

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 any-

thing 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, politi-

cized, 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 col-

leagues 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 Leeanne 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 totaling \$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 county-wide 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 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 under-

neath 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 revolving 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. JOHANNIS. 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. JOHANNIS 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 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 Adminis-

trators 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 Berkeley—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
Carper	Kohl
Casey	Landrieu
Conrad	Lautenberg
Coons	Leahy
Durbin	Levin
Feinstein	Manchin
Franken	McCaskill
Gillibrand	Menendez
Hagan	Merkley
Harkin	Mikulski
Inouye	Murray
Johnson (SD)	Nelson (FL)
Kerry	Pryor

NAYS—49

Alexander	Graham
Ayotte	Grassley
Barrasso	Hatch
Blunt	Heller
Boozman	Hoeven
Brown (MA)	Hutchison
Burr	Inhofe
Chambliss	Isakson
Coats	Johanns
Coburn	Johnson (WI)
Cochran	Kirk
Collins	Kyl
Corker	Lee
Cornyn	Lieberman
Crapo	Lugar
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. INOUE, Mrs. MURRAY, Ms. MIKULSKI, Mr.