 (Public Law 111–92) and section 505 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (Public Law 111–312), is amended—

(1) by striking ''June 30, 2011'' and inserting ''June 30, 2012''; and

(2) by striking ''December 31, 2011'' and inserting ''December 31, 2012''.

(b) CLARIFICATION ON AUTHORITY TO USE FUNDS.—Funds appropriated under either the first or second sentence of clause (iv) of section 2(c)(2)(D) of the Railroad Unemployment Insurance Act shall be available to cover the cost of additional extended unemployment benefits provided under such section 2(c)(2)(D) by reason of the amendments made by subsection (a) as well as to cover the cost of such benefits provided under such section 2(c)(2)(D), as in effect on the day before the date of the enactment of this Act.

TITLE II—STATE AND EMPLOYER ASSISTANCE

SEC. 201. EXTENSION OF TEMPORARY ASSISTANCE FOR STATES WITH ADVANCES.

Section 1202(b)(10)(A) of the Social Security Act (42 U.S.C. 1322(b)(10)(A)) is amended, in the matter before clause (i), by striking ''2010—'' and inserting ''2010 and the 12-month period beginning on October 1, 2011—''.

SEC. 202. FUTA CREDIT REDUCTIONS FOR 2011 CONTINGENT ON VOLUNTARY AGREEMENTS.

(a) IN GENERAL.—Section 3302(c) of the Internal Revenue Code of 1986 is amended—

(1) by redesignating paragraph (3) as paragraph (4), and

(2) by inserting after paragraph (2) the following new paragraph:

''(3)(A) If a State has entered into a voluntary agreement under section 203 of the Emergency Unemployment Compensation Extension Act of 2011, the provisions of paragraph (2) shall be applied with respect to the taxable year beginning January 1, 2011, or any succeeding taxable year, by deeming January 1, 2012, to be the first January 1 occurring after January 1, 2010. For purposes of paragraph (2), consecutive taxable years in the period commencing January 1, 2012, shall be determined as if the taxable year which begins on January 1, 2012, were the taxable year immediately succeeding the taxable year which began on January 1, 2010. No taxpayer shall be subject to credit reductions under this paragraph for the taxable year beginning January 1, 2011.

''(B) If the voluntary agreement specified in subparagraph (A) is terminated under section 203(e) of the Emergency Unemployment Compensation Extension Act of 2011, subparagraph (A) shall not be effective for any taxable year.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 2010.

SEC. 203. ASSISTANCE CONTINGENT ON VOLUNTARY AGREEMENTS.

(a) IN GENERAL.—The amendment made by section 201 shall not apply with respect to any State with which the Secretary of Labor has not entered into a voluntary agreement under this section.

(b) APPLICATION.—Any State that has 1 or more outstanding repayable advances from the Federal unemployment account under section 1201 of the Social Security Act (42 U.S.C. 1321) may apply to the Secretary of Labor to enter into a voluntary agreement under this section.

(c) REQUIREMENTS.—An application described in subsection (b) shall be submitted within such time, and in such form and manner, as the Secretary of Labor may require, except that any such application shall include certification by the State that during the period of the agreement—

(1) the method governing the computation of regular compensation under the State law of the State will not be modified in a manner such that the average weekly benefit amount of regular compensation which will be payable during the period of the agreement will be less than the average weekly benefit amount of regular compensation which would have otherwise been payable under the State law as in effect on the date of the enactment of this subsection;

(2) the State law of the State will not be modified in a manner such that any unemployed individual who would be eligible for regular compensation under the State law in effect on such date of enactment would be ineligible for regular compensation during the period of the agreement or would be subject to any disqualification during the period of the agreement that the individual would not have been subject to under the State law in effect on such date of enactment; and

(3) the State law of the State will not be modified in a manner such that the maximum amount of regular compensation that any unemployed individual would be eligible to receive in a benefit year during the period of the agreement will be less than the maximum amount of regular compensation that the individual would have been eligible to receive during a benefit year under the State law in effect on such date of enactment.

(d) DECISION.—The Secretary of Labor shall review any application received from a State to enter into a voluntary agreement under this section and, within 30 days after the date of receipt, approve or disapprove the application and notify the Governor of the State of the Secretary's decision, including—

(1) if approved, the effective date of the agreement; and

(2) if disapproved, the reasons why it was disapproved.

(e) TERMINATION.—

(1) IN GENERAL.—If, after reasonable notice and opportunity for a hearing, the Secretary of Labor finds that a State with which the Secretary has entered into an agreement under this section has modified State law so that it no longer contains the provisions specified in paragraph (1), (2), or (3) of subsection (c) or has failed to comply substantially with any of those provisions, the agreement shall be terminated, effective as of such date as the Secretary shall determine, but in no event later than December 31, 2012.

(2) EFFECT WITH RESPECT TO REPAYABLE ADVANCES.—If an agreement under this section with a State is terminated, then, effective as of the termination date of such agreement, paragraph (10) of section 1202(b) of the Social Security Act shall, for purposes of such State, be applied as if subparagraph (A) of such paragraph had been amended by striking the date specified in such subparagraph (in the matter before clause (i) thereof) and inserting the termination date of such agreement.

(f) REGULATIONS.—Any regulations or guidance necessary to carry out this title or any of the amendments made by this title may be prescribed by—

(1) to the extent that they relate to section 201, the Secretary of Labor; and

(2) to the extent that they relate to section 202, the Secretary of the Treasury.

(g) DEFINITIONS.—For purposes of this section, the terms ''State'', ''State law'', ''regular compensation'', and ''benefit year'' have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

SEC. 204. SOLVENCY BONUS.

Section 904 of the Social Security Act (42 U.S.C. 1104) is amended by adding at the end the following:

''Solvency Bonus

''(h)(1) Notwithstanding any other provision of this section, the amount which is credited under subsection (e) to the book account of the State agency of a solvent State shall, for each quarter to which this subsection applies, be equal to the amount which would be determined under this section, for such State agency and for such quarter, if the 5th sentence of subsection (b) were applied by using—

''(A) the average rate of interest which (but for this subsection) would otherwise have been determined under subsection (b) for purposes of such quarter; plus

''(B) an additional 2 percentage points.

''(2) For purposes of this subsection, a State shall be considered to be a 'solvent State' if the outstanding balance for such State of advances under title XII is equal to zero. A determination as to whether or not a State is a solvent State shall be made by the Secretary of Labor—

''(A) for each State;

''(B) for each quarter to which this subsection applies; and

''(C) based on such date or period (before the 1st day of such quarter), and otherwise in such manner, as the Secretary of Labor shall determine in consultation with the Secretary of the Treasury.

''(3) This subsection applies to each quarter in calendar year 2012.

''(4) Nothing in this subsection shall have the effect of causing the amount which is credited under subsection (e) to any account in the Fund for any quarter to be less than the amount which (disregarding this subsection) would otherwise have been so credited to such account for such quarter.''.

By Mr. JOHANNS:

S. 1805. A bill to prohibit the Administrator of the Environmental Protection Agency from rejecting or otherwise determining to be inadequate a State implementation plan in any case in which the State submitting the plan has not been given a reasonable time to develop and submit the plan in accordance with a certain provision of the Clean Air Act; to the Committee on Environment and Public Works.

Mr. JOHANNS. Mr. President, few things provide me with greater charity than conversations I have with people back home in Nebraska. I rise to discuss a few of those conversations I had just last week during our work period back home. I used this opportunity to meet with electricity providers serving Nebraskans across the great State of Nebraska, from the more populated areas such as Omaha, to smaller communities such as Hastings, NE.

It will come as no surprise, I believe to anyone, that the focus of their frustration, their anger is with the EPA. They feel they have been treated unfairly. They feel the Agency has not been straight forward or transparent. They feel they now have a target on their backs, and they know that compliance with the latest EPA regulatory bombshell is going to have a crushing impact on the communities they serve.

Their latest concern is a rule known as the cross-state air pollution rule or cross-state. The rule addresses airborne emissions that EPA claims cross State lines and may affect air quality in another State. EPA issued the final rule in July of this year. Let me repeat that. EPA issued the final rule in July of this year and then demanded compliance by January 2012.

That is 6 months. That is an impossibility and EPA knows it. Here is why it is an impossibility. This is especially relevant to my State. Nebraska was not included in the old version of the same rule, the so-called clean air interstate rule. We were not a part of it. The final rule changed dramatically from the proposed version.

For example, the required reductions increased dramatically from the proposed rule that was published in July of 2010. So Nebraska first found itself subject to this type of EPA rule in the proposed rule in July of 2010. Then the final rule arrives a year later and, boom, it is a dramatically different rule—more severe reductions in compliance in an almost laughable 6 months.

Basically, Nebraska gets a final rule thrust upon them and no opportunity to comply. That could not be more unjust. Draconian changes made in a final rule that depart so significantly from the proposed rule defeat the very purpose of our laws that prescribe how agencies are supposed to make rules. I ran one of those agencies as Secretary of Agriculture.

This process makes a mockery out of the rulemaking process. It makes public comments absolutely meaningless. What good does review of a proposed rule do when the final rule is so radically different from the original proposal? It also means the community regulated cannot plan and cannot fix the problem.

This is our government we are talking about. Utilities cannot go to their ratepayers and say: Look, we have to make changes. It is going to take some time and money, but here is our plan and here is how much it will cost as a ratepayer. EPA has totally shoved aside the traditional role that some State regulators play as an EPA partner in establishing clean air plans known as State implementation plans. In fact, in this case, the EPA established a Federal implementation plan, a one-size-fits-all national plan that completely rejects State efforts to manage compliance.

Our power providers and regulators are echoing this same message. There just is not enough time for them. Instead of 3 or 5 or 10 years that is needed, by administrative fiat, EPA has said: They get 6 months to rebuild a powerplant. Let me be crystal clear about what Nebraska's power providers did and did not do.

They did not say: We cannot change and we will not change. They did not say: Just leave me alone. What they did say to me, very clearly, is: We cannot waive a magic wand. We cannot do the impossible. We cannot put together the finance plan in 6 months. We cannot put a request for bid out and get the work done in 6 months. We cannot get a design plan written by a competent engineering firm. We cannot arrange for a plant shutdown. We cannot get the construction crews to our facility, especially as cold weather sets into our State between now and January 1 to rebuild the powerplants. It simply is not humanly possible.

What options are possible? Someone listening to me might ask: What options do they have? Unfortunately, the

first thing our providers are doing is just trying to understand the rule. That in itself is no small task, because as I explained, the rule is essentially brand new. The ink is barely dry. The EPA did a head fake. They said: Here is the rule and then completely changed it in the final rule.

Secondly, electricity providers are making plans—get this. They are making plans all across this country to decrease electric generation because of this rule. In Hastings, NE, ratepayers have been told to expect an increase in operating costs of at least $3.8 million per year. Including costs of retrofits for this rule and two others that are in the works by EPA, Hastings figures $40 to $50 million will be spent over the next 5 years.

Think about that for a second. Imagine $40 to $50 million for a community of 25,000 people. That is for Hastings and only if the utility can figure out how it can get it done. Guess who bears the brunt of these costs. Every Hastings resident with an electricity meter—not shareholders. This is not a big electric company. No shareholder equity will be drawn down, no preferred stock to be newly issued. We are, in our State, a 100-percent public power State. Just those folks in Hastings, NE, because they got swept into an EPA rule last July with a January deadline. Fremont, NE, another great Nebraska community caught in the crosshairs, has indicated the cross-state rule and two other EPA rules will cost customers about $35 million over the next 3 years.

In New York City or Washington, DC, $35 million may seem insignificant. But to the 25,000 residents of Fremont, NE, it is a huge deal. Similarly, the cross-state rule will cost the Nebraska public power district, our largest electricity provider, about $6 million next year in reduced revenue, as well as mandating about $40 million in costs before the end of 2012. Electricity providers across the State are all looking at purchasing power from other generators. The only way they can get compliance now is to reduce generation.

Of course, many neighboring utilities in the State are subject to the same final rule. Guess what. This is the problem across the country. So everybody is in the hunt, and the short compliance timeframe is likely to drive the price of energy even higher. Another option includes purchasing pollution credits on the open market. No one knows how much it will cost because the same comprised timeline affects the markets for credits.

People may have also noticed I have not mentioned the bid, the design, the implementation, the installation of pollution control equipment as a compliance strategy, because in our State, that possibility is not an option for us because of the EPA's timeline. Six months is not enough time, especially when the labor, the technical knowledge, the contractors, the financing are all being chased by our utilities subject to the same rule.

Is it any wonder people are frustrated? Is it any wonder at all? That is why today I am introducing legislation that addresses the way the EPA handled this rule. My bill takes a couple reasonable steps to address this unfair treatment, not only in my State but in 27 other States. First, under my bill, EPA is prohibited from dictating Federal implementation plans unless the Agency has given the State a sufficient amount of time to develop a plan.

The State must be given 2 years to put a plan in place. In addition, if my bill is enacted, EPA cannot choose to reject a State's plan if, as a result, compliance would immediately follow. In other words, my bill prohibits EPA from jamming States by rejecting their plans and requiring an unreasonable compliance timeframe. Finally, my bill says EPA's compliance deadlines are set aside for 3 years while States get a chance to put this together. The message of my bill is straightforward: Do not freeze out States. Do not jam us with a compliance schedule that everybody knows will not work.

Nebraskans, similar to everybody else, are tired of being treated as second-class citizens by an agency that has run amuck. I suspect the same is true of 27 other States. Nebraskans simply cannot believe EPA is hitting the accelerator on a rule that will drive up electricity bills in more than half the country with no way for States to comply.

I share their frustration. The EPA is in a constant thirst for power. I urge my colleagues to cosponsor this legislation, to introduce one small dose of common sense to this out-of-control agency.

By Mr. BINGAMAN:

S. 1807. A bill to amend the Federal Nonnuclear Energy Research and Development Act of 1974 to provide for the prioritization, coordination, and streamlining of energy research, development, and demonstration programs to meet current and future energy needs, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I am pleased to introduce the Energy Research and Development Coordination Act of 2011. This bill updates one of the basic statutes governing energy research and development, the Federal Nonnuclear Energy Research and Development Act of 1974, to improve the planning and coordination of energy research and development government-wide. It also puts in place a mechanism to allow Congress to see a consolidated annual budget for all energy research, development, and demonstration activities across the Federal agencies, and to provide an opportunity to better coordinate and reduce unnecessary duplication in these activities.

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. 1807

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 ''Energy Research and Development Coordination Act of 2011''.

SEC. 2. COMPREHENSIVE PLAN FOR ENERGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION.

(a) IN GENERAL.—Section 6 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5905) is amended—

(1) by striking the section heading and all that follows through the end of subsection (a) and inserting the following:

''SEC. 6. COMPREHENSIVE PLANNING AND PROGRAMMING.

''(a) COMPREHENSIVE PLAN.—

''(1) IN GENERAL.—The Secretary, in consultation with the National Energy Research Coordination Council established under section 18, shall submit to Congress, along with the annual submission of the budget by the President under section 1105 of title 31, United States Code, a comprehensive plan for energy research, development, and demonstration programs across the Federal Government.

''(2) RELATIONSHIP TO OTHER REVIEWS.—The plan—

''(A) shall be based on the most recent Quadrennial Energy Review prepared under section 801 of the Department of Energy Organization Act (42 U.S.C. 7321); and

''(B) may take into account key energy developments since the most recent Quadrennial Energy Review.

''(3) REVISIONS.—The plan shall be appropriately revised annually in accordance with section 15(a).

''(4) GOALS.—The plan shall be designed to achieve solutions to problems in energy supply, transmission, and use (including associated environmental problems) in—

''(A) the immediate and short-term (the period up to 5 years after submission of the plan);

''(B) the medium-term (the period from 5 years to 15 years after submission of the plan); and

''(C) the long-term (the period beyond 15 years after submission of the plan).''; and

(2) in subsection (b), by striking ''(b)(1)'' and all that follows through the end of paragraph (1) and inserting the following:

''(b) DEPARTMENT OF ENERGY PROGRAM.—

''(1) PROGRAM.—

''(A) IN GENERAL.—Based on the comprehensive plan developed under subsection (a), the Secretary shall develop and submit to Congress, along with the annual budget submission for the Department, a detailed description of an energy research, development, and demonstration program to implement the aspects of the comprehensive plan appropriate to the Department.

''(B) UPDATES.—The program shall be updated and transmitted to Congress annually as a part of the report required under section 15.''.

(b) REPORTS.—Section 15 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5914) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''this Act'' and inserting ''this Act and the plan under this Act'';

(B) in paragraph (2), by striking ''nuclear and nonnuclear''; and

(C) in paragraph (3), by striking ''nonnuclear'';

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''nonnuclear'' and inserting ''energy''; and

(B) in paragraph (1), by striking ''objections'' and inserting ''objectives''; and

(3) by striking subsection (c) and inserting the following:

''(c) ADMINISTRATION.—Section 3003 of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note; Public Law 104–66) shall not apply to this section.''.

SEC. 3. COORDINATION AND REDUCTION OF DUPLICATION OF ENERGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION ACTIVITIES.

The Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5901 et seq.) is amended by adding at the end the following:

''SEC. 18. COORDINATION AND REDUCTION OF DUPLICATION OF ENERGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION ACTIVITIES.

''(a) DEFINITIONS.—In this section:

''(1) ANNUAL BUDGET SUBMISSION.—The term 'annual budget submission' means the budget proposal of the President transmitted under section 1105 of title 31, United States Code.

''(2) CHAIRPERSONS.—The term 'Chairpersons' means—

''(A) the Director of the Office of Science and Technology Policy; and

''(B) the Secretary.

''(3) COMPREHENSIVE PLAN.—The term 'comprehensive plan' means the comprehensive plan for energy research, development, and demonstration developed under sections 6(a) and 15(a).

''(4) COUNCIL.—The term 'Council' means the National Energy Research Coordination Council established under subsection (b).

''(5) ENERGY PROGRAM AGENCY.—The term 'energy program agency' means an executive department or agency for which the annual expenditure budget for energy research, development, and demonstration activities, including activities described in section 6(b), exceeds $10,000,000.

''(b) NATIONAL ENERGY RESEARCH COORDINATION COUNCIL.—

''(1) ESTABLISHMENT.—There is established within the Department a National Energy Research Coordination Council to coordinate the development and funding of energy research, development, and demonstration activities for all energy program agencies.

''(2) COMPOSITION.—The Council shall be composed of—

''(A) the Director of the Office of Science and Technology Policy and the Secretary, who shall jointly serve as Chairpersons of the Council;

''(B) the Director of the Office of Management and Budget;

''(C) the head of any energy program agency; and

''(D) such other officers or employees of executive departments and agencies as the President may, from time to time, designate.

''(c) NATIONAL ENERGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROGRAM BUDGET.—

''(1) IN GENERAL.—The Chairpersons shall—

''(A) in coordination with the Council, establish for each fiscal year a consolidated budget proposal to implement the comprehensive plan, taking into account—

''(i) applicable recommendations of the National Academy of Sciences under this Act; and

''(ii) the need to avoid unnecessary duplication of programs across Federal agencies;

''(B) provide budget guidance, coordination, and review in the development of energy research, development, and demonstration budget requests submitted to the Office of Management and Budget by each energy program agency; and

''(C) submit to the President and Congress the consolidated budget proposal under subparagraph (A) as part of the annual budget submission.

''(2) TIMING AND FORMAT OF BUDGET REQUESTS.—The head of each energy program agency shall ensure timely budget development and submission to the Chairpersons of energy research, development, and demonstration budget requests, in such format as may be determined by the Chairpersons with the concurrence of the Director of the Office of Management and Budget.

''(d) COORDINATION OF IMPLEMENTATION.—The Chairpersons, in consultation with the Council, shall—

''(1) establish objectives and priorities for energy research, development, and demonstration functions under this Act;

''(2) review the implementation of the comprehensive plan in all energy program agencies;

''(3) make such recommendations to the President as the Chairpersons determine are appropriate regarding changes in the organization, management, and budgets of energy program agencies—

''(A) to implement the policies, objectives, and priorities established under paragraph (1) and the comprehensive plan; and

''(B) to avoid unnecessary duplication of programs across Federal agencies; and

''(4) notify the head of an energy program agency if the policies or activities of the energy program agency are not in compliance with the responsibilities of the energy program agency under the comprehensive plan.

''(e) REPORTS FROM THE NATIONAL ACADEMY OF SCIENCES.—

''(1) IN GENERAL.—The Secretary, in consultation with the Council, may enter into appropriate arrangements with the National Academy of Sciences under which the Academy shall prepare reports that evaluate and provide recommendations with respect to specific areas of energy research, development, and demonstration, including areas described in section 6(b) and fundamental science and engineering research supporting those areas.

''(2) SUBMISSION TO CONGRESS.—The Secretary shall submit to Congress a copy of each report prepared under this subsection.

''(f) INDEPENDENT ADMINISTRATION OF COUNCIL.—

''(1) LOCATION.—The physical location of the Council shall be separate and distinct from the headquarters of the Department.

''(2) BUDGET.—The Secretary shall submit the budget of the Council as a separate and distinct element of the budget submission of the Department for a fiscal year.

''(3) PERSONNEL.—

''(A) IN GENERAL.—The Secretary shall ensure that the Council has necessary administrative support and personnel of the Department to carry out this section.

''(B) COUNCIL PERSONNEL.—

''(i) IN GENERAL.—The Chairpersons shall select, appoint, employ, and fix the compensation of such officers and employees of the Council as are necessary to carry out the functions of the Council.

''(ii) AUTHORITY.—Each officer or employee of the Council—

''(I) shall be responsible to and subject to the authority, direction, and control of the Chairpersons, acting through an Executive Director appointed by the Chairpersons or the designee of the Executive Director; and

''(II) shall not be responsible to, or subject to the authority, direction, or control of, any other officer, employee, or agent of the Department or Office of Science and Technology Policy.

''(C) PROHIBITION ON DUAL OFFICE HOLDING.—An individual may not concurrently hold or carry out the responsibilities of—

''(i) a position within the Council; and

''(ii) a position within the Department or Office of Science and Technology Policy that is not within the Council.

''(g) GAO REVIEW OF EFFECTIVENESS OF COUNCIL.—Not later than 3 years after the date of enactment of this section and every 3 years thereafter, the Comptroller General of the United States shall submit to Congress a management assessment of the Council, including an assessment of whether the Council is—

''(1) adequately staffed with personnel with necessary skills;

''(2) properly coordinating and disseminating policy and budget information to the energy program agencies and managers on an effective and timely basis; and

''(3) aligning the overall energy research, development, and demonstration budget so as to achieve the comprehensive plan and avoid unnecessary duplication of programs across Federal agencies.''.

By Mr. KERRY:

S. 1809. A bill To amend the Public Health Service Act to revise and extend the program for viral hepatitis surveillance, education, and testing in order to prevent deaths from liver cancer, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KERRY. Mr. President, there is a silent epidemic in our country that today threatens the lives of more than 5 million Americans. Of those people afflicted with this disease, 150,000 will not survive this decade. In 2008 alone, an estimated 56,000 Americans were newly infected while as many as 75 percent of all infected people did not even know that they carried this disease. Without further preventative action, this growing health threat will only cost more lives and hundreds of billions in additional health care expenses. This ticking time bomb is viral hepatitis.

That is bad news. But there is also cause for hope.

Treatment already exists that can eradicate hepatitis C in close to 75 percent of people with the disease. Another treatment reduces the level of hepatitis B in over 80 percent of those treated. There has been a vaccine against hepatitis B for decades that has left millions immune to that strain of virus. We understand how viral hepatitis is spread, how it can be prevented, and how to test people for infection. There have just been a string of significant medical advances that will improve the effectiveness of viral hepatitis screening and treatment.

It is clear that we already have the tools at our disposal to prevent, treat, and control the vast majority of these infections, now what we need is a coordinated strategy to put these tools to work.

That is why I am introducing the Viral Hepatitis Testing Act of 2011, which appropriates $110 million over five years to improve education, testing, and care for viral hepatitis across Massachusetts and in local communities around the country. This legislation is a down-payment on a national effort to fight and ultimately eradicate hepatitis B and C in America. I hope

my colleagues on both sides of the aisle will join me in cosponsoring this effort.

Viral hepatitis is known as a silent killer because it can stay a-symptomatic for years before it leads to serious liver disease. It is the most common cause of liver cancer and yet doctors and patients alike are often largely uninformed about this disease. Hepatitis B is 100 times more infectious than HIV and has spread to an estimated 2 billion people worldwide while hepatitis C has reached about 170 million people. Chronic viral hepatitis is widespread and it is dangerous.

Last year, the Institute of Medicine released a report outlining a number of specific recommendations on how to combat viral hepatitis. To build on those recommendations, Assistant Secretary of Health Dr. Howard Koh convened a task force and developed a detailed, comprehensive action plan to combat the pervasive spread of this disease. These recommendations served as the foundation for the legislation I am proposing today.

As of today, there is no coordinated national strategy in place to fight viral hepatitis. The action plan put forward by Dr. Koh and his team seeks to rectify that problem by incorporating standardized viral hepatitis prevention and treatment programs into the health care infrastructure that already exists. The bill I introduced today would quickly implement a number of these programs and provides the Department of Health and Human Services with the resources to act.

The first step in prevention is determining who is infected with the virus so they can receive the appropriate care and will be less likely to pass on this disease to others. In order to determine the prevalence of the problem and to increase the number of people who are aware of their infection, The Viral Hepatitis Testing Act calls for HHS to work with the Center for Disease Control and Prevention, the Agency for Healthcare Research and Quality, and the Preventive Services Task Force to develop and implement effective surveillance and testing protocols. Whereas 75 percent of people carrying viral hepatitis today do not even know they are infected, improved testing could flip that disturbing statistic on its head in just 5 years.

It is also a sad reality that a number of minority populations are at greatly increased risk for contracting viral hepatitis. Asian-Americans and Pacific Islanders account for over half of chronic hepatitis B cases. African Americans, Latinos, and American Indians and Native Alaskans also have disproportionately high rates of these viruses. Additionally, without the proper preventative care, there is a high likelihood that pregnant women who carry the virus will pass it on to their unborn children.

For those reasons, the legislation I introduced today also focuses on screening and treating high-risk populations and pregnant mothers for viral hepatitis. Educational programs targeting high-risk groups will empower people to protect themselves from contracting hepatitis, and ensuring that people who have viral hepatitis receive the appropriate follow-up care will further help to prevent the spread of this epidemic.

Additionally, providing doctors with the proper training on the causes, symptoms, and treatments would also go a long way toward stemming the tide of transmission and improving outcomes for patients who have contracted the disease. This legislation makes supplemental viral hepatitis training for health care professionals a priority.

To do the things we need to do in order to save lives and control this deadly epidemic, we are going to have to make a relativelodest investment. The Viral Hepatitis Testing Act appropriates $110 million over 5 years that will go toward implementing the educational, screening, and treatment measures required under this act. Rather than creating a whole new hepatitis prevention apparatus, this funding will be used to integrate these new and improved procedures into the existing health care infrastructure through grants to public and nonprofit private entities, including States, Indian tribes, and public:private partnerships.

The human benefits of this legislation are undeniable—these provisions will reduce transmission, improve the quality of life for people with viral hepatitis, and prevent the deaths of countless mothers and fathers and children. It is also undeniable that this is a wise investment of resources and good policy. These investments are a classic case of using limited resources to maximum impact, as we invest a modest amount of money today in order to save lives, pain, and tens of billions of dollars tomorrow.

Today, hepatitis B costs patients around $2.5 billion per year. With baby boomers aging into Medicare and accounting for an estimated two out of every three cases of chronic hepatitis C, medical costs for treating this disease are expected to skyrocket from $30 billion to more than $85 billion in 2024. Late diagnosis is a significant driver of costs, as more expensive procedures and treatments are required the further the infection has progressed. To put this in even starker terms, the cost of the hepatitis B vaccine ranges from $75 to $165, while treatment can cost up to $16 thousand per year for a single person, or up to $110 thousand per hospital visit, should the disease develop into liver cancer.

Viral hepatitis is an increasingly significant issue for Massachusetts. The Department of Public Health reports over 2,000 cases of newly diagnosed chronic Hepatitis B infection and 8,000 to 10,000 cases of newly diagnosed chronic Hepatitis C infection each year. Viral hepatitis is the highest volume of reportable infectious diseases in the state. Additionally, there continues to be a striking increase in cases of hepatitis C infection among adolescents and young adults in the State, which suggests that there is a new epidemic of the disease taking hold.

Until recently, the Massachusetts State Legislature provided $1.4 million for surveillance to detect outbreaks and behaviors of concern as well as for targeted screening and treatment of high-risk populations. Today, however, as this public health threat spreads, all of that funding has been eliminated due to budget cuts. Massachusetts receives just $104,305 from the CDC for an Adult Viral Hepatitis Prevention Coordinator. This is a valuable position but it is not nearly enough to support core public health services. The Viral Hepatitis Testing Act will allow Massachusetts to invest in a sustainable infrastructure that would improve health care for our citizens.

The choice is ours: we can either invest in preventative programs and more robust screening now or we can just let this epidemic continue to proliferate around the country and foot the bill later for the expensive surgical procedures, medicines, and hospital bills that will only continue to grow.

Without action, thousands more Americans will die year from preventa seases. We know what we need to do; now it is up to us to do it. Let us not make excuses. Let us lower health care costs for American families, improve the quality o our care, and save lives. I again urge my colleagues to join me in cosponsoring this important legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 310—DESIGNATING 2012 AS THE ''YEAR OF THE GIRL'' AND CONGRATULATING GIRL SCOUTS OF THE USA ON ITS 100TH ANNIVERSARY

Ms. MIKULSKI (for herself and Ms. COLLINS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 310

Whereas, for more than 100 years, Girl Scouts of the USA (referred to in this preamble as ''Girl Scouts'') has inspired girls to lead with courage, confidence and character;

Whereas the Girl Scout movement began on March 12, 1912, when Juliette ''Daisy'' Gordon Low (a native of Savannah, Georgia) organized a group of 18 girls and provided the girls with the opportunity to develop physically, mentally, and spiritually;

Whereas the goal of Daisy Low was to bring together girls of all backgrounds to develop self-reliance and resourcefulness, and to prepare each girl for a future role as a professional woman and active citizen outside the home;

Whereas, within a few years, there were nearly 70,000 Girl Scouts throughout the United States, including the territory of Hawaii;

Whereas Girl Scouts established the first troops for African-American girls in 1917 and the first troops for girls with disabilities in 1920;

Whereas today more than 50,000,000 women in the United States are alumnae of the Girl Scouts, and approximately 3,300,000 girls and adult volunteers are active members of the Girl Scouts;

Whereas Girl Scouts live in every corner of the United States, Puerto Rico, the territories of the United States, and more than 90 countries overseas;

Whereas Girl Scouts is the largest member of the World Association of Girl Guides and Girl Scouts, a global movement comprised of more than 10,000,000 girls in 145 countries worldwide;

Whereas the robust program of Girl Scouts helps girls develop as leaders and build confidence by learning new skills;

Whereas the award-winning Girl Scout Leadership Program helps each girl discover herself and her values;

Whereas the Girl Scout Leadership Program leadership model helps girls develop skills such as critical thinking, problem solving, cooperation and team building, conflict resolution, advocacy, and other important life skills;

Whereas core programs around Science, Technology, Engineering and Math (referred to in this preamble as ''STEM''), environmental stewardship, healthy living, financial literacy, and global citizenship help girls develop a solid foundation in leadership;

Whereas STEM programming, first introduced in 1913 with the ''electrician'' and ''flyer'' badges, offers girls of every age science, technology, engineering, and math activities that are relevant to everyday life;

Whereas the award-winning STEM program helps girls build strong, hands-on foundations to become future female leaders and meet the growing need for skilled science and technology professionals in the United States;

Whereas healthy living programs—

(1) help each Girl Scout build the skills necessary to maintain a healthy body, an engaged mind, and a positive spirit; and

(2) teach girls about fitness and nutrition, body image, self-esteem, and relational issues, especially bullying;

Whereas through the 100th Anniversary Take Action Project, ''Girl Scouts Forever Green'', Girl Scouts is honoring the commitment of Juliette Low to the outdoors by engaging families, friends, and communities to improve the environment and protect the natural resources of the United States;

Whereas the financial literacy programming of Girl Scouts, most notably the iconic Girl Scout Cookie Program, helps girls set financial goals and gain the confidence needed to ultimately take control of their own financial future;

Whereas the beloved tradition of the Girl Scout Cookie Program has a proven legacy in the United States, as more than 80 percent of highly successful businesswomen were Girl Scouts;

Whereas Girl Scouts has also helped millions of young girls become good global citizens through international exchanges, travel, ''take action'' and service projects, and newer programs such as ''twinning'' (where girls in the United States connect with girls in other countries) and virtual Girl Scout troops;

Whereas Girl Scouts has helped girls advance diversity in a multicultural world, connect with local and global communities, and feel empowered to make a difference in the world;

Whereas the Girl Scout Gold Award, the highest honor in Girl Scouting, requires a girl to make a measurable and sustainable difference in the community by—

(1) assessing a need;

(2) designing a solution;

(3) finding the resources and the support to implement the solution;

(4) completing the project; and

(5) inspiring others to sustain the project;

Whereas the Gold Award honors leadership in the Girl Scout tradition because Gold Award recipients have already changed the world as high school students;

Whereas two-thirds of the most accomplished women in public service in the United States were Girl Scouts;

Whereas research by Girl Scouts shows that Girl Scouts alumnae—

(1) have a positive sense of self;

(2) are engaged in community service;

(3) are civically engaged;

(4) have attained high levels of education; and

(5) are successful according to many economic indicators;

Whereas, in addition to the outstanding programs that Girl Scouts offers, Girl Scouts has evolved into the premier expert on the healthy growth and development of girls;

Whereas, since the founding of the Girl Scout Research Institute in 2000, the Institute has become an internationally recognized center for original research, research reviews, and surveys that provide significant insights into the lives of girls;

Whereas the research conducted by Girl Scouts not only informs Girl Scout program development and delivery, but also helps bring the voice of girls to key issues in the public sphere;

Whereas, by bringing greater attention to the health, education, and developmental needs of girls, Girl Scouts provides a voice for girls with policymakers, business leaders, educators, and all other stakeholders who care about the healthy growth and development of girls;

Whereas Girl Scouts ensures that issues such as STEM education, bullying prevention, unhealthy perceptions of beauty as portrayed by the media, and many other important issues—

(1) are brought to the attention of the public; and

(2) are addressed through public policy at the national, State, and local levels; and

Whereas Girl Scouts of the USA is recognizing its 100th anniversary by designating 2012 as the ''Year of the Girl'': Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the importance of empowering girls to lead with courage, confidence, and character;

(2) congratulates Girl Scouts of the USA on its 100th anniversary; and

(3) designates 2012 as the ''Year of the Girl''.

Ms. COLLINS. Mr. President, I rise today to join Senator MIKULSKI in submitting a resolution honoring the 100th anniversary of Girl Scouting. In March of 2012, the Girl Scouts of America will celebrate a century as the world's preeminent organization dedicated solely to helping young women develop the character and skills for future success.

The Girl Scouts have a tremendous history that should be celebrated and remembered. Since this organization was founded in 1912 in by Juliette Gordon Low, more than 50 million American girls have learned the values of integrity, leadership, and volunteerism. Today, there are more than 3.7 million members in 236,000 local troops throughout the United States and its territories, Girls Scouts has a global reach, with more than 10 million members in 145 countries. As the program continues to inspire, challenge, and empower young women across our Nation and around the world, its members are seeking to come together and recognize its 100th year of creating challenges, opportunities, and unforgettable memories.

In 2009, I introduced the Girl Scouts USA Centennial Commemorative Coin Act with Senator MIKULSKI. Our bill, which passed both the House and Senate unanimously and was signed into law by the President, directs the Secretary of the Treasury to mint commemorative silver-dollar coins, which will be issued in 2013. Proceeds from the coin sales will benefit the Girl Scouts Centennial Year activities and the preservation of the Juliette Gordon Low Birthplace so that future generations of Girl Scouts will be able to pay tribute to the history of this notable organization.

With more than 16,000 girl and adult members, Girl Scouts of Maine is my State's preeminent organization dedicated solely to girls, all girls, where, in an accepting and nurturing environment, girls build the character and skills for success that last a lifetime. I thoroughly enjoyed my years as a Girl Scout in my hometown of Caribou, ME, including the two summers I spent at Camp Natarswi, so it gives me great pleasure to join in celebrating this important anniversary. On behalf of Girl Scouts in Maine and across America, I am pleased to introduce this resolution in celebration of 100 years of Girl Scouting.

SENATE RESOLUTION 311—TO AUTHORIZE THE PRINTING OF A COLLECTION OF THE RULES OF THE COMMITTEES OF THE SENATE

Mr. SCHUMER submitted the following resolution; which was considered and agreed to:

S. RES. 311

Resolved, That a collection of the rules of the committees of the Senate, together with related materials, be printed as a Senate document, and that there be printed 250 additional copies of such document for the use of the Committee on Rules and Administration.

AMENDMENTS SUBMITTED AND PROPOSED

SA 922. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table.

SA 923. Mr. REID (for Mrs. FEINSTEIN (for herself and Mr. TOOMEY)) proposed an amendment to the bill S. 1759, to facilitate the hosting in the United States of the 34th America's Cup by authorizing certain eligible vessels to participate in activities related to the competition.

TEXT OF AMENDMENTS

SA 922. Mr. CARDIN submitted an amendment intended to be proposed by

him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page ____, between lines ____ and ____, insert the following:

SEC. _____. WATER INFRASTRUCTURE JOBS AMENDMENT.

(a) FINDINGS.—Congress finds that—

(1) the State water pollution control and State drinking water revolving funds create jobs, repair crumbling infrastructure, and protect public health;

(2) the State water pollution control and State drinking water revolving funds invest in short- and long-term improvements in communities across the United States, providing significant environmental, economic, and public health benefits;

(3) the water infrastructure of the United States is approaching a tipping point, as each day, the poor condition of water infrastructure of the United States results in significant losses and damage from broken water and sewer mains, sewage overflows, and other negative impacts of a water infrastructure system that is nearing the end of the useful life cycle of the system;

(4) the most recent infrastructure report card of the American Society of Civil Engineers gave the water infrastructure of the United States a D-, the lowest of any category;

(5) the Environmental Protection Agency estimates for the next 20 years put wastewater needs at $187,900,000,000 and drinking water needs at $334,800,000,000;

(6) investments in water infrastructure provide significant economic benefits and enjoy a strong return on investment;

(7) the United States Conference of Mayors notes that each public dollar invested in water infrastructure increases private, long-term Gross Domestic Product output by $6.35;

(8) The National Association of Utility Contractors estimates that $1,000,000,000 of water infrastructure investment can create more than 26,000 jobs; and

(9) the Department of Commerce estimates that each job created in the local water and sewer industry creates 3.68 jobs in the national economy, and each public dollar spent yields $2.62 in economic output in other industries.

(b) CAPITALIZATION GRANTS.—Of the total amount made available by this Act, 4 percent shall be made available to the Administrator of the Environmental Protection Agency (referred to in this section as the ''Administrator'') to establish water infrastructure grants, of which—

(1) ⅔ shall be for capitalization grants for State water pollution control revolving funds under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.); and

(2) ⅓ shall be for capitalization grants for State drinking water treatment revolving loan funds under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12).

(c) FEDERAL SHARE.—Notwithstanding section 202 and paragraphs (2) and (3) of section 602(b) of the Federal Water Pollution Control Act (33 U.S.C. 1282, 1382(b)) and section 1452(e) of the Safe Drinking Water Act (42 U.S.C. 300j–12(e)), the Federal share of the costs of a grant under this section shall be 90 percent.

(d) AVAILABILITY.—

(1) IN GENERAL.—The amounts made available to the Administrator under this section shall be available for obligation until the date that is 2 years after the date of the enactment of this Act.

(2) SCHEDULE.—Not later than 1 year after the date of enactment of this Act, the Administrator shall obligate not less than 50 percent of the amounts made available under this section.

(e) USE OF AMOUNTS.—

(1) PRIORITY.—The Administrator shall only make a grant available under this section for projects that are on a State priority list and ready to proceed to construction not later than 1 year after the date of enactment of this Act.

(2) TRANSFER OF FUNDS.—Notwithstanding section 603 of the Federal Water Pollution Control Act (33 U.S.C. 1383), the Governor of a State may—

(A) reserve an amount equal to not more than the greater of—

(i) 33 percent of a capitalization grant made under this section; and

(ii) 33 percent of a capitalization grant made under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12); and

(B) add the reserved funds to any funds provided to the State under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12).

(3) GREEN PROJECTS.—To the extent there are sufficient eligible project applications, not less than 20 percent of the funds made available under this section to State water pollution control revolving funds, and not less than 10 percent of the funds made available under this section to State drinking water treatment revolving funds, shall be for projects that address—

(A) watershed restoration;

(B) green infrastructure, including through the use of watershed-based environmental management approaches;

(C) water or energy efficiency improvements; or

(D) other environmentally innovative activities.

(4) TRIBAL GRANTS.—Notwithstanding section 518(c) of the Federal Water Pollution Control Act (33 U.S.C. 1377(c)), the Administrator shall reserve not less than 1.5 percent of the amounts made available under this section to carry out that section.

(5) ADMINISTRATIVE EXPENSES.—The Administrator may retain up to .15 percent of the amounts made available under this section for management and oversight purposes.

SA 923. Mr. REID (for Mrs. FEINSTEIN (for herself and Mr. TOOMEY)) proposed an amendment to the bill S. 1759, to facilitate the hosting in the United States of the 34th America's Cup by authorizing certain eligible vessels to participate in activities related to the competition; as follows:

At the end, add the following:

SEC. 7. VESSEL DOCUMENTATION EXEMPTION.

(a) IN GENERAL.—Notwithstanding sections 12112 and 12132 and chapter 551 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with a coastwise endorsement for each of the following vessels:

(1) LNG GEMINI (United States official number 595752).

(2) LNG LEO (United States official number 595753).

(3) LNG VIRGO (United States official number 595755).

(b) LIMITATION ON OPERATION.—Coastwise trade authorized under subsection (a) shall be limited to carriage of natural gas, as that term is defined in section 3(13) of the Deepwater Port Act of 1974 (33 U.S.C. 1502(13)).

(c) TERMINATION OF EFFECTIVENESS OF ENDORSEMENTS.—The coastwise endorsement issued under subsection (a) for a vessel shall expire on the date of the sale of the vessel by the owner of the vessel on the date of enactment of this Act to a person who is not related by ownership or control to such owner.

SEC. 8. OPERATION OF DRY DOCK IN KETCHIKAN, ALASKA.

A vessel transported in Dry Dock #2 (State of Alaska registration AIDEA FDD–2) is not merchandise for purposes of section 55102 of title 46, United States Code, if, during such transportation, Dry Dock #2 remains connected by a utility or other connecting line to pierside moorage located in Ketchikan, Alaska.

NOTICE OF INTENT TO OBJECT TO PROCEEDING

I, Senator CHARLES GRASSLEY, intend to object to proceeding to the nomination of Jessica Rosenworcel and Ajit Pai to be commissioners on the Federal Communications Commission, dated November 3, 2011.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce that the Committee on Energy and Natural Resources will hold a business meeting on Thursday, November 10, 2011 at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the business meeting is to consider pending calendar business.

For further information, please contact Sam Fowler at (202) 224–7571 or Allison Seyferth at (202) 224–4905.

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 hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, November 17, 2011, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the Secretary of the Interior's Order No. 3315 to Consolidate and Establish the Office of Surface Mining Reclamation and Enforcement within the Bureau of Land Management.

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 should send it to the Committee on Energy and Natural Resources, United States Senate, 304 Dirksen Senate Office Building, Washington, DC 20510–6150, or by email to Jake_McCook@energy.senate.gov.

For further information, please contact Patricia Beneke (202) 224–5451 or Jake McCook (202) 224–9313.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs, be authorized to meet during the session of the Senate on November 3, 2011, at 10 a.m., to conduct a hearing entitled ''Empowering and Protecting Servicemembers, Veterans and their Families in the Consumer Financial Marketplace.''

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

COMMITTEE ON THE JUDICIARY

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on November 3, 2011, at 10 a.m., in SD–226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on November 3, 2011, at 2:30 p.m.

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

PERMANENT SUBCOMMITTEE ON INVESTIGATION

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on November 3, 2011, at 9 a.m., to conduct a hearing entitled, ''Excessive Speculation and Compliance with the Dodd-Frank Act.''

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

UNANIMOUS CONSENT AGREEMENT—S.J. RES. 6 AND S.J. RES. 27

Mr. REID. Madam President, I ask unanimous consent that at a time to be determined by the majority leader, after consultation with the Republican leader, the Republican leader or his designee be recognized to move to proceed to the consideration of S.J. Res. 6, a joint resolution disapproving a rule submitted by the Federal Communications Commission with respect to regulating the Internet and broadband industry practices; that there be up to 4 hours of debate on the motion to proceed, with the time equally divided and controlled between the two leaders or their designees; that upon the use or yielding back of time, the Senate proceed to vote on the adoption of the motion to proceed; that if the motion is successful, then the time for debate with respect to the joint resolution be equally divided between the two leaders or their designees; that upon the use or yielding back of time, the joint resolution be read a third time and the Senate proceed to vote on passage of the joint resolution; finally, that all other provisions of the statute governing consideration of the joint resolution remain in effect.

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

Mr. REID. Madam President, I ask unanimous consent that the order with respect to S.J. Res. 6 also apply to S.J. Res. 27, with the only exception being 2 hours of debate equally divided between the two leaders or their designees prior to a vote on the motion to proceed.

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

DISCHARGE PETITIONS (S.J. RES. 6 AND S.J. RES. 27)

S.J. RES. 6

We, the undersigned Senators, in accordance with chapter 8 of title 5, United States Code, hereby direct that the Senate Committee on Commerce, Science, and Transportation be discharged of further consideration of S.J. Res. 6, a resolution on providing for congressional disapproval of a rule submitted by the Federal Communications Commission relating to the matter of preserving the open Internet and broadband industry practices, and, further, that the resolution be immediately placed upon the Legislative Calendar under General Orders.

Kay Bailey Hutchison, Marco Rubio, Richard Burr, Thad Cochran, John Cornyn, Jon Kyl, Lamar Alexander, Ron Johnson, Mike Lee, Kelly Ayotte, Roy Blunt, Richard G. Lugar, Mitch McConnell, Johnny Isakson, Mike Johanns, Susan M. Collins, Roger F. Wicker, Richard C. Shelby, John McCain, James E. Risch, John Barrasso, Michael B. Enzi, John Boozman, Pat Roberts, Patrick Toomey, Lisa Murkowski, Jim DeMint, David Vitter, Bill Nelson, James M. Inhofe, Olympia J. Snowe, Orrin G. Hatch, Daniel Coats, Mark Kirk, Dean Heller, Mike Crapo, Rand Paul, John Thune, Jeff Sessions, Saxby Chambliss, John Hoeven, Rob Portman.

S.J. RES. 27

We, the undersigned Senators, in accordance with chapter 8 of title 5, United States Code, hereby direct the Senate Committee on Environment and Public Works be discharged of further consideration of S.J. Res. 27, a resolution on providing for congressional disapproval of a rule submitted by the Environmental Protection Agency related to mitigation by States of cross-border air pollution under the Clean Air Act.

Rand Paul, David Vitter, Ron Johnson, James Risch, John Barrasso, John Thune, Roy Blunt, Orrin Hatch, Pat Roberts, John Boozman, John Cornyn, Jim DeMint, Mike Lee, Saxby Chambliss, Tom Coburn, Kay Bailey Hutchison, John McCain, Richard Burr, Jon Kyl, Chuck Grassley, Roger F. Wicker, Marco Rubio (FL), James Inhofe, Patrick J. Toomey, Thad Cochran, Jeff Sessions, John Hoeven, Johnny Isakson, Mitch McConnell, Lindsey Graham, Mike Johanns, Michael B. Enzi, Jerry Moran, Mike Crapo, Richard Shelby.

3% WITHHOLDING REPEAL AND JOB CREATION ACT—MOTION TO PROCEED

Mr. REID. Madam President, I move to proceed to Calendar No. 212, H.R. 674.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to proceed to H.R. 674, a bill to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain healthcare-related programs, and for other purposes.

CLOTURE MOTION

Mr. REID. Madam President, I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 212, H.R. 674, an act to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain health care related programs, and for other purposes.

Harry Reid, Christopher A. Coons, Joe Manchin III, Kay R. Hagan, Dianne Feinstein, Benjamin L. Cardin, Al Franken, Mark Begich, Mark R. Warner, Jeff Bingaman, Tom Udall, Amy Klobuchar, Jeanne Shaheen, Barbara A. Mikulski, Kent Conrad, Michael F. Bennet, Patty Murray.

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

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 415; that the nomination be confirmed with no intervening action or debate; that no further motions be in order to the nomination; that any statements related to the nomination 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 nomination considered and confirmed is as follows:

EXECUTIVE OFFICE OF THE PRESIDENT

Alan B. Krueger, of New Jersey, to be a Member of the Council of Economic Advisers.

LEGISLATIVE SESSION

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

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Madam 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 Calendar No. 405; that there be 15 minutes 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 Calendar No. 405; that the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

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

UINTAH WATER CONSERVANCY DISTRICT PREPAYMENT ACT

Mr. REID. Madam President, I ask unanimous consent the Senate proceed to Calendar No. 211.

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

The legislative clerk read as follows:

A bill (H.R. 818) to direct the Secretary of the Interior to allow for prepayment of repayment contracts between the United States and the Uintah Water Conservancy District.

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

Mr. REID. I ask unanimous consent the bill be read a third time, passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

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

The bill (H.R. 818) was ordered to a third reading, was read the third time, and passed.

ASIA-PACIFIC ECONOMIC 21 COOPERATION BUSINESS TRAVEL CARDS ACT OF 2011

Mr. REID. Madam President, I ask unanimous consent the Senate proceed to S. 1487, Calendar No. 216.

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

The legislative clerk read as follows:

A bill (S. 1487) to authorize the Secretary of Homeland Security, in coordination with the Secretary of State, to establish a program to issue Asia-Pacific Economic Cooperation Business Travel Cards, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported by the Committee on Homeland Security and Governmental Affairs, with an amendment to strike out all after the enacting clause and insert the following:

S. 1487

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Asia-Pacific Economic Cooperation Business Travel Cards Act of 2011''.

SEC. 2. ASIA-PACIFIC ECONOMIC COOPERATION BUSINESS TRAVEL CARDS.

(a) IN GENERAL.—During the 7-year period ending on September 30, 2018, the Secretary of Homeland Security, in coordination with the Secretary of State, is authorized to issue Asia-Pacific Economic Cooperation Business Travel Cards (referred to in this section as ''ABT Cards'') to any eligible person, including business leaders and United States Government officials who are actively engaged in Asia-Pacific Economic Cooperation business. An individual may not receive an ABT Card under this section unless the individual has been approved and is in good standing in an international trusted traveler program of the Department of Homeland Security.

(b) INTEGRATION WITH EXISTING TRAVEL PROGRAMS.—The Secretary of Homeland Security may integrate application procedures for, and issuance, suspension, and revocation of, ABT Cards with other appropriate international trusted traveler programs of the Department of Homeland Security.

(c) COOPERATION WITH PRIVATE ENTITIES.—In carrying out this section, the Secretary of Homeland Security may consult with appropriate private sector entities.

(d) RULEMAKING.—The Secretary of Homeland Security, in coordination with the Secretary of State, may prescribe such regulations as may be necessary to carry out this section, including regulations regarding conditions of or limitations on eligibility for an ABT Card.

(e) FEE.—

(1) IN GENERAL.—The Secretary of Homeland Security may—

(A) prescribe and collect a fee for the issuance of ABT Cards; and

(B) adjust such fee to the extent the Secretary determines to be necessary to comply with paragraph (2).

(2) LIMITATION.—The Secretary of Homeland Security shall ensure that the total amount of the fees collected under paragraph (1) during any fiscal year is sufficient to offset the direct and indirect costs associated with carrying out this section during such fiscal year, including the costs associated with establishing the program.

(3) ACCOUNT FOR COLLECTIONS.—There is established in the Treasury of the United States an ''APEC Business Travel Card Account'' into which the fees collected under paragraph (1) shall be deposited as offsetting receipts.

(4) USE OF FUNDS.—Amounts deposited into the APEC Business Travel Card Account—

(A) shall be credited to the appropriate account of the Department of Homeland Security for expenses incurred in carrying out this section; and

(B) shall remain available until expended.

(f) TERMINATION OF PROGRAM.—The Secretary of Homeland Security, in coordination with the Secretary of State, may terminate activities under this section if the Secretary of Homeland Security determines such action to be in the interest of the United States.

Mr. REID. I ask unanimous consent the committee-reported substitute be agreed to, the bill, as amended, be read a third time, passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

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

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1487), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

AMERICA'S CUP ACT OF 2011

Mr. REID. I now ask unanimous consent the Senate proceed to Calendar No. 218, S. 1759.

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

The legislative clerk read as follows:

A bill (S. 1759) to facilitate the hosting in the United States of the 34th America's Cup by authorizing certain eligible vessels to participate in activities related to the competition.

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

Mr. REID. I ask the Feinstein amendment at the desk be agreed to, the bill as amended be read a third time and passed, the motion to reconsider be made and laid upon the table, and any statements be printed in the RECORD.

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

The amendment (No. 923) was agreed to, as follows:

(Purpose: To authorize issuance of certificates of documentation authorizing certain vessels to engage in coastwise trade in the carriage of natural gas)

At the end, add the following:

SEC. 7. VESSEL DOCUMENTATION EXEMPTION.

(a) IN GENERAL.—Notwithstanding sections 12112 and 12132 and chapter 551 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with a coastwise endorsement for each of the following vessels:

(1) LNG GEMINI (United States official number 595752).

(2) LNG LEO (United States official number 595753).

(3) LNG VIRGO (United States official number 595755).

(b) LIMITATION ON OPERATION.—Coastwise trade authorized under subsection (a) shall be limited to carriage of natural gas, as that term is defined in section 3(13) of the Deepwater Port Act of 1974 (33 U.S.C. 1502(13)).

(c) TERMINATION OF EFFECTIVENESS OF ENDORSEMENTS.—The coastwise endorsement issued under subsection (a) for a vessel shall expire on the date of the sale of the vessel by the owner of the vessel on the date of enactment of this Act to a person who is not related by ownership or control to such owner.

SEC. 8. OPERATION OF DRY DOCK IN KETCHIKAN, ALASKA.

A vessel transported in Dry Dock #2 (State of Alaska registration AIDEA FDD–2) is not merchandise for purposes of section 55102 of title 46, United States Code, if, during such transportation, Dry Dock #2 remains connected by a utility or other connecting line to pierside moorage located in Ketchikan, Alaska.

The bill (S. 1759), as amended, was ordered to be engrossed for a third reading, was read the third time and passed, as follows:

S. 1759

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 ''America's Cup Act of 2011''.

SEC. 2. DEFINITIONS.

In this Act:

(1) 34TH AMERICA'S CUP.—The term ''34th America's Cup''—

(A) means the sailing competitions, commencing in 2011, to be held in the United States in response to the challenge to the defending team from the United States, in accordance with the terms of the America's Cup governing Deed of Gift, dated October 24, 1887; and

(B) if a United States yacht club successfully defends the America's Cup, includes additional sailing competitions conducted by America's Cup Race Management during the 1-year period beginning on the last date of such defense.

(2) AMERICA'S CUP RACE MANAGEMENT.—The term ''America's Cup Race Management'' means the entity established to provide for independent, professional, and neutral race management of the America's Cup sailing competitions.

(3) ELIGIBILITY CERTIFICATION.—The term ''Eligibility Certification'' means a certification issued under section 4.

(4) ELIGIBLE VESSEL.—The term ''eligible vessel'' means a competing vessel or supporting vessel of any registry that—

(A) is recognized by America's Cup Race Management as an official competing vessel, or supporting vessel of, the 34th America's Cup, as evidenced in writing to the Administrator of the Maritime Administration of the Department of Transportation;

(B) transports not more than 25 individuals, in addition to the crew;

(C) is not a ferry (as defined under section 2101(10b)) of title 46, United States Code;

(D) does not transport individuals in point-to-point service for hire; and

(E) does not transport merchandise between ports in the United States.

(5) SUPPORTING VESSEL.—The term ''supporting vessel'' means a vessel that is operating in support of the 34th America's Cup by—

(A) positioning a competing vessel on the race course;

(B) transporting equipment and supplies utilized for the staging, operations, or broadcast of the competition; or

(C) transporting individuals who—

(i) have not purchased tickets or directly paid for their passage; and

(ii) who are engaged in the staging, operations, or broadcast of the competition, race team personnel, members of the media, or event sponsors.

SEC. 3. AUTHORIZATION OF ELIGIBLE VESSELS.

Notwithstanding sections 55102, 55103, and 55111 of title 46, United States Code, an eligible vessel, operating only in preparation for, or in connection with, the 34th America's Cup competition, may position competing vessels and may transport individuals and equipment and supplies utilized for the staging, operations, or broadcast of the competition from and around the ports in the United States.

SEC. 4. CERTIFICATION.

(a) REQUIREMENT.—A vessel may not operate under section 3 unless the vessel has received an Eligibility Certification.

(b) ISSUANCE.—The Administrator of the Maritime Administration of the Department of Transportation is authorized to issue an Eligibility Certification with respect to any vessel that the Administrator determines, in his or her sole discretion, meets the requirements set forth in section 2(4).

SEC. 5. ENFORCEMENT.

Notwithstanding sections 55102, 55103, and 55111 of title 46, United States Code, an Eligibility Certification shall be conclusive evidence to the Secretary of the Department of Homeland Security of the qualification of the vessel for which it has been issued to participate in the 34th America's Cup as a competing vessel or a supporting vessel.

SEC. 6. PENALTY.

Any vessel participating in the 34th America's Cup as a competing vessel or supporting vessel that has not received an Eligibility Certification or is not in compliance with section 12112 of title 46, United States Code, shall be subject to the applicable penalties provided in chapters 121 and 551 of title 46, United States Code.

SEC. 7. VESSEL DOCUMENTATION EXEMPTION.

(a) IN GENERAL.—Notwithstanding sections 12112 and 12132 and chapter 551 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with a coastwise endorsement for each of the following vessels:

(1) LNG GEMINI (United States official number 595752).

(2) LNG LEO (United States official number 595753).

(3) LNG VIRGO (United States official number 595755).

(b) LIMITATION ON OPERATION.—Coastwise trade authorized under subsection (a) shall be limited to carriage of natural gas, as that term is defined in section 3(13) of the Deepwater Port Act of 1974 (33 U.S.C. 1502(13)).

(c) TERMINATION OF EFFECTIVENESS OF ENDORSEMENTS.—The coastwise endorsement issued under subsection (a) for a vessel shall expire on the date of the sale of the vessel by the owner of the vessel on the date of enactment of this Act to a person who is not related by ownership or control to such owner.

SEC. 8. OPERATION OF DRY DOCK IN KETCHIKAN, ALASKA.

A vessel transported in Dry Dock #2 (State of Alaska registration AIDEA FDD–2) is not merchandise for purposes of section 55102 of title 46, United States Code, if, during such transportation, Dry Dock #2 remains connected by a utility or other connecting line to pierside moorage located in Ketchikan, Alaska.

AUTHORIZING PRINTING OF A COLLECTION OF RULES OF THE COMMITTEES OF THE SENATE

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to S. Res. 311.

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

The legislative clerk read as follows:

A resolution (S. Res. 311) to authorize the printing of a collection of the rules of the committees of the Senate.

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

Mr. REID. I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

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

The resolution (S. Res. 311) as agreed to, reads as follows:

S. RES. 311

Resolved, That a collection of the rules of the committees of the Senate, together with related materials, be printed as a Senate document, and that there be printed 250 additional copies of such document for the use of the Committee on Rules and Administration.

MEASURES READ THE FIRST TIME—H.R. 1070 and H.R. 1965

Mr. REID. Madam President, there are two bills at the desk. I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will read the bills by title.

The legislative clerk read as follows:

A bill (H.R. 1070) to amend the Securities Act of 1933 to require the Securities and Exchange Commission to exempt a certain class of securities from such Act.

A bill (H.R. 1965) to amend the securities laws to establish certain thresholds for shareholder registration, and for other purposes.

Mr. REID. Madam President, I now ask for a second reading of these two bills, but I object to my own request en bloc.

The PRESIDING OFFICER. Objection is heard.

The bills will be read for the second time on the next legislative day.

ORDERS FOR MONDAY, NOVEMBER 7, 2011

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, the Senate adjourn until 2 p.m., Monday, November 7, 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 will be in a period of morning business until 5 p.m., with Senators permitted to speak therein for up to 10 minutes each; that following morning business, the Senate will resume consideration of the motion to proceed to H.R. 674, the 3 Percent Withholding Repeal and Job Creation Act, with 30 minutes of debate, equally divided and controlled between Senators BAUCUS and HATCH or their designees; further, that the cloture vote with respect to the motion to proceed to H.R. 674 occur at 5:30 p.m., on Monday, November 7, 2011.

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

PROGRAM

Mr. REID. Madam President, the next rollcall vote will be at 5:30 p.m., on Monday, on the motion to invoke cloture on the motion to proceed to H.R. 674.

ADJOURNMENT UNTIL MONDAY, NOVEMBER 7, 2011, AT 2 P.M.

Mr. REID. Madam 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 6:43 p.m., adjourned until Monday, November 7, 2011, at 2 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 3, 2011:

THE JUDICIARY

SCOTT WESLEY SKAVDAHL, OF WYOMING, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF WYOMING.

RICHARD G. ANDREWS, OF DELAWARE, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF DELAWARE.

EXECUTIVE OFFICE OF THE PRESIDENT

ALAN B. KRUEGER, OF NEW JERSEY, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS.