

the first to compliment him for it. It comes right down to the Constitution itself and, in many respects, I believe the most important provision in the Constitution. Religious liberty is something that our early leaders risked their lives to obtain because they were persecuted because of their religious beliefs.

I call on the President of the United States to change this, to acknowledge that this is a mistake, and to understand that we are united—Democrats, Republicans, Independents, and others—in the protection of this great liberty.

Mr. President, 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.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWN of Ohio). Without objection, it is so ordered.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY ACT—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 1813, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to the consideration of Calendar No. 311, S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Well, Mr. President, this is a big day for those of us who believe strongly that we need to focus on job creation, a better business climate, a bill that will, in fact, not only protect jobs but create new jobs. That is the bill we are hoping will get the go-ahead at 2 o'clock, what we call MAP-21, the Moving Ahead for Progress in the 21st Century Act, S. 1813.

This has been—if I could use an analogy that fits—a long road to get to this point so we can, in fact, make sure we have an adequate road system, an adequate highway system, an adequate transit system, and that we make sure, as a world leader, our infrastructure—our bridges, our roads—keep up with the demands put upon them. There are many demands put upon them because we are a great nation with commerce and heavy-duty vehicles on our roadways and railroads that cross over roadways that create potential problems, and, certainly, we have a robust transit system that needs to keep up with the times.

Last night, I received a letter from the U.S. Chamber of Commerce, and I was very pleased to see it because they support the bill Senator INHOFE and I, on a bipartisan basis, were able to get through our committee on a unanimous vote.

It is a rare moment in history, frankly, when the U.S. Chamber of Commerce and labor unions all come together, with everyone on the same page, to say: Let's move forward with a bill. In these days of controversy and debate—and, Lord knows, I am immersed in many of them—this is one where we have been able to carve out a very important consensus, not only in the Environment and Public Works Committee but in the Banking Committee—where Senators JOHNSON and SHELBY work together—to get a piece of this bill done.

In the Finance Committee—where Senators there are led by Senator BAUCUS—they were able to hammer out a tough and important agreement to fund this bill because it has some shortfalls due to the fact that the highway trust fund has been going down because cars are getting better fuel economy—and that is a good thing—but the bad, unintended problem is the trust fund now has fewer dollars, so we run short of what we need to keep our bridges and highways and transit systems going.

So what a moment it was to see not only our committee but the Banking Committee, the Finance Committee, and the Commerce Committee, with a couple of exceptions on a couple of provisions—they did their job as well, and we are trying to work with them to resolve whatever matters remain in that portion of the bill.

But I want to quote from the letter from the Chamber of Commerce that I received last night. I want to share a couple lines with everyone. I am quoting:

The Chamber strongly supports this important legislation. Investment in transportation has proven to grow jobs, and the need for Congress to act on transportation infrastructure is clear.

Another quote:

Passing transportation reauthorization legislation is a specific action Congress and the Administration can take right now to support job growth and economic productivity without adding to the deficit.

Those two quotes I think show we have done our job well.

This is a bill that is paid for. This is a bill that, because of the way it was written, is a reform bill, which I will go into. But it also protects the jobs we currently have, which is 1.8 million jobs in the transportation area, and also, because of the way we have boosted a program called TIFIA—which I will talk about, which is a highly leveraged program—we have the capacity to add over a million new jobs. Mostly these jobs are in the private sector. That is where they are, and that is what we are focused on in this legislation.

I mentioned Senator INHOFE before, my ranking member on the Environment and Public Works Committee. I expect him to be in the Chamber shortly. I cannot tell you of the trusted partnership we were able to develop with him that went not only for his relationship with me in working on this bill, but the staff-to-staff relationships which have blossomed into friendships and trust. I think what we have shown is that each of us can be a tough but fair partner. Our staffs understand where we are coming from. But we have a bigger goal in front of us than our differences; that is, our agreement that it is our responsibility to fix our aging roads and highways and bridges—our infrastructure—to put people back to work, to boost our economy, and, as Senator INHOFE has talked about very often, with examples that are in many ways heart breaking, we have problems with safety in our Nation. We have bridges that are crumbling. We have seen them with our own eyes. We cannot turn away from this because we may have disagreements on lots of other things.

It has been a long but a very worthwhile journey to get to this stage because the payoff here, if this bill eventually becomes law, is, as I said, protecting 1.8 million jobs and creating up to another million jobs.

Again, I want to mention the Commerce Committee. I did not thank Senators ROCKEFELLER and HUTCHISON for their work on this as well. So we have four committees that are involved in writing this bill. Each committee has voted out their bills. If all goes right today, and we get a resounding go-ahead, I hope we begin with amendments on the EPW portion, and then move to add the different other bills to this bill, until we have added all four—all the committees together—and then I hope we will have a resounding vote and get to a conference committee. We have major differences with the other body, but I think we can work them out for the good of the people and the thousand organizations that back us in this bill, in this effort.

I also have to thank Senator HARRY REID, the majority leader. He brought this bill to the floor. He exerted the right kind of pressure on all of our committees. He encouraged us. He understands clearly that, as we try to get out of this recession—and we have seen beneficial results from our actions in a number of areas—this is going to mean a big boost for jobs.

I want to also say that within my committee we have what we call the big four: it is the chairman and the ranking member—myself and Senator INHOFE—and then it is the chairman of the Highway Subcommittee and the ranking member there; and that is Senator BAUCUS and Senator VITTER. So I honestly think if you look at the big four, and you look at our philosophies, and you look at where we are from and the differences we bring to the table, we cover the whole Senate in terms of

the range of ideologies but are tied together by a belief that this is something that needs to get done. And Senators BAUCUS and VITTER were with Senator INHOFE and me every step of the way, for which we are very grateful.

I mentioned, I alluded to a thousand organizations that have been involved on the outside pushing us to get this done. My hat is off to them. They make up a broad coalition. I have spoken frequently with them to give them an update on how we are doing, and I have to tell you they truly represent America. Over the course of this debate, if I have the time—and in many ways I hope I do not have the time because I hope we can get this done and not spend a whole lot of time on it because I think the committees have done such a good job, but if we have excess time on the floor, I intend to read as many of those organizations into the RECORD as I possibly can because that coalition is remarkable in its reach.

They were led by the U.S. Chamber of Commerce. It is an unprecedented coalition. They came together regardless of ideology and differences. Every time I look at this list, I am reminded that essentially it is America. It is America: business, labor groups, State organizations, city organizations, and organizations from all 50 States.

We received a letter from these thousand organizations recently, and I am going to quote some of what they said. They said:

There are few federal efforts that rival the potential of critical transportation infrastructure investments for sustaining and creating jobs and economic activity. . . .

They wrote:

In 2011, political leaders—Republican and Democrat, House, Senate and the Administration—stated a multi-year surface transportation bill is important for job creation and economic recovery. We urge you to follow words with action:

And this is what they asked us:

Make Transportation Job #1 and move legislation immediately in the House and Senate to invest in the roads, bridges, [and] transit systems that are the backbone of [our] economy, its businesses large and small, and communities of all sizes.

Again, it is important to note, our surface transportation bill creates or saves millions of jobs, benefiting millions of American families across the country. What a great signal it will send, as we struggle to get out of the slowdown and we begin to see the light at the end of the tunnel. This will be a very large light because there are very few other things we can do here that have the reach of a transportation bill.

Let's talk about the construction industry. According to the most recent unemployment figures, there are 1.5 million construction workers out of work, with the industry facing an unemployment rate of 17.7 percent. Construction workers are out of work.

I show you a chart I have in the Chamber. The national unemployment rate is 8.3 percent. We want to see that

come down. But look at that construction industry unemployment rate: 17.7 percent. These are real people with pride in what they do. And we know the housing industry has had a horrible time. It has stalled out, and it is in a horrible trough.

So if we can take those construction workers and offer them an opportunity to build the roads, the bridges, the highways, the transit systems, it will put them to work and we will get that 17.7-percent rate down.

I do not know if we have a picture of that stadium. This is a picture of the Super Bowl stadium. From what I understand, it seats about 100,000. That is what we see here. If we had 15, 15 of these pictures, 15 Super Bowl stadiums' worth of people, that is how many people are unemployed in construction.

I use this not only because I watch the Super Bowl, although my Niners did not get in and it was upsetting, but because this is a picture, a visual. Imagine every one of those people unemployed times 15. It is a visual. I think it is important that we keep in mind we are talking about real people who have lost real jobs because of this recession and especially the housing downturn.

This is a chance to put them to work. There is an urgent need to get this legislation through the conference committee and onto the President's desk because the current transportation authorization extension expires on March 31. I wish to say to colleagues who may be watching or staff who may be watching: You may have a lot of amendments in your mind, in your heart, and everybody has a right, and I support your right. But please think very hard before you start bringing down amendments that will slow us up. Those thousand organizations know we need to keep our eye on the ball, and these organizations are in all our States. They represent millions and millions and millions of American families. So let's not add extraneous matters, please. Let's not have frivolous amendments, killer amendments. We all can offer these. I have several I could offer in a heartbeat. But this is not the place to have our ideological disputes. This is a bill that is a jobs bill. This is a bill that is good for our businesses. This is a bill that will save 1.8 million jobs and create up to 1 million more at a time when we must have that kind of wind at our back.

There is another reason. Not only does the highway bill expire in March, but we also know the trust fund is running out of money for projects already in the pipeline. So we have to find a reliable and stable source of funding. Senator BAUCUS and his Finance Committee have come up with a way to responsibly fill this shortfall. I cannot thank them enough, the Democrats and Republicans on that committee. Thank you. Because what you have done is to have come up with some very good ways to pay for the shortfall, and those ways do no harm.

We must push forward for another reason which I alluded to before. America's aging infrastructure is crumbling. Let me just tell America this: Some 70,000 of our Nation's bridge are structurally deficient—70,000 of our Nation's bridges are structurally deficient, 50 percent of our roads are not up to standard.

If you are in your home and you have little kids and someone who is an expert comes up to you, an engineer, and says your house could easily crumble, we all know what you would do. You would get out of there, fix it, and then move the family back in. This is no different. If somebody tells you your house is crumbling, you have to fix it. If somebody says to us, our Nation's bridges are structurally deficient and over 50 percent of our roads are not up to standard, we have to act.

My dear friend and colleague who is going to manage this bill with me has arrived. I will tell him, I am about 5 minutes away from finishing my opening statement and yielding to him. But he is more eloquent than anyone I have ever heard on two issues; one, what is the role of government. He makes the point, which I am not going to take away from him, as to how infrastructure fits into that.

He also is eloquent on the point of safety. Because he has seen with his own eyes what happens if we do not get our infrastructure sound and safe. We have a deteriorating part of our infrastructure, and it needs to be fixed.

We cannot be an economic leader if we cannot move people and goods. We cannot thrive as a nation if our people are trapped in traffic and our businesses are trying to move goods and they are trapped in traffic. We lose 4.8 billion hours from work and we pay the price for that in loss of productive time and in dirty air.

As to our bill that was passed out of the Environment and Public Works Committee, I wish to say to my ranking member who was not here and his staff was not here at the time that I started, I praised him to the sky—and staff—because regardless of our differences on many issues, we have been able to put this country first in this bill.

I am so grateful for the spirit of cooperation we have brought to our work, which was captured in the Banking Committee where Senators JOHN-SON and SHELBY got together, and in the Finance Committee where many Republicans joined our Democratic friends to figure out a way to fund this responsibly, and in the Commerce Committee where we have one or two little hiccups, but I do believe we are going to resolve them. I am proud we were out there first showing we could do this.

People said all over the Senate: If BOXER and INHOFE can do this, anything is possible.

MAP-21 is a reform bill, and I am proud about that. It consolidates 90 programs into less than 30. It focuses

on key national goals. It gives greater flexibility to the States to invest in their top priorities. It eliminates earmarks. It establishes performance measures to improve accountability. It accelerates project delivery, and it provides resources for a new national freight program.

This bill is responsible. It continues the current level of funding plus inflation which, as I said, protects 1.8 million jobs. The TIFIA Program, which Senator INHOFE and I agreed to increase, which stands for Transportation Infrastructure Finance and Innovation Act, is also embraced by Chairman MICA over on the House side.

So Republicans and Democrats agree that by making more funds available through TIFIA, we can mobilize up to \$30 billion more from the \$1 billion we have placed in that fund and create up to 1 million jobs.

I wish to thank the mayor of Los Angeles and the Chamber there and the workers there who brought the idea of leveraging to my attention. I wish to say that Tom Donahue, of the U.S. Chamber, president there, Richard Trumka, the president of the AFL and many business and labor groups throughout our Nation supported this TIFIA Program to stretch taxpayer dollars in a safe way.

Again, they have done that in the House bill as well, which is very good for us.

I am proud of this bill and the reforms in it. I am proud of working relationships we have established across party lines in our committee. I could say, very honestly, there are a lot of things this bill does not have that I am sorry about, that I wanted to see in there. I am not going to detail those. But I know Senator INHOFE feels the same way. But there were certain things that were lines in the sand for each of us, and it was a give and take that resulted in this compromise which is a good bill—a good solid bill.

We put those controversial issues aside for the good of the Nation. I will close with this. Ever since Dwight Eisenhower started us on a path to build the Interstate Highway System, transportation has been a bipartisan effort. I asked my staff to research some of the comments made by President Eisenhower in 1963 when he established the Federal Interstate Highway System.

Actually, he wrote his autobiography in 1963. He established the System in 1956.

This is what he said:

More than any single action by the government since the end of the war, this one would change the face of America with straightaways, cloverleaf turns, bridges, and elongated parkways. Its impact on the American economy—the jobs it would produce in manufacturing and construction, the rural areas it would open up—was beyond calculation.

It is very important to note how bipartisan this is. Ronald Reagan in 1982, “More efficient roads mean lower transportation costs.”

He said:

Lately driving is not as much fun as it used to be. Time and wear have taken their toll on America’s roads and highways.

He said it well. So we have Democratic Presidents, Republican Presidents, Democratic Senators, Republican Senators all working in a bipartisan way. Votes on these bills have been overwhelming, 79 to 8; 372 in the House to 47—all of our President’s signing these laws. Historically, major surface transportation legislation has received overwhelming bipartisan support.

In 1991, the Intermodal Surface Transportation and Equity Act, ISTEA, with a Senate Democratic majority, passed by a vote of 79 to 8. The House, with a Democratic majority, passed it by a vote of 372 to 47. President George H.W. Bush signed it into law. At the December 18, 1991, signing ceremony, President Bush said:

ISTEA is “the most important transportation bill since President Eisenhower started the Interstate System 35 years ago . . . this bill also means investment in America’s economic future, for an efficient transportation system is absolutely essential for a productive and efficient economy.”

In 1998, the Transportation Equity Act for the 21st Century, TEA-21, with a Senate Republican majority, passed by a vote of 88 to 5. The House with a Republican majority, passed it by a vote of 297 to 86. President Bill Clinton signed it into law.

In 2005, the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users, SAFETEA-LU, passed the Senate, with a Republican majority, by a vote of 91 to 4. The House, with a Republican majority, passed it by a vote of 412 to 8. President George W. Bush signed it into law.

Elected officials are not the only people who recognize the importance of maintaining our transportation systems. The American public also supports rebuilding the Nation through infrastructure investment.

According to a poll released last October by CNN, 72 percent of Americans—and 54 percent of Republicans—support “increasing federal spending to build and repair roads, bridges and schools.”

Roads and bridges are neither Democratic nor Republican, and all elected officials need to leave partisanship on this issue at the door. Bipartisanship is the only way to get the job done, and Senator INHOFE’s and my partnership in this effort is proof positive that it can be done.

Senator INHOFE and I do not agree on many issues, but we found common ground on this one. We agree that we must invest in our aging transportation systems, we must boost the economy, we must put people back to work, and we must pay for it in a way that is not divisive or partisan. Neither Senator INHOFE nor I got our wish list in this bill, but we do have a bill that both of us can support. At the end of the day, that is what matters.

The American people deserve to have their elected officials work together to solve our pressing problems, and that is what we did. The bill before us is thoroughly bipartisan, and therefore nobody will think it is perfect, but it is a very strong commitment to our transportation systems and to the health of our businesses, workers, and communities that depend on it.

I say today is a good day. I have tried to thank everyone I can think of who had anything to do with it. It is my privilege now to yield the floor and look forward to the comments of my ranking member.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, I am not sure, I say to my good friend Senator BOXER, she is going to be too excited about some of the things because what I wish to do is establish what is unique about this bill.

There is a committee in the Senate. It is not like any committee in the House. In the House, they have two separate committees. It is called Environment and Public Works. So it is two almost unrelated committees. Our committee has more jurisdiction than any other committee in the Senate, but it handles things that are totally different.

I will sound a little partisan right now, but I am very concerned about President Obama and what he has done to this country in terms of the deficit. A lot of people do not realize that the budgets actually come from the President—not the Democrats, not the Republicans, not the House and the Senate. Those budgets have had deficits of around \$4½ trillion. I have been very upset about that.

I am upset about what the President is doing with the military right now. If we have to go through the sequestration as is planned, we are going to lose about \$1 trillion in defense spending over the next 10 years. The third area is in energy. We have the opportunity to be totally energy self-supporting just by developing our own resources, but the problem is a political problem. The fourth area is over regulation.

I say this because my good friend, the chairman of the Environment and Public Works Committee, would disagree with me in all those areas because we do not agree. I look at the regulations and the fact that, in my opinion, they are driving our manufacturing base overseas. I see the crown jewel of all regulations is cap and trade. They tried their best to do it. They had the McCain-Lieberman bill in 2003 and again in 2005. We had the Boxer bill—several Boxer bills that Senator BOXER was involved in—certainly Waxman-Markey.

We defeated them all, and now what the President is trying to do is do through regulation what he could not do through legislation. I only say that because I am in agreement with the chairman of the committee, Senator BOXER, on most of what she just said

because of the significance of this. I am going to repeat what I said yesterday, I guess it was, or the day before. When rankings come out, historically since I have been in the House and the Senate—I came to the Senate in 1994—I am always ranked among the most conservative Members.

My good friend Senator BOXER is ranked among the most liberal Members—progressive, liberal. But what I appreciate about her is that she is a sincere liberal.

She understands that. In her feelings, she believes government should be involved in more things than I do. I hasten to say this again, that while I have been historically considered the most conservative Member, I am a big spender in two areas. One area is national defense—I am very concerned about what is happening in national defense—the other area is infrastructure.

Way back when I was in the House and on the Transportation Infrastructure Committee, at that time we worked very hard for a robust bill, for reauthorizing the transportation system. We were successful. That was back in the good-old days, I say to Senator BOXER, when we always had surpluses in the highway trust fund.

The highway trust fund probably goes down as the most popular tax in history because people know, since 1953, it has been a trust fund where people pay their 18 or so cents per gallon, and it goes to maintaining those roads they are driving on. So it is directly related to the gasoline purchased.

Then some things happened. First of all, I can remember when we had surpluses. So everybody who had their own deal wanted to get in on surpluses, and they started expanding the highway trust fund expenditures beyond just maintaining and building roads. That was one of the problems. Then along came a lot of the changes. When they talk about electric cars, whether one is for them or against them, and mandating gas mileage, that reduces the proceeds dramatically. In the beginning, I think they probably should have had the highway trust fund geared to a percentage instead of cents.

Now fast-forward to recent times and we have a deteriorating system. I was proud of the Environment and Public Works Committee I have been talking about. In 2006, prior to the last election, I was chairman because the Republicans were in the majority. At that time, we did the 2005 highway reauthorization bill, and it was \$286.4 billion—a very robust bill. Yet we could pretty much document that we didn't do anything new in that bill. We just maintained what we had. It expired in 2009. Since then, we have been operating on extensions.

This is significant. Before I get on to operating on an extension, I will mention what we are talking about, Senator BOXER and I. Our Environment and Public Works Committee has the jurisdiction over the highway title of the bill. Some things are controversial. Not many. I don't know of anything controversial in the highway title. The

Commerce Committee with Senator ROCKEFELLER as chairman and Senator HUTCHISON as ranking member, the Finance Committee with Senators BAUCUS and HATCH, and the Banking Committee—that is TIM JOHNSON and RICHARD SHELBY from Alabama—have done their work now.

Ours is the highway title. In my State of Oklahoma, because of the condition of the bridges and highways—the last time I looked, I think Missouri and Oklahoma tied at dead last in the condition of our bridges—we had a young lady—and I have told this story many times; this is most compelling. This young lady—a mother of three small children in Oklahoma City—drove under one of our bridges and a chunk of concrete dropped off and killed them. These are serious matters. So bridges have dropped, just as one did in Minnesota and down in south Texas.

We have had so many times when crumbling infrastructure has given way. I remember when they considered Oklahoma—since we became a State in 1907, we are one of the newer States—people didn't think we had infrastructure problems. They thought that was just confined to California, New York, and the older parts of the country. That is not true anymore because in many of those older parts the infrastructure has been rebuilt while some of the newer States have been ignored. That is why in Oklahoma it is critical.

People say they don't want earmarks. Senator BOXER said: We don't have earmarks.

I would like to discuss that because I am a strong believer as opposed to the people who don't want us to do what we are supposed to be doing when we were sworn to uphold the Constitution, article I, section 9—we should be the ones, the House and Senate, to do the appropriating and the authorization. By saying we are not going to do it and defining earmarks as appropriations and authorization, I can see why Democrats lined up to do away with earmarks in a recent vote because that turns it over to President Obama, and he was very supportive of that.

Some Republicans are going to talk about that again. This is not something that is a problem with this bill. In this bill, we have things that come from the needs of our States. We have a secretary of transportation in Oklahoma who has been before our committee numerous times because that secretary of transportation has been in that job for many years now. Before that, he was director of transportation for, I think, 30 years. There is nobody who is more knowledgeable on that issue.

So we checked—and I do—with the department of transportation in Oklahoma on their prioritizing of projects. We have a system—and I wish all States had this system. We have transportation districts and chairmen of the districts. They can use the same criteria throughout Oklahoma, and they determine what should be fixed and where the money should be spent. So it is not a political decision, a decision

where we are doing what most people consider to be earmarks and trying to help our friends. That is not what we do in Oklahoma. This system, frankly, works very well.

So now we go back to the extensions. Here is the problem with extensions. Our 2005 bill expired in 2009. We have now gone through eight extensions. The problem we have with extensions is that we cannot do anything creative. We cannot change, reform the system. We just have to take the money that is available and try to use it as best we can. But we cannot not reform a system that needs to be reformed.

I have said some things that were not all that complimentary about my partner—in this case, Senator BOXER. We have served together for years in trying to overcome these obstacles. On the highway title of the transportation bill that we are going to be voting on, we have done a good job. When I think about the reforms—and I compliment Senator BOXER. She has been in a real tough position with some of the more liberal members of her party and in some of the things to which she has agreed. We sat down and worked out the differences in a lot of these problems.

State flexibility, we have that in this bill, which we have never had before. I have always been a believer that we are the guys who are in the best position to determine the needs of the States.

I have often said I have served on the State level of government; I have been mayor of a major city. I believe the closer you get to the people, the more responsible government is. I believe that to be true. That is what we have done. We have done that in the flexibility that we have given the States in our program.

Senator BOXER mentioned that we cut down the number of programs by two-thirds. We are down to one-third in the number of programs we had before. That is major reform.

NEPA: We have done streamlining, which is something we have tried to do for a long time. Let me mention the one area of reform that I want everybody to listen to because this is significant. We have had a friendly disagreement, Senator BOXER and I, on transportation enhancement. These are things we could argue do not affect transportation directly. I have always believed these things we spend money on that comes from the highway trust fund should go into transportation projects. But they have not. Two percent of the highway funding is required to go to enhancements. That equates to 10 percent of the surface transportation money.

So we can use 10 percent or 2 percent, depending on which one we are applying it to. If we take 2 percent of the total funding, that is a lot of money. Enhancements are things people criticize us for. I think that criticism is just.

How did we handle this situation and get a highway bill in the highway title

portion? We sat down and worked out something right here on the floor of the Senate and said there has to be an answer. In Oklahoma, we don't even want enhancements. How can we handle this? We worked out an agreement that a State, at its own decision level, is able to use this 2 percent of the total highway funding that would go to enhancements in any way they want to do it, and primarily in taking care of some of the unfunded mandates, the requirements there, where the government is saying to people in Oklahoma that this is what they have to do—some endangered species stuff and those things, they can use it this way.

In my State, we cannot have any of the 2 percent going to enhancements. Other States feel differently. This is not one size fits all.

So we have the opportunity that they can do what they want. These are reforms. We never had reforms like those before. I am proud we are able to do it. I compliment the chairman of the committee for being willing to do this, for taking the time to talk to her colleagues and say: All right, the choice is not do we want a perfect bill for Democrats or do I want one for Republicans. I think we have a pretty near perfect bill for Republicans on the highway title. I am very proud of what we have come up with. Nonetheless, it has been heavy lifting. I applaud the chairman of the committee.

I want to go back to this extension. If we were to continue to operate on extensions, the amount of money we would be spending on highways would reduce by about 34 percent, about one-third. If we talk to Gary Ridley in Oklahoma as to what that would do in terms of our program that we already have online, we would have to default on some contracts. We would have to be in a situation where we are not able to do the things that are in our 5-year plan in Oklahoma. We think things out in Oklahoma. We go over the State and make determinations. It is done outside of the political system by people charged with different transportation districts. I can tell you now that it will be—it is a life-threatening issue. If we are dropping down by 34 percent, it will be a serious problem.

I suggest to every Member of the Senate, before they make final decisions on the bill, call their director of highways in their States and talk to them. Talk to your State legislators, Democrats and Republicans, conservatives and liberals alike. This is the one area where they will agree. In Oklahoma, they are in agreement. They want to have a highway bill. They look to constituents and say this is life threatening and we have to do a better job. This is a partnership thing. We are going to have more flexibility for State programs, streamlining, and are not going to be encumbered by mandatory enhancements. I don't know of one member of the Oklahoma House or Senate who doesn't want this.

What is wrong with doing what the people at home want? I used to work as

mayor of the second largest city in Oklahoma. My phone rings off the hook about programs that need to be completed in our highway system in Oklahoma. I sometimes look at people who demagog the issue and talk about: Oh, no, we don't want to spend all this. There is one area where conservatives and liberals alike should be spending—two areas—national defense and infrastructure.

I remember when Congresswoman BACHMANN was talking around the country about the spending during the earmark argument. They got back to Minnesota and talked about the needs for transportation. She said, "I am not talking about transportation."

That is the point we need to get across. Of course, I throw in national defense, but that is not in this discussion. Transportation infrastructure is something we have to do. In Oklahoma, we are going to do our part, do everything we can to get with the bill. It is not going to change anything except for the fact that it is going to be able to handle that.

Oh, I didn't see—but I am managing the time.

By the way, I want to comment, Mr. President—

Mrs. BOXER. Wait a minute, the Senator is not managing.

Mr. INHOFE. Maybe I am not.

Mrs. BOXER. Well, we are both managing the time.

Mr. INHOFE. We are both doing it. All right.

What I am saying is that shouldn't really be a Democrat-Republican management here because there are a lot of Democrats who agree with me and a lot of Republicans who agree with Senator BOXER. But we do have the junior Senator from Kentucky here who wants to be heard.

Mrs. BOXER. Well, I do have some remarks I would like to make.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I thank the Chair.

I think Senator INHOFE and I will have to talk about how we are going to yield back and forth, but at this point I had not finished my remarks and I wanted to respond to his.

We are here as partners on this bill. We are not partners on a lot of things. And I didn't say, when I opened my remarks, where we are not partners, but my friend did, so I am going to respond to his opening comments in which for some reason he wanted to open by saying that the one place we differ—and he is right on this—is that he blames President Obama for the deficit. Now, I want to put this on the record: I do not. Let me tell you why. When Bill Clinton was the President of these United States, he turned over a booming surplus of \$236 billion to George W. Bush, and it didn't take him but the blink of an eye to turn those surpluses as far as the eye could see into raging deficits, and he left President Obama a \$1.4 trillion deficit, for which my colleagues on the other side blame Presi-

dent Obama. Not only did George W. Bush leave him this kind of deficit, but he left him the worst recession since the Great Depression, a total collapse of Wall Street, bleeding jobs—800,000 a month. Yet we have turned it around. The President has shown magnificent leadership—saved Detroit.

My friend further said that another place we disagree—and he is right—is that President Obama is driving manufacturing overseas. No. The Tax Code, which the Republicans support, which rewards companies for moving overseas, is very much responsible for that.

So that proves the point. We get mad at each other. He is annoyed now that I am saying these things, and I was annoyed at him for saying what he said. But the great news today is that we are here to pass a bill.

My friend said I had a problem with liberal Members in my own party. I have to say there was concern, for sure. He is right. But once I explained to them that the ranking member and I have to work together, they were terrific about it. And I think some of my colleague's Republican friends said the same. They said: OK, we have to make this happen. So I congratulate all Members on both sides of the aisle who put aside these really tough differences we have, and you just saw a little bit of it.

I am not going to get into the climate change area because my friend believes it is the greatest hoax and I believe it is a scientific fact.

We could go on and on with these arguments. It would be like "Crossfire." Do you remember that show where two people got up there and argued? Yes, we could do that in every way. But in this bill we have decided to fight for what we believe in but at the end of the day get a bill we believe is fair.

Did my friend want me to yield?

Mr. INHOFE. No. I just wanted to say that this should be very visible to everyone. How could you and I agree and feel so strongly about infrastructure in America when we have such diverse opinions philosophically? My case rests.

Mrs. BOXER. You made the point. I was happy when you made the point because it gave me a chance to argue with you, and we both enjoy that, and we will continue. Our friendship is deep. We each know when we talk to each other that it is from the heart. But when it comes to this particular issue, we both agree we have to get a bill done. So much is dependent upon it.

I just received a letter from the Americans for Transportation Mobility. Mr. President, I ask unanimous consent to have printed in the RECORD the letter to which I am referring.

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

WASHINGTON, DC, February 8, 2012.

TO THE MEMBERS OF THE UNITED STATES SENATE: The Americans for Transportation

Mobility (ATM) Coalition is a nationwide group representing business, labor, highway and public transportation interests that advocate for improved and increased investment in the nation's aging and overburdened transportation system. The ATM strongly supports the motion to proceed to S. 1813, "Moving Ahead for Progress in the 21st Century" (MAP-21), and urges the Senate to pass a multi-year reauthorization of highway, public transportation and safety programs that both includes reforms to the federal programs and maintains, at minimum, FY 2011 investment levels adjusted for inflation before the expiration of the six-month extension of current law on March 31, 2012.

At a time of continuing economic stagnation in the construction sector, slow U.S. economic growth, and increasing competitive pressures, multi-year highway and transit reform and investment legislation is critical for boosting productivity, U.S. economic competitiveness and supporting jobs. A study released last week by the Associated Equipment Distributors found that over two years, one dollar spent on infrastructure construction produces roughly double (\$1.92) the initial spending in direct and indirect economic output. The long-term impact is also significant, with a dollar in aggregate public infrastructure spending generating \$3.21 in economic output (GDP) over a 20-year period.

We commend the Senate committees that helped craft S. 1813, a bi-partisan bill for stabilizing federal transportation funding mechanisms for the near-term and avoiding draconian cuts amounting to one-third of total federal investment in highway, transit and safety programs. Cuts of this magnitude would accelerate the deteriorating performance of the nation's surface transportation network, greatly undermine U.S. economic growth and competitiveness, and result in the real loss of hundreds of thousands of jobs across the country. This bill includes important policy reforms that would improve the delivery of transportation improvements by consolidating programs, reducing red tape, and leveraging private sector resources.

The ATM Coalition will strongly oppose any amendments to reduce the funding levels established in this legislation, and remains committed to working with Congress to find reliable revenue streams sufficient to support the long-term growth and the fiscal sustainability of the Highway Trust Fund.

Without the certainty of a multi-year bill, current problems become harder to solve as highway and transit conditions worsen and land, labor, and materials get more expensive. Absent passage of a multi-year reauthorization, there would be continued uncertainty and erratic funding for critical infrastructure investments and the public and private sectors would continue to respond by delaying projects, withdrawing investment, and laying off employees.

We encourage you to support the motion to proceed to S. 1813. The ATM Coalition stands ready to bring together business, labor, highways and transit stakeholders to provide Congress the public support to pass an adequately funded multi-year surface transportation bill by March 31, 2012.

Sincerely,

AMERICANS FOR TRANSPORTATION MOBILITY.

Mrs. BOXER. I want to tell you who signed this letter. And my friend may not have seen it. The American Public Transportation Association, the American Road and Transportation Builders Association, the Associated Equipment Distributors, the Association of Equipment Manufacturers, the Associated General Contractors, the American So-

ciety of Civil Engineers, the International Union of Operating Engineers, the Laborers' International Union of North America, the National Asphalt Pavement Association, the National Stone, Sand, and Gravel Association, the United Brotherhood of Carpenters and Joiners of America, and the U.S. Chamber of Commerce.

Now, I have to say—

Mr. INHOFE. Will the Senator yield for a question.

Mrs. BOXER. Yes, but let me make one statement. This list I have just read represents America—Republicans, Democrats, and Independents.

Yes, I yield.

Mr. INHOFE. Even though we haven't ironed out how to handle time, we have a Senator who wanted to speak 20 minutes ago, and if we could, I would love to get back into the dialog.

Mrs. BOXER. I am finishing this, and then I will yield the floor and am happy to have him speak. I felt this was opening time for the chairman and the ranking member to lay down their case, and I am not about to let an attack on the President of the United States of America go unanswered. I am not going to do it. So if we are going to go down that road, we are going to have a give-and-take. If we are going down the road I hope we will go down, it is about getting this bill done.

So let me talk about this letter, and then I will yield the floor. And I say to my ranking member, we will decide how to divide the time, and we should. That is fine with me.

They say in this letter:

We commend the Senate committees that helped craft S. 1813, a bi-partisan bill for stabilizing federal transportation funding mechanisms for the near-term and avoiding draconian cuts amounting to one-third of total federal investment in highway, transit and safety programs.

They are talking about the fact that the highway trust fund is a third of where it should be. That is why we are so happy that the Finance Committee, on a bipartisan vote, is replacing these funds.

The letter goes on to talk about what would happen if we didn't do this bill.

Cuts of this magnitude would accelerate the deteriorating performance of the nation's surface transportation network, greatly undermine U.S. economic growth and competitiveness, and result in the real loss of hundreds of thousands of jobs across the country. This bill includes important policy reforms that would improve the delivery of transportation improvements by consolidating programs, reducing red tape, and leveraging private sector resources.

Additionally, this great coalition, which is comprised of the chamber of commerce, the unions, and business, says:

The ATM coalition will strongly oppose any amendments to reduce the funding levels established in this legislation, and remains committed to working with Congress to find reliable revenue streams sufficient to support the long-term growth and the fiscal sustainability of the Highway Trust Fund.

This next quote from their letter is so important:

Without the certainty of a multi-year bill, current problems become harder to solve as highway and transit conditions worsen and land, labor, and materials get more expensive. Absent passage of a multi-year reauthorization, there will be continued uncertainty and erratic funding for critical infrastructure investments and the public and the private sectors would continue to respond by delaying projects, withdrawing investment, and laying off employees.

We encourage you to support the motion to proceed to S. 1813.

Of course, Mr. President, that is the motion we will be voting on today at 2 p.m.

They continue:

The ATM Coalition stands ready to bring together business, labor, highways and transit stakeholders to provide Congress the public support to pass an adequately funded multi-year surface transportation bill by March 31, 2012.

On the issue of the enhancements, we already had a vote on enhancements before, and we turned back proposals to do away with enhancements. So what we did in this bill is we said to the States: Guess what, you have much more flexibility.

I have to tell you—and I won't do it now, but perhaps Senator PAUL is going to speak about these enhancements—we know for sure that these enhancements—and I think that is the wrong name because they are really safety projects—have saved lives because they fund things such as pedestrian paths and safe passageways for kids to get to school. So while my colleague and I may differ, I strongly believe Congress stands behind—I should say the Senate stands behind continuing to fund these safety projects, and we have given the States far more flexibility. So I hope we will defeat any amendment to remove the ability of our States to determine which of those safety projects they want because we have the facts behind us—13 percent of traffic fatalities involve pedestrians and bicyclists. I feel we give our States the opportunity, and if Oklahoma doesn't have any of these problems because it is a much more rural State than California, I am happy with that. But we have to understand that these are safety projects, and I hope we will defeat any amendment that tries to reduce the ability of the States to fund these projects.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent that the junior Senator from Kentucky be recognized for up to 7 minutes. He has been trying to get on for quite some time. I think that is agreeable with everyone.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Kentucky.

FOREIGN AID TO EGYPT

Mr. PAUL. Mr. President, I wish to commend the Senator from Oklahoma on being a leader in trying to repair and restore our infrastructure. I think

the Senator from Oklahoma has shown that this is a bipartisan issue.

I rise today not only to support the bipartisan nature of rebuilding our infrastructure but also to address an urgent concern regarding what is happening in Egypt. I rise to introduce an amendment to suspend foreign aid to Egypt until they release our American citizens.

The situation in Egypt over the past year has been tumultuous, and their people and government stand at a moment where they will choose their future. Will they stand for freedom? Will they choose to stand with the United States? The choice is entirely theirs, of course, but their recent actions are troubling and should give us reason to reconsider our significant aid to the Government of Egypt.

What bothers critics of our foreign policy is the disconnect between hope and reality. Well-intentioned people vote to give aid to countries in hopes they will promote freedom, democracy, and the interests of the United States abroad. Too often, though, it does none of those things. Instead, it enriches dictators and emboldens governments that act against our interests.

Right now American citizens who work for prodemocracy organizations in Egypt are being held hostage. There really is no other way to put it. These innocent American citizens are not being allowed to leave Egypt and are facing trial by a military government.

This situation has been allowed to escalate by the Obama administration over the past several months, as authorities in Egypt have accelerated a cynical war against these prodemocracy forces—these individuals who are American citizens—in an attempt to gain support from radicals who are convinced that NGOs represent a Western plot to undermine Egypt. These extremists seek to impose their own agenda in Egypt and are determined to prevent Egypt's democratic process as much as possible.

The Supreme Council of the Armed Forces in Egypt—the ones responsible for the transition—has demonstrated that they are not only willing but are in the process of using American citizens as scapegoats for the continual upheaval in Egypt. Their actions do not illustrate a significant democratic transition. In fact, they are encouraging and provoking distrust among the Egyptian people by making false allegations about the nature of these American citizens.

In the aftermath of the Arab revolution and the toppling of the authoritarian Mubarak government, Egypt finds itself in critical need of support in order to build a functioning democratic system. Yet, in late December, Egyptian authorities abruptly raided the offices of several nongovernmental organizations working toward democratic development, seizing their computers and documents. This past weekend Egyptian prosecutors filed criminal charges against these innocent

American citizens. This must not be allowed to stand.

The American people should be concerned. We are subsidizing behavior, through U.S. taxpayer foreign aid to Egypt, that is leading to and allowing for the unjust detainment of American citizens in Egypt. Egypt is one of the largest recipients of foreign aid, totaling over \$70 billion over the last half century. Egypt's ruling military has itself received \$1.3 billion in foreign aid every year since 1987, and they have the gall to hold American citizens hostage. This must end.

Not everyone in this body agrees on foreign policy or on the role of U.S. foreign assistance. But the reckless actions of Egyptian authorities in this matter should bring us together to form one undeniable conclusion: American foreign assistance dollars should never be provided to any country that bullies our citizens, recklessly seeks to arrest them on imaginary charges or denies them access to their most basic rights.

Egypt must immediately stop the detainment and prosecution of these American citizens. If they fail to do so, then we have the moral obligation to immediately end their foreign aid. The time for action is now.

I will offer an amendment to suspend Egypt's foreign aid until our American citizens are released. It is our duty as our people's representatives to ensure no more American taxpayer dollars will flow to Egypt until they rescind the charges against innocent Americans and allow them to peacefully leave the country. The American people are behind this, and I advise the Senate to consider that we should no longer send foreign aid to a country that is illegally detaining our citizens.

I yield the floor.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Vermont.

Mr. LEAHY. Madam President, with the Senator from Kentucky still on the floor, I appreciate what he has said, and I am glad he has shown support for the Leahy amendment which passed in the last foreign aid bill.

There was a lot of pushback from a number of people, the administration and on the Senator's side of the aisle, initially, when I wrote into the law that said it would suspend any money—\$1.3 billion—for the military, unless there was a certification that they were upholding the moves necessary toward democracy.

As a result, all the money the Senator is concerned about is being held back because of the Leahy amendment—which is joined in by Senator GRAHAM, whom I see coming onto the floor—when we did the Foreign Operations bill.

I appreciate the words of the Senator from Kentucky. I can assure him, with the Leahy amendment, none of the foreign aid is going to Egypt as they conduct their operations the way they are.

VIOLENCE AGAINST WOMEN REAUTHORIZATION  
ACT OF 2011

Mr. President, I ask unanimous consent to have printed in the RECORD letters in support of the reauthorization of the bipartisan Violence Against Women Reauthorization Act report.

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

NATIONAL TASK FORCE TO END SEXUAL AND DOMESTIC VIOLENCE  
AGAINST WOMEN,

February 9, 2012.

DEAR REPRESENTATIVE: We, the undersigned organizations, represent millions of victims of domestic violence, dating violence, sexual assault and stalking, and the professionals who serve them, throughout the United States and territories. On behalf of the victims we represent, we ask that you support the Violence Against Women Act's (VAWA) reauthorization.

VAWA's programs support state, tribal and local efforts to address the pervasive and insidious crimes of domestic violence, dating violence, sexual assault and stalking. These programs have made great progress towards keeping victims safe and holding perpetrators accountable. This critical legislation must be reauthorized to ensure a continued response to these crimes.

Since its original passage in 1994, VAWA has dramatically enhanced our nation's response to violence against women. More victims report domestic violence to the police and the rate of non-fatal intimate partner violence against women has decreased by 53%. The sexual assault services program in VAWA helps rape crisis centers keep their doors open to provide the frontline response to victims of rape. VAWA provides for a coordinated community approach, improving collaboration between law enforcement and victim services providers to better meet the needs of victims. These comprehensive and cost-effective programs not only save lives, they also save money. In fact, VAWA saved nearly \$12.6 billion in net averted social costs in just its first six years.

VAWA has unquestionably improved the national response to these terrible crimes. We urge you to support VAWA's reauthorization to build upon its successes and continue to enhance our nation's ability to hold perpetrators accountable and keep victims and their children safe from future harm.

We look forward to working with you throughout the reauthorization process. If you have any questions, please feel free to contact Juley Fulcher with Break the Cycle at [jfulcher@breakthecycle.org](mailto:jfulcher@breakthecycle.org), Rob Valente with the National Council of Juvenile and Family Court Judges at [robvalente@dvpolicy.com](mailto:robvalente@dvpolicy.com), or Terri Poore with the National Alliance to End Sexual Violence at [tpoore@tcasv.org](mailto:tpoore@tcasv.org).

Sincerely,

9to5, National Association of Working Women; A CALL TO MEN; AAUW; Alianza National Latino Alliance to End Domestic Violence; Alternatives to Family Violence; American Association of University Women; American Civil Liberties Union; American College of Nurse-Midwives; American Indian Housing Organization (AICHO); American Probation and Parole Association; American Psychiatric Association; Americans Overseas Domestic Crisis Center; ASHA for Women; Asian & Pacific Islander Institute on Domestic Violence; ASISTA Immigration Assistance; Association of Jewish Family and Children's Agencies; Association of Prosecuting Attorneys; Association of Reproductive Health Professionals; Black Women's Health Imperative; Break the Cycle.

Casa de Esperanza; Church of the Brethren; Coalition of Labor Union Women; Daughters of Penelope; Deaf Abused Women's Network; Disciples Justice Action Network; Disciples Women of the Christian Church (Disciples of Christ); Domestic Violence Report; Feminist Majority/Feminist Majority Foundation; Futures Without Violence (formerly the Family Violence Prevention Fund); General Federation of Women's Clubs; Hadassah, The Women's Zionist Organization of America, Inc.; Indian Law Resource Center; Institute on Domestic Violence in the African-American Community; International Association of Forensic Nurses; Japanese American Citizens League; Jewish Council for Public Affairs; Jewish Women International; Joyful Heart Foundation; Korean American Women In Need (KAN-WIN); Legal Momentum.

MANA—A National Latina Organization; Men Can Stop Rape; Men's Resources International; Mennonite Central Committee US; Methodist Federation for Social Action; National Alliance of Women Veterans, Inc; National Alliance to End Sexual Violence; National American Indian Court Judges Association; National Association of Counties; National Association of VOCA Assistance Administrators; National Center for Victims of Crime; National Center on Domestic and Sexual Violence; National Clearinghouse on Abuse in Later Life; National Coalition Against Domestic Violence; National Coalition of Anti-Violence Programs; National Congress of American Indians Violence Against Women Task Force; National Council of Churches of Christ in the USA; National Council of Jewish Women; National Council of Juvenile and Family Court Judges; National Council of Negro Women; National Council of Women's Organizations; National Council on Independent Living.

National Dating Abuse Hotline; National Domestic Violence Hotline; National Domestic Violence Registry; National Housing Law Project; National Institute of Crime Prevention; National Latina Institute for Reproductive Health; National Law Center on Homelessness and Poverty; National Legal Aid and Defender Association; National Network to End Domestic Violence; National Organization for Women; National Organization of Sisters of Color Ending Sexual Assault; National Resource Center on Domestic Violence; National Resource Sharing Project; National Women's Political Caucus; NETWORK—A National Catholic Social Justice Lobby; Nursing Network on Violence Against Women International; Planned Parenthood Federation of America; Praxis International; Range Women's Advocates; Rape Abuse and Incest National Network; Religious Coalition for Reproductive Choice.

Sargent Shriver National Center on Poverty Law; Security on Campus Inc.; Service Women's Action Network; Sexuality Information and Education Council of the United States; Sisters in Sync; The Joe Torre Safe at Home Foundation; Tribal Law and Policy Institute; Union for Reform Judaism; United Church of Christ; United Methodist Church (General Board of Church and Society); Veteran Feminists of America; Voices of Men; Witness Justice; Women of Color Network; Women's Information Network; Women's Law Project.

NATIONAL ASSOCIATION OF  
ATTORNEYS GENERAL,

Washington, DC, January 11, 2012.

DEAR MEMBERS OF CONGRESS: Since its passage in 1994, the Violence Against Women Act ("VAWA") has shined a bright light on domestic violence, bringing the issue out of the shadows and into the forefront of our efforts to protect women and families. VAWA transformed the response to domestic violence at the local, state and federal level. Its

successes have been dramatic, with the annual incidence of domestic violence falling by more than 50 percent.

Even though the advancements made since in 1994 have been significant, a tremendous amount of work remains and we believe it is critical that the Congress reauthorize VAWA. Every day in this country, abusive husbands or partners kill three women, and for every victim killed, there are nine more who narrowly escape that fate. We see this realized in our home states every day. Earlier this year in Delaware, three children—ages 12, 2½ and 1½—watched their mother be beaten to death by her ex-boyfriend on a sidewalk. In Maine last summer, an abusive husband subject to a protective order murdered his wife and two young children before taking his own life.

Reauthorizing VAWA will send a clear message that this country does not tolerate violence against women and show Congress' commitment to reducing domestic violence, protecting women from sexual assault and securing justice for victims.

VAWA reauthorization will continue critical support for victim services and target three key areas where data shows we must focus our efforts in order to have the greatest impact:

Domestic violence, dating violence, and sexual assault are most prevalent among young women aged 16-24, with studies showing that youth attitudes are still largely tolerant of violence, and that women abused in adolescence are more likely to be abused again as adults. VAWA reauthorization will help us break that cycle by consolidating and strengthening programs aimed at both prevention and intervention, with a particular emphasis on more effectively engaging men and local community-based resources in the process.

A woman who has been sexually assaulted can be subjected to further distress when the healthcare, law enforcement, and legal response to her attack is not coordinated and productive. Whether it is a first responder without adequate training, a rape kit that goes unprocessed for lack of funding, or a phone call between a crisis counselor and a prosecutor that never takes place, sexual assault victims deserve better. We must develop and implement best practices, training, and communication tools across disciplines in order to effectively prosecute and punish perpetrators, as well as help victims heal and rebuild their lives.

There is a growing consensus among practitioners and researchers that domestic violence homicides are predictable and, therefore, often preventable. We can save the lives of untold numbers of potential homicide victims with better training for advocates, law enforcement, and others who interact with victims to recognize the warning signs and react meaningfully.

The fight to protect women from violence is one that never ends. It is not a year-to-year issue, which is why we think it is critical that Congress reauthorize the Violence Against Women Act. We know a great deal more about domestic violence, dating violence, sexual assault and stalking than we did 17 years ago. Reauthorizing VAWA will allow us to build on those lessons and continue to make progress and save lives.

VAWA was last reauthorized in 2006 and time is of the essence for reauthorization of this important law. We urge Congress to take on this critical mission and reauthorize VAWA.

NATIONAL SHERIFFS' ASSOCIATION,  
Alexandria, VA, February 1, 2012.

Hon. PATRICK LEAHY,  
U.S. Senate,  
Washington, DC.

Hon. MIKE CRAPO,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR LEAHY AND SENATOR CRAPO: On behalf of the National Sheriffs' Association (NSA) and 3,079 elected sheriffs nationwide, I am writing to express our support for the Violence Against Women Reauthorization Act (VAWA).

NSA and the nation's sheriffs recognize the extreme seriousness that the crimes of domestic violence, sexual assault, dating violence, stalking, and sex trafficking have on law enforcement, victims, and communities across the nation. Originally established in 1994, VAWA works to increase officer and victim safety, while striving to prevent future abuse, by providing resources to law enforcement agencies to enhance their core programs and policies, as well as to reaffirm the commitment to reform systems, that affect victims of domestic violence, sexual assault, dating violence, stalking, and sex trafficking.

The reauthorization of VAWA would continue to enable law enforcement agencies across the country to adequately address domestic violence, sexual assault, dating violence, stalking, and sex trafficking crimes by expanding funding for programs that recognize the concerns and needs of victims. Furthermore, VAWA supports the key collaboration between the victims' services community; health care community; and law enforcement to ensure that all victims are receiving the critical treatment and services necessary after a crime has occurred.

However, we do have one point of concern regarding the VAWA reauthorization involving PREA (Prison Rape Elimination Act) standards as they apply to the Department of Homeland Security (DHS). NSA strongly believes that sexual violence and abuse have no place in our correctional facilities. As such, NSA has been working closely with the Department of Justice (DOJ) on PREA to ensure that the final standards take into consideration the vast differences between jails, which sheriffs largely operate, versus prisons; thus enabling for the efficient and effective implementation in jails nationwide.

Title X of the VAWA reauthorization would require DHS to establish and implement PREA standards for DHS detention facilities. As you may be aware, many sheriffs contract with DHS to house criminal aliens in their jails. As sheriffs will need to comply with PREA standards when finally established by the DOJ, NSA would ask that you, and the Senate Judiciary Committee, ensure that the VAWA reauthorization language clarifies that DHS PREA standards need to be consistent with DOJ PREA standards. This would ensure that there are not differing standards for jails based on the federal, state, or local detainees held, as well as help with the swift and successful implementation of final PREA standards.

While the law enforcement community, and society as a whole, has made great strides in combating such crimes as domestic violence, sexual assault, stalking, sex trafficking, and dating violence since the original enactment of VAWA, there is still more work that still needs to be done. The reauthorization of VAWA will enable the continued partnership among sheriffs and victims' advocates and service providers to protect victims and prevent future victimization throughout the United States.

Senator Leahy and Senator Crapo, the National Sheriffs' Association thanks you for

your leadership on this important issue in the 112th Congress.

Sincerely,

Sheriff PAUL H. FITZGERALD,  
*President.*

FEDERAL LAW ENFORCEMENT  
OFFICERS ASSOCIATION,  
Washington, DC, January 31, 2012.

Hon. PATRICK LEAHY,  
*Chairman, Senate Judiciary Committee.*

Hon. CHARLES GRASSLEY,  
*Ranking Member, Senate Judiciary Committee.*

DEAR CHAIRMAN LEAHY AND RANKING MEMBER GRASSLEY: On behalf of the 26,000 members of the Federal Law Enforcement Officers Association (FLEOA), I am writing to express our full support for Senator Leahy's proposed reauthorization of the Violence Against Women Act (VAWA). FLEOA has supported the essential purpose of this legislation since it was first passed in 1994. According to the Centers for Disease Control and Prevention, one in four women will experience domestic violence in their lifetime. In our proud Land of the Free and Home of the Brave, this is unacceptable.

FLEOA fully supports the substitute amendment to S. 1925. The amendment properly calls for the U Visa cap to be raised to allow for the recapture of 5,000 unused U Visas. Current law authorizes an annual issuance of only 10,000 U Visas. Unfortunately, dangerous criminals remain undaunted by this cap and it only serves to discourage non-citizen battered women from cooperating with law enforcement.

The absolute priority for all law enforcement officers is the pursuit and capture of violent criminals. By limiting the number of U Visas law enforcement can request, Congress is effectively amputating the long arm of the law. Law enforcement officers and prosecutors don't hand out U Visas like cotton candy. U Visas are an essential tool carefully used by law enforcement and tempered with great scrutiny. Again, our unwavering priority is to do everything within our means to protect women who are victimized by violent criminals.

I respectfully ask that both parties rally behind this important legislation, and that we unite in recognition of the need to protect all battered women from dangerous criminals.

Respectfully submitted,

JON ADLER,  
*National President.*

Mr. LEAHY. For almost 18 years, the Violence Against Women Act has been the centerpiece of the Federal Government's commitment to combat domestic violence, dating violence, sexual assault, and stalking.

Senator CRAPO and I introduced this bill, a moderate bill, which has now gone through the Senate Judiciary Committee and should be voted up or voted down. It saves money, but it also commits to those programs needed by our States.

At some point, if it is delayed much longer, I am going to come to the floor and recount some of the horrific crime scenes I went to of violence, sexual violence, domestic violence, the things that are being combated now, things that happened when we did not have the Violence Against Women Act.

Last Thursday, the Judiciary Committee approved the bipartisan Violence Against Women Reauthorization Act. For almost 18 years, the Violence Against Women Act, VAWA, has been

the centerpiece of the Federal government's commitment to combat domestic violence, dating violence, sexual assault, and stalking.

It has been extraordinarily effective, and the annual incidence of domestic violence has fallen by more than 50 percent since the landmark law was first passed.

As a prosecutor in Vermont, I saw firsthand the destruction caused by domestic and sexual violence. Those were the days before VAWA, when too often people dismissed these serious crimes with a joke, and there were few, if any, services for victims.

We must not go back to those days. This law saves lives, and it must be reauthorized.

Senator CRAPO and I introduced a moderate bill that incorporates input from survivors of domestic and sexual violence all around the country and the tireless professionals who serve them every day.

This legislation builds on the progress that has been made in reducing violence against women, and it makes vital improvements to respond to remaining, unmet needs.

Unfortunately, partisan politics threaten to stop this critical legislation from moving forward. We have seen this same pattern too often.

The Trafficking Victims Protection Reauthorization Act and the Second Chance Act, both laws originally championed by Republican Senators and supported by Republican Presidents, are now suddenly unacceptable.

This obstruction must stop. These programs are too important. They save lives. They make our communities safer.

Nowhere is that more true than for the Violence Against Women Act. Certainly, helping survivors of domestic and sexual violence should be above politics.

The last two times VAWA was reauthorized, it was unanimously approved by the Senate. Now, this law, which has done more to stop domestic and sexual violence than any other legislation ever passed, faces Republican opposition. That is not right.

To those who suggest that this legislation creates too many new programs, I say that is simply not true. In fact, the bill reduces the scale of VAWA.

It consolidates 13 existing programs and reduces authorization levels by nearly 20 percent while providing for only one small additional program.

The improvements in this bill are important but modest when compared to previous reauthorizations, which created many new grant programs and raised authorization levels almost across the board.

I have heard some say that our bill protects too many victims. I find that disheartening. One thing I know from my time as a prosecutor, and I would hope it is something we can all agree on, is that every victim counts.

All victims deserve protection. That is a message we have heard loud and

clear from our States and something I hope is common ground.

More than 200 national organizations and 500 State and local organizations have expressed their support for this bill.

Many of them have written strong letters urging swift passage of this legislation including the National Task Force to End Sexual and Domestic Violence, the National Association of Attorneys General, the National District Attorneys' Association, the National Sheriffs' Association, and the Federal Law Enforcement Officers Association.

This legislation has the support of five Republican Senators.

I thank Senators CRAPO, KIRK, MURKOWSKI, BROWN, and COLLINS for their willingness to step forward and support the reauthorization of this landmark legislation.

This is the Violence Against Women Act. It should not be a partisan matter.

I hope that all Senators will support this bill and that we can move quickly to reauthorize this critical legislation.

It is a law that has saved countless lives, and it is an example of what we can accomplish when we work together.

AIR NATIONAL GUARD AND RESERVES

Madam President, I am glad to see the senior Senator from South Carolina. For the first 50 or 60 years I was in the Senate—or it felt like that—it was a different senior Senator. But I am delighted to see the senior Senator from South Carolina, Mr. GRAHAM, who is joining me to address a matter of great importance to the Nation at a crucial moment in our history.

The U.S. Air Force last week offered a preliminary look into its budget for fiscal year 2013. While the President will formally submit his budget proposals on Monday, last week's briefing and information papers offered enough detail for the Senate to begin considering the overall strategic direction of the Air Force Future Years Defense Program. In Pentagon jargon, that is usually called FYDP.

I have to say I am deeply disappointed and very worried as I look at the first glance at that proposal.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Madam President, I appreciate the opportunity to engage in this colloquy.

As cochairman of the Guard Caucus, which obviously has the Air National Guard Component, Senator LEAHY has been a real pleasure to work with.

The bottom line is, this effort to downsize the Air Force falls incredibly heavy on the Air National Guard. There will be 3,000 Active-Duty members lost regarding the plan he just mentioned, 5,000 coming from the Air National Guard. The airframes to be eliminated in the plans Senator LEAHY just mentioned fall disproportionately on the Air National Guard. In just a moment, we are going to talk about the bang for your buck in terms of the Reserve component called the Air National Guard, and we are going to challenge the Congress and the Department

of Defense to reconsider this because, quite frankly, it makes no military or fiscal sense.

Mr. LEAHY. As an example of the approach to the budget cuts, one of the A-10 units slated for cutting, the 127th Wing from Michigan, just returned from fighting bravely in Afghanistan and as a welcome home: Great job. Sorry, we are going to disband you.

The approach to budget cuts the Air Force has decided to take is simply wrong. We have to have budget cuts. We know that. But there is a wide variety of reasons why this makes not the sense it should. I draw the Senate's attention to a study produced by the Pentagon last year that was signed by the Vice Chairman of the Joint Chiefs and the Assistant Secretary of Defense for Reserve Affairs that demonstrated what we already knew: Even when mobilized, Reserve component units are far less expensive than their peer units in the Active component.

It has always been a foregone conclusion that the Air National Guard costs are far less than Active component costs when they are on base or in garrison. Personnel are not drawing the salaries their peer units are and so on. But the Pentagon report showed something more interesting. It showed the Guard and Reserve save taxpayers dollars even when mobilized. The Reserve component units are estimated to be about one-third as expensive as similar Active component units, and they can deploy nearly half as often. That adds up to lot of savings in dollars and cents, but it also reflects a very major component of our security, because in the wars we fought in the last decade, we could not have done it without these Guard and Reserve units.

Mr. GRAHAM. The Senator is absolutely right. When we look at the utilization of the Guard and Reserve since 9/11, it has been at World War II levels. When we go into the combat theater, we can't tell the difference between Guard, Reserve or Active-Duty member, which is a testament to all three.

But when we look at what the Air Force is doing—and I think it is proper to consider the other services—the Marine Corps is making no reduction to their Reserves. The Army is making very small cuts in the Guard and Reserves and substantial cuts to the Active Forces. The Army and Marine Corps plans support the new strategic concept of reversibility; that is, the part of the Department of Defense strategic guidance. We cannot be sure what contingencies might arise, and we cannot afford to make cuts that will leave us incapable of responding when necessary.

Secretary Flournoy, during her last speech to the Defense for Policy, stated that “the Guard and the Reserves will play an extremely important role” in the reversibility concept because they give the military built-in adaptability and resourcefulness. This reversibility concept is what we are doing to reduce the defense infrastructure. If it were

ever reversed or had to be reversed because of some contingency, we want to make sure that is possible. The Guard and Reserve is the most capable force to maintain and, in terms of the concept of reversibility, is our best bang for the buck.

So the Air Force is taking a different approach than the Army, Navy, and Marine Corps to their Reserve component, particularly their Air National Guard. I think Senator LEAHY and I are going to make sure that decision is examined in-depth.

Mr. LEAHY. I agree with my colleague on that, and that is why the bipartisan Guard Caucus will have some very strong statements.

We look at what the former Chief of Staff of the Air Force, GEN Ron Fogelman, said before these plans were announced. He argued for a larger Reserve component and a smaller Active-Duty Force. He did a guest column in DefenseNews. He said, among other things:

The big question is, how does the department reduce its budget and continue to provide a modern, balanced and ready defense when more than half of the budget is committed to personnel costs?

The answer to that question is right before us: We should return to our historic roots as a militia nation. So, what does that mean, exactly? Simply put, it means we should return to the constitutional construct for our military and the days when we maintained a smaller standing military and a robust militia.

To do that, leaders must put old parochial norms aside and be willing to actually shift forces and capabilities to the National Guard and Reserve.

He said “put old parochial norms aside.” He goes on to say:

This would enable significant personnel reductions in the active components. It would also result in a larger reserve component. Most important, it would preserve capability and equipment that has cost the American taxpayer trillions of dollars, nest it in our mostly part-time Guard and Reserve, and have it available should it be needed.

This concept worked well for our country for the better part of two centuries. Unfortunately, several generations of leaders have come and gone, and most of today's leadership fails to recognize the true potential of the militia model.

We need our collective senior military and civilian leaders to recognize there is a way back to a smaller active military and a larger militia posture. The fiscal environment and emerging threats demand it.

Those aren't my words. Those are the words of a former Air Force Chief of Staff.

Mr. GRAHAM. Senator LEAHY is right. When we look at our Constitution itself, it talks about a militia. When we look at the history of the country, it is the citizen soldier who got this whole concept called America started.

We do need a standing Army, Navy, Air Force, and Marine Corps. But when we are looking at the budget problems we face and the fiscal concerns we have as a nation and we want to restructure the military, I will be talking in just a minute about why we should be look-

ing for a greater role from the Guard and Reserve just from economics. But when it comes to military capability, I think we have the best of both worlds now: a very efficient, quite frankly, cheaper force to maintain with very similar, if not like, capabilities. We don't want to let that concept be eroded by a plan that I think doesn't appreciate the role of the militia and doesn't appreciate the cost-benefit analysis from a robust Reserve component.

Mr. LEAHY. In fact, Senator GRAHAM and I introduced a successful amendment in last year's Defense authorization bill that required the Pentagon and the GAO perform studies that should produce more conclusive analysis of the relative cost of similar units in the Active components and the Reserve components. We are also aware of at least two other third-party studies currently underway to address the questions. I think we are going to have three or four such studies that will conclusively answer the questions. Senator GRAHAM and I—and I think most of our colleagues in the Senate—consider these proposed Air Force cuts to be dangerously premature. Once we cut the Reserve components, once we send an aircraft to the boneyard at Davis-Monthan Air Force Base and these airmen and pilots go out to civilian life, we don't get them back. In fact, that is precisely why the Army and Marine Corps have taken a different approach of preserving their Reserve component force structure: They can mobilize Active component troops they place in the Reserve component. But once we cut that, they are gone forever. They are gone forever.

Mr. GRAHAM. What I am about to provide to the body, I think we need to absorb and be aware of.

This study that Senator LEAHY is talking about, an analysis of the effectiveness and cost, is an ongoing endeavor. I would like to know more about what the study yields before we make what I think are pretty Draconian cuts in the Air National Guard.

But this is what we know before the study. This information is already in: According to an Air Guard briefing, the Air National Guard, operating under today's deployment constraints, is still 53 percent of the cost of an equivalent Active-Duty major command. The Air National Guard costs \$2.25 billion less annually than a similarly sized Active Air Force command. That is \$6.2 million a day in savings.

After 20 years of service, our average enlisted airman costs nearly \$80,000 a year in total compensation. On the other hand, an identical Air National Guard enlisted airman costs about \$10,000 a year, about an 85-percent savings.

Over a 20-year career, an Air National Guard airman will save the country about \$1 million compared to an active-duty airman. At 22 years, an active-duty pilot will cost about \$150,000 in compensation. On the other hand, an Air National Guard pilot at 22

years costs the taxpayers about \$30,000 in total compensation. Over a 26-year career, an Air National Guard pilot will save the country nearly \$2 million compared to an active-duty pilot.

Active-duty pilots retire on average with 22 years of service. Air National Guard pilots retire with an average of 26 years of experience, giving the country a greater level of experience and ability for those final 4 years, at a much lower cost. These cost figures do not even account for other life cycle and infrastructure savings that a Reserve component-first model would yield.

These are stunning numbers without the study to fully be accomplished. We are going to do our best, I say to Senator LEAHY, to tell the story of capability and cost.

Mr. LEAHY. Madam President, clearly this approach, if we keep the Guard and Reserve, saves our country precious resources at a time we need to tighten our belts. There are a couple of things we agree on. Everybody in the Senate agrees that our military has to be kept strong and vigilant to threats from our enemies. But the source of our military strength has been and always will be our economic might. If we are to protect ourselves militarily while also marshaling our economic power, moving to the kind of constitutional defense model my colleague has discussed should be our first choice.

I think these Air Force proposals are ill-advised and premature at the very least. I think they are flat-out wrong, as has already been said here on the floor. When any of us who have visited the areas, especially in the last few years, where our military guard and our Reserves are deployed, you cannot tell the difference between their duties or the risks they put themselves in—between the active-duty and Guard and Reserve components. The National Guard has been given a much greater role in our overall national defense—more missions, greater responsibility, heavier burdens. They perform these missions superbly, with great skill and effectiveness. They have defended our interests, and many have lost their lives doing it, but they carried out the same missions as everybody else.

The Senate National Guard Caucus worked closely with all concerned to accommodate and facilitate these changes. But now we are going to take an active role in informing the Senate as these are being made. We are not going to sit by while any of the military services decimate their Reserve components. We will work together, Senator GRAHAM and I, with the Senate Armed Services Committee on which he serves with distinction, and the Senate Appropriations Committee on which we are both privileged to serve, but also the entire membership of the Senate, to produce a thoughtful, well-conceived strategy for military manpower that makes use of a cost-effective and accessible, fully operational, trained, and ready Reserve component.

Mr. GRAHAM. I look forward to working with Senator LEAHY and others to bring about what he indicated to make it a reality. The bottom line of this whole discussion is that the Cold War is over. We are very proud of our standing military, our Army, Navy, Air Force, Marine Corps, Coast Guard—they do a terrific job, the standing military. The militia component has been the heart and soul of this country since its founding and in a post-Cold War war on terrorism environment where you have to call on resources that the Guard and Reserve have that are unique—like civil affairs. When you are going into Afghanistan and Iraq, it is one thing to clear the village; you have to hold the village. You have to hold it. Agricultural specialists come from the Guard and Reserve, people from Vermont and South Carolina who have skills in their day job, who can do more in the war effort than dropping a bomb.

As we look at the threats we face, I think we need to understand the Reserve component is more valuable than ever. We are not defending the Fulda Gap against a massive Soviet Union tank invasion. We have to be nimble, we have to deploy quickly. The Reserve component, particularly the Air National Guard, has a great return on investment and, like any other part of the military, can be reformed. But this proposal doesn't reform it; it in many ways neuters the Air National Guard and at a time when that makes no sense. We will continue this endeavor, and I look forward to working with Senator LEAHY and others to create a rational approach to the Reserve and Guard.

Mr. LEAHY. I thank my friend from South Carolina. We will from time to time report to the Senate on this issue. It is extremely important. It comes down to the bottom line: Have the best defense at the least cost to the taxpayer. That is what we are both aiming for.

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

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

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE  
NOMINATION

Mr. REID. Madam President, I ask unanimous consent that today, February 9, at 1:30 p.m., the Senate proceed to executive session to consider Calendar No. 407; that there be 30 minutes divided in the usual form; that upon the use or yielding back of time the Senate proceed to vote with no intervening action or debate on Calendar No. 407; the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in

order; and that any statements related to this matter be printed in the RECORD; that President Obama be immediately notified of the Senate's action; and the Senate proceed then to legislative session and the cloture vote on the motion to proceed to S. 1813, under the previous order.

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

The Senator from Iowa.

Mr. GRASSLEY. I ask permission to speak as in morning business for about 12 or 13 minutes.

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

OPERATION FAST AND FURIOUS

Mr. GRASSLEY. Madam President, for over a year now I have been investigating Fast and Furious. That is an operation coming out of the Bureau of Alcohol, Tobacco, and Firearms.

This has been a very complicated investigation. It has been made even more difficult because of the Justice Department's lack of candor and transparency. Basically, the Justice Department is stonewalling, interfering with Congress's constitutional responsibility of oversight.

For example, the Justice Department's Office of Inspector General recently disclosed that it has received 80,000 pages of documents from the Department and over 100,000 e-mails.

Think of what the Inspector General gets from the Department: 80,000 pages and 100,000 e-mails. How much do you think they have given the Congress of the United States, which has the constitutional responsibility of oversight? It is only 6,000 pages that we have received.

Similarly, the inspector general has been allowed to conduct 70 witness interviews. How many has the Justice Department allowed the Congress, in our responsibility of oversight, to interview? Only 9 witnesses.

Last week, Attorney General Eric Holder testified before the House Committee On Oversight and Government Reform. The Justice Department did a document dump to Congress the Friday night before the hearing. That has become a very bad habit of the Department of Justice. In fact, without giving us any advance notice that it was coming, they actually put a CD under the door of our office, after business hours. What did they do for the press? They gave the same documents to the press 2 hours before they ever gave them to us. Yes, they managed to find time to leak the documents to the press during regular business hours. This is the kind of cooperation we get from the Justice Department in our constitutional responsibility of oversight.

What I am telling my colleagues here is that we have a terrible lack of cooperation from the Justice Department. The Justice Department is not only thumbing its nose at the Senate, they are doing it to the entire Congress of the United States, when we know there are 80,000 pages of documents and they only give us 6,000 pages; when

there are 100,000 e-mails and we get a handful of e-mails. Why would they be so mysterious by putting a disk under our door on a Friday night and giving it to the press 2 hours before? What sort of attitude is that of our Justice Department toward the cooperation you ought to have with our filling our constitutional role of oversight? So I guess I would say there is hardly any cooperation whatsoever from the Justice Department.

Even though we get a dribble here and a dribble there, even though we get a CD under the door, instead of very openly face to face receiving documents, what we got last Friday did reveal further facts about a previously unknown proposal to allow these guns to cross the border.

We have long known that in March of 2011, Deputy Attorney General James Cole had a conference call with all Southwest border U.S. agents. In a follow-up e-mail after the call, Mr. Cole wrote:

As I said on the call, to avoid any potential confusion, I want to reiterate the Department's policy: We should not design or conduct undercover operations which include guns crossing the border. If we have knowledge that guns are about to cross the border, we must take immediate action to stop the firearms from crossing the border, even if that prematurely terminates or otherwise jeopardizes an investigation.

Attorney General Holder himself told us in a hearing in May that Mr. Cole was simply reiterating an existing Justice policy in his e-mails, not communicating new policy. So imagine my surprise when I discovered in the document slid under my door late last Friday that while in Mexico Assistant Attorney General Lanny Breuer proposed letting guns cross the border. Mr. Breuer's proposal came at exactly the same time the Department was preparing to send its letter to me denying that the ATF ever does the very thing he was proposing.

In a February 4, 2011 e-mail, the Justice Department attache in Mexico City wrote to a number of officials at the Justice Department:

AAG Breuer proposed allowing straw purchasers to cross into Mexico so [the Secretariat of Public Safety] can attest and [the Attorney General of Mexico] can prosecute and convict. Such coordinated operations between the US and Mexico may send a strong message to arms traffickers.

We have people here in Washington saying the program doesn't exist at the same time we have people talking down in Mexico City of what we are trying to accomplish by the illegal sale of guns.

That e-mail I quoted, the recipient of it included Mr. Breuer's deputy, Jason Weinstein, who was helping to write the Justice Department letter to me that they would later withdraw for its inaccuracies. In other words, they wrote a letter to me on February 4 of last year that in October they admitted they misled us. Mr. Weinstein was sending updates about the draft letter to Mr. Breuer in Mexico at the very

same time so he cannot say he didn't know about it. Yet, during his testimony to the Senate Judiciary Committee, Mr. Breuer downplayed his involvement in reviewing the draft letter. It is outrageous to me that the head of the Justice Department's Criminal Division proposed exactly what his Department was denying to me was actually happening.

The Justice Department's letter to me clearly said:

ATF makes every effort to interdict weapons that have been purchased illegally and prevent their transportation to Mexico.

They said that at the very same time Mr. Breuer was advocating that a Justice Department operation allow weapons to be transported into Mexico. Further, what Mr. Breuer advocated directly contradicted what the Justice Department said its policy was.

Is it possible they can have it both ways? No, you cannot have it both ways. If they didn't have a policy against such operations, and if the left hand doesn't know what the right hand is doing, perhaps it is not a surprise that an operation like Fast and Furious sprang up. After all, as that same Justice Department attache wrote of a meeting a few days after his first e-mail:

I raised the issue that there is an inherent risk in allowing weapons to pass from the US to Mexico; the possibility of the [Government of Mexico] not seizing the weapons; and the weapons being used to commit a crime in Mexico.

Well, the light bulb went on. If you are selling 2,000 guns illegally and they don't interdict them, well, yes, they end up murdering hundreds of people in Mexico and at least one person in the United States.

If the Justice Department did have a policy against such operations, this is a record of Mr. Breuer proposing to violate it. That is not just my conclusion, that is the Attorney General's conclusion as well.

At last week's hearing in the House of Representatives, the Attorney General was asked to explain the contradiction between his deputy's anti-gunwalking policy and the evidence of Mr. Breuer's proposed operation to let guns cross the border. He could not answer that question, but the Attorney General answered:

Well, clearly what was proposed in, I guess, February by Lanny Breuer was in contravention of the policy that I had the Deputy Attorney General make clear to everybody at Main Justice and to the field . . .

Perhaps this disconnect between Justice Department policy and Lanny Breuer's proposal explains Mr. Breuer's previous inaction to stop gunwalking. When he found out about gunwalking in Operation Wide Receiver in April of 2010, he failed to do anything to stop it or to hold anyone accountable. He simply had his deputy inform ATF leadership.

Regardless, Mr. Breuer's contravention of Justice Department policy is yet another reason why it is long past

time for Mr. Breuer to leave the Department of Justice.

Mr. Breuer misled Congress about whether he was aware of the Department's false letter to me. To this day he is still the highest ranking official in any administration that we know was aware of gunwalking in any Federal program, yet he took no action to stop gunwalking. He failed to alert the Attorney General or the inspector general.

Mr. Breuer has failed the Justice Department, and he has failed the American people. This failure raises some important questions. When did Attorney General Holder determine that Mr. Breuer was proposing allowing straw purchasers to reach Mexico with traffic weapons? What has he done about it? Will Mr. Breuer be held accountable for hatching a plan to directly violate the Attorney General's anti-gunwalking policy? The Attorney General clearly testified that the proposal was in contravention of that policy. How does the Justice Department know other senior criminal division officials were not proposing operations similar to Fast and Furious? These are just a subset of some of the major questions remaining in our investigation of Fast and Furious.

It has now been 1 year since the Department sent me its false letter. How did the Justice Department move from its position of dismissing the complaints of whistleblowers to acknowledging that now those whistleblower complaints are true? What officials were internally dismissive of whistleblower complaints and who believes that they could have merit and should be taken seriously? To what extent did Justice Department officials seek to retaliate against whistleblowers? Exactly how and when did the Justice Department officials begin to learn the truth of what happened?

Former ATF Director Ken Melson has testified how and when he learned that guns had walked in Fast and Furious. What about Attorney General Holder? When and how did he learn guns had walked? What about Assistant Attorney General Lanny Breuer? A year after Operation Fast and Furious concluded, who will be held accountable? Why didn't top Justice officials see the clear connection between Fast and Furious and previously flawed operations that they have admitted they knew about? How has the Justice Department assessed the mistakes and culpability of these officials?

Finally, it is time for the Justice Department to stop stonewalling and start providing answers. It is time for Holder to share with Congress the other 74,000 pages of documents they have turned over to the inspector general. It is time for Holder to give us access to the dozens of other people the inspector general has been allowed to interview.

In short, it is time for Holder to come clean with the American people.

The sooner he does it, and the Department does it, the sooner we can get to the bottom of what happened.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

A SECOND OPINION

Mr. BARRASSO. Madam President, I come to the floor today, as I do week after week, as a physician who practiced medicine in Casper, WY, taking care of families in the community and across the State for about a quarter of a century. I come as a doctor providing a second opinion about the health care law. Since this health care law was signed by the President almost 2 years ago, the public has been overwhelmingly opposed to it. The Democrats in Congress drafted this health care law. They did so quickly and behind closed doors. In spite of the President's promise that the discussions would be held on C-SPAN, no one saw what was happening.

Now the bill is law and, as NANCY PELOSI said, first you have to pass it before you get to find out what is in it. We have, as Americans, witnessed week after week the unintended consequences of the rush of the Democrats to score what they thought would be a political victory. So I continue to come to the floor with a second opinion because week after week there is another new finding of this monstrous law, and it is why week after week this health care law remains incredibly unpopular. The list of victims of this law continues to grow longer each week. Small business owners, families, people who get their coverage through their employers, and patients all across the country have already been impacted by this health care law.

But on January 20, the third anniversary of the President's inauguration, the President's health care law found a very new target, and that target amazingly is religious liberty. Now this administration is mandating that religious institutions provide services that undermine the beliefs of religious institutions across the country. In my opinion, and in the opinion of many across this Nation, this ruling tramples one of the amendments of the Constitution. I would say it is an easy amendment to find since it is the first one. It is the one which protects the rights to freedom of religion and freedom of expression. Reading from the Constitution, Amendment No. 1, Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.

If you take a look back at our Nation's history, the right to freedom of religion is one of the main reasons that many people came to America in the first place, and it is one of the reasons people have fought and have died for our Nation.

So what is someone to do? Well, Washington Archbishop Donald Wuerl has expressed the dilemma many institutions face, and he did it in a letter last week. The archbishop in Wash-

ington said the mandate will allow a Catholic school only one of three options: No. 1, to violate its beliefs by providing coverage for medications and procedures that Catholics believe are immoral; No. 2, to cease providing insurance coverage for all of its employees and then face ongoing and ultimately ruinous fines; or, No. 3, attempt to qualify for the exemptions by hiring and serving only Catholics, exclude everyone else.

Many Americans understand all three of those options are indefensible. Americans from across the political spectrum are speaking out against President Obama's big government power grab. One of my Democratic colleagues, Senator JOE MANCHIN, called this mandate un-American. Another, Senator BOB CASEY, a Democrat from Pennsylvania, objected to forcing Catholic institutions to violate their religious beliefs. Then we have former Representative Kathy Dahlkemper, a Democrat from Pennsylvania, who voted for the health care law in the House of Representatives, who said she would never have voted for the final version of the health care law "if I expected the Obama administration to force Catholic hospitals and Catholic colleges and universities to pay for contraception."

Even liberal commentators such as E.J. Dionne and Mark Shields have criticized the administration for being unwilling to offer a broader conscience exemption to religious-affiliated institutions.

Now that the President's liberal allies are even opposed to this unprecedented power grab, the White House is trying to clean up the mess. It has signaled that it is willing to compromise on its decision. Instead of a mild compromise, the regulation—and the entire health care law—needs to be fully repealed. As the Wall Street Journal editorial board points out:

In any case HHS would revive this coercion whenever it is politically convenient sometime in Mr. Obama's second term. Religious liberty won't be protected from the entitlement state until Obamacare is repealed.

I think all Americans should be afraid of the course this White House is on with this regulation. This debate isn't about women's health; it is about power. Washington should not have the power to force religious people and religious institutions to take actions that contradict their beliefs.

What we are going to continue to see as the health care law and the mandates and the regulations continue to come out is a government and an administration that continue to expand the government reach in terms of its size, in terms of its scope, and in terms of its grab for power.

The health care law was supposed to be about people and health care—the care they need from the doctor they want at a cost they can afford. Instead we have a lot of IRS agents but no new doctors and nurses. I go to townhall meetings and ask: How many of you

under this health care law who are hoping to get the care you need from a doctor you want at a price you can afford—how many of you believe the cost of your health care, because of this health care law, will increase, the costs to you will go up? All the hands went up. That is what the people believe when they hear more and more about this health care law.

Then I say: How many of you believe the quality and availability of your care will go down? Again, the hands went up.

These are the American people knowing everything they do about the health care law, which is very complicated and has not given them what they asked for: the care they need, from a doctor they want, at a cost they can afford. What they find and believe is that they are going to be actually paying more and getting less. That is not what the American people have been promised. It is not what they want. It is not what they expected. But it is what they are finding out they have received now that the law has passed.

So this clearly explains why Republicans in the Senate and in the House continue to be committed to repealing the President's health care law.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. I ask unanimous consent to address the Senate for up to 15 minutes as in morning business.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Reserving the right to object, if I could ask my friend through the Chair, would it be possible for me to have 2 minutes prior to his statement, and then following my remarks the floor will be the Senator's.

Mr. BROWN of Ohio. Sure.

Mrs. BOXER. Madam President, I wish to take 2 minutes to respond to Senator BARRASSO, who offered a second opinion. I hope my colleague will also talk about that.

I have to say it is stunning to see the assault on women's health that is taking place from the Republican Party day after day after day. First, they tried to stop women from getting breast screenings. Then they tried to stop us from getting cervical cancer screenings. Now they are going after our ability to get birth control.

I have to say this: We know that for a full 15 percent of women, birth control is pure medicine. They suffer from debilitating monthly pain, endometriosis. We have stories of women who couldn't afford birth control pills and a cyst got out of hand resulting in the loss of an ovary. We know that birth control is used for a very serious skin condition. So if they want to stand here and say that women don't have a right to our medicine, that is their right but don't put it into the frame of religious freedom.

We know President Obama said he was going to do what 28 States have

done; that is, to make sure women who work in this country have the ability to get access to birth control pills through their insurance. That is as simple as it gets. Twenty-eight States do it. I never heard a word out of them—never. And eight of those States had no exception when President Obama made an exception for 335,000 churches.

So let's not stand here and talk about the overreach of the Federal Government and the rest of it. The fact is our States have been doing this for years. More than 50 percent of women in this Nation have the ability to get contraception. It is about health. It is the Institute of Medicine that said it is critical. It will cut down on tens of thousands of abortions when families plan their families.

So as long as our colleagues on the other side want to make women a political football in this country, there are many of us here, women and men alike, who are going to stand sentry and say: You can't do this to the women of this Nation.

This is the 21st century, and we are arguing about birth control instead of how to get out of this economic malaise when we are finally seeing light at the end of the tunnel? Oh, no. I am hoping we go to a highway bill this afternoon, but we have to now have this diversion about an issue that was resolved, frankly, in the 1950s and in the 1960s.

So I thank my colleague for this opportunity. Senator BARRASSO has a right to a second opinion, but I think his opinion is off the mark.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. Madam President, I appreciate the comments of the Senator from California. She is on the floor today with Senator INHOFE—unlikely peas in a pod, one pretty liberal, one pretty conservative, very different views—to talk about job creation, infrastructure, building highways and bridges and public transit, and job creation. As so often is the case, people on the other side want to change the subject.

In my State, the elections 1½, 2 years ago were all about lost jobs, about lost manufacturing jobs that, frankly, accelerated during the Bush years, and we finally turned that manufacturing job loss around. We have seen 20 straight months of job increases in manufacturing.

But the legislature in Columbus, my State capital, and the Governor, what are they doing? They are not fighting for job creation. They are going after workers' rights and women's rights—the heartbeat bill, pretty extreme—instead of focusing on job creation.

That is what I came to discuss on the Senate floor today too—not specifically on this bill but another infrastructure bill, which I will get to in a moment.

The comment I heard from Senator BARRASSO, only from the end of his dis-

ussion, was that he wants to repeal the health care law. How do they tell a 23-year-old who now is on her mother's insurance, who is without a job and doesn't have insurance, that she is going to lose her insurance she has through her mother's insurance? How are they going to explain it to the family who has a child with a preexisting condition who now can get insurance when the insurance company denied it before? How are they going to explain it to the Medicare retiree, the 72-year-old woman on Medicare who now has no copay, no deductible, free screenings for osteoporosis, or the man who gets prostate screenings—how are they going to explain that? They want to repeal that.

How are they going to explain the fact that they want to repeal stopping one of the most insidious insurance company practices, which is that if people get too sick and they are too expensive, insurance companies just cut them off? They want to repeal that prohibition. I guess it is because they want to do the insurance companies' bidding over and over. That is a big part of their game.

It just breaks my heart when I see the progress we have made for the millions of Americans who now will have health insurance. I know the Senator and my colleagues, everybody in this body has good health insurance. People in this body are generally pretty affluent. They have good government insurance. But they don't want millions of men and women in our country—people who have lost jobs, people who are working without insurance—they don't want them to have insurance, all for some political gain of repealing ObamaCare. It is too bad.

Madam President, now I wish to focus on job creation. I wish to make some remarks on legislation I introduced today that is not directly Senator BOXER's and Senator INHOFE's highway bill, but it is about water and sewer systems and infrastructure.

#### WATER INFRASTRUCTURE IMPROVEMENTS

Mr. BROWN of Ohio. Mr. President, earlier today I was on a call with Tony Parrott, executive director of the Metropolitan Sewer District of Greater Cincinnati. We talked about how communities in Ohio are struggling to afford the necessary upgrades to improve sewer systems. In parts of the State with something called combined sewer systems, every time there are heavy rains waste and storm water overflows, the sewers overflow, and the water is dumped into our rivers and creeks and lakes.

The Environmental Protection Agency estimates that 800 billion gallons of untreated wastewater and storm water from these combined sewage overflows, these combined sewer systems, are released into our rivers, lakes, and streams each year. It poses a threat to public health and the environment, and

it undermines the competitiveness of our businesses. So not only do building these water and sewer systems and upgrades create jobs, but we also know if we don't, local businesses aren't going to expand. If they are not certain they are going to have good, clean water available at a decent and reasonable cost, they are not going to expand their businesses, especially if it is manufacturing.

The cost of addressing these combined sewage overflow systems in Ohio is some \$6 billion according to the EPA, \$1 billion in northeast Ohio, and \$2 billion in the Cincinnati area.

So that is why today, because there are 81 Ohio communities requiring water infrastructure improvements, I am reintroducing the Clean Water Affordability Act. In previous Congresses I introduced this legislation with our Republican colleague from Ohio, Senator Voinovich. This bill will protect ratepayers, lead to cleaner water, and promote economic development. It would invest \$1.8 billion to be distributed over the next 5 years through a grant program for financially distressed communities administered by EPA Administrator Jackson. I have spoken to her conveying the concern of Ohio's CSO communities. The program provides a 75/25 cost share, similar to what we have done on highway issues in the past: 75 percent Federal Government cost, 25 percent local government cost.

It is estimated that every \$1 billion invested in infrastructure, similar to the highway bill that Senators INHOFE and BOXER are working on, will create—that for every \$1 billion invested, upwards of 20,000 jobs would be created.

It will promote green infrastructure. Cities such as Bucyrus or Steubenville should be encouraged to use green infrastructure if it costs less than traditional construction and produces the same environmental benefits.

I will continue to work with mayors such as Dave Berger of Lima and Bob Armstrong of Defiance, county commissioners, and others such as Tony Parrot, who explained to me how years of reduced infrastructure investments have eroded their water and sewer systems.

When we were kids in the 1950s and 1960s and 1970s and into the 1980s, the U.S. infrastructure was the envy of the world. Whether it was the interstate system, whether it was the Federal, State, local partnerships on water and sewer systems, whether it was the building of community colleges and the beginnings of technology and wiring for our telecommunications systems in the 1950s and 1960s, we were the envy of the world.

Today, because so many in this government think we need to cut spending at all costs on everything, we simply have not kept up with the infrastructure. That is why countries such as China that are investing so much money in infrastructure—we run the