

have a bill that is a love note to the tea party. The House bill didn't get a single Democratic vote in committee, for reasons that are very clear, obviously. The Senate bill, on the other hand, passed out of committee unanimously. Even some Republicans don't support the House bill and the way it is paid for—drilling in ANWR. Mr. President, that issue has a beard that has turned white it is so outdated—drilling in ANWR.

Transportation Secretary Ray LaHood—although a Member of President Obama's Cabinet, he was a longtime Republican Congressman from Illinois—said the House legislation is the worst Transportation bill he has seen in the 35 years he has been in public service. That is our Secretary of Transportation, a Republican.

There are lots of reasons, but here are a few: The House legislation would gut public health and environmental protections, and that is a gross understatement. It would ax funding for pedestrian safety even though a pedestrian is injured or killed by a car in this country every 7 minutes. It would starve our Nation's public transportation system. The House bill reverses 30 years of good policy of dedicating funding each year for mass transit—a policy enacted in 1982 by the ultraliberal Ronald Reagan. There are ads on radio and television where we see President Reagan speaking, as he did so well, on one of his signature issues, which was doing something about the transportation system in this country. Maybe someone had read something to him or told him about General Eisenhower and how much he believed the transportation system should keep moving forward.

Many House Republicans don't support the plan to shortchange millions of Americans. I don't understand why seniors and people with disabilities, who count on public transportation, should be hurt by what the House has done in the bill they have over there.

The Chamber of Commerce and AARP have come out against the drastic approach taken by the House bill. On the other hand, the U.S. Chamber and hundreds of other organizations support the Boxer-Inhofe bill. I am disappointed House Republicans have once again chosen this very partisan path. Rebuilding a transportation system our economy can rely on shouldn't be divisive. Given the choice between working with Democrats to create good-paying jobs for American workers and playing politics, House Republicans chose politics, and that is too bad. The bill before the Senate is a good bill; we need to pass it. I am very disappointed the House has taken the road that has recently been well traveled. That is what we get from the House—the same old stuff—and we have to change.

#### SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a

period of morning business for 1 hour. The majority will control the first half, the Republicans will control the final half.

Following morning business, the Senate will resume executive session and consideration of the Jordan nomination postcloture.

The Senate will recess from 12:30 to 2:15 for our weekly caucus meetings.

We hope to confirm the Jordan nomination today and will then resume consideration of the surface transportation bill at the earliest possible time.

#### RECOGNITION OF THE MINORITY LEADER

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

#### THE BUDGET

Mr. McCONNELL. Mr. President, we have had a little more time now to look at the President's budget, and I have to say the more one looks at it, the harder it is to believe this is the President's considered response to the crisis we face.

President Obama knows better than anyone in this country that government spending and debt is completely out of control and that America is headed down the same road as Europe. This budget was his chance to show it. Instead, he decided to basically pretend these problems don't even exist, and to the extent he does acknowledge them, to propose solutions that are either gimmicks or that he knows will never come to pass.

Just to take two examples, he says he will bank savings by not fighting a war he already declared we wouldn't be fighting. He will take credit for saving money on a war that he has already declared we are not going to be fighting—a gimmick—and he would raise money with tax hikes that have been rejected eight times by both parties. And, by the way, forget the fact that government spends \$1 trillion a year more than it takes in. The President says government spending should be even higher. He significantly increases government spending at a time when we have a \$15 trillion debt, a debt that is as big as our economy.

This is what passes for leadership down at the White House. The President looks at our fiscal crisis, throws together a plan he knows is completely deceptive, and then goes on the road to sell it to captive audiences at high schools and colleges across the country. The failure of leadership is truly breathtaking. The President knows how grave our Nation's fiscal condition is. When he thinks it helps him, he admits it.

A year ago tomorrow, when debt and spending were in the news, he used his budget announcement to reiterate a pledge to cut the deficit in half. Here is what he said just a year ago tomorrow:

The only way we can make these investments in our future is if our government

starts living within its means, if we start taking responsibility for our deficits. That's why, when I was sworn in as President, I pledged to cut the deficit in half by the end of my first term. The budget I'm proposing today meets that pledge.

That was the President 1 year ago tomorrow. Here we are 1 year later and he hasn't even come close—not even close.

Last month, the President said he wanted an economy “that is built to last.” What he has given us instead is a blueprint for deficits that are built to last, and he hasn't done a thing to live up to his pledge to get our Nation's fiscal house in order. In fact, he has made it worse. Last year's budget wasn't worth the paper it was printed on and neither is this one. It is not worth the paper it was printed on.

The President's job isn't to tell people what he thinks they want to hear. It is to explain the problems we have, unite people around a solution, and get the job done. This President is truly failing the American people. The only question is how long it will take for that failure to catch up with us.

I yield the floor.

#### RESERVATION OF LEADER TIME

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

#### MORNING BUSINESS

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

The Senator from Illinois.

#### THE BUDGET

Mr. DURBIN. Mr. President, I listened carefully to the statement made by the Republican minority leader about deficits, and I think it is worthy to note that history suggests an opposite conclusion from what he just said.

Remember this: The last time the Federal Government ever balanced its budget and generated a surplus was in the closing years of the Presidency of William Jefferson Clinton, a Democrat.

When President Clinton left office, the national debt accumulated over the history of the United States of America was \$5 trillion. When Clinton left office and handed the keys to President George W. Bush and said: Incidentally, next year's budget—welcome to Washington—another surplus, a \$120 billion surplus. The economy has created 23 million jobs in my 8 years, and I wish you the best. He left, turned the keys over to President George W. Bush, and gave him control for 8 years.

Eight years later, another snapshot. The national debt was no longer \$5 trillion; it was \$11 trillion, more than doubled under President George W. Bush. We had dramatically lost jobs in America, unlike President Clinton.

When George W. Bush handed the keys over to President Barack Obama, he said: Welcome to Washington. Incidentally, next year's budget is a deficit of \$1.2 trillion.

It is quite a different story; isn't it? We wouldn't know that from the speech just given. The suggestion is that Democrats just don't get it right when it comes to deficits but Republicans do. History tells us otherwise.

President Barack Obama inherited one of the weakest economies since the Great Depression. In fact, we were teetering on another depression. The month he took the oath of office, putting his hand on Abraham Lincoln's Bible, we lost over 750,000 jobs in America. That is what President Obama inherited. We didn't hear that from the Republican minority leader.

I wish to show one chart that tells the story and tells it graphically. It is a chart which those who follow the floor debates will see over and over.

The red reflects job losses under President George W. Bush. The blue lines reflect employment under President Obama.

This was the month President Obama was sworn into office. Almost 800 thousand jobs were lost in America. That is what he saw as he came to the Presidency, and then look what happened. The job losses started reducing and finally turned the corner on the positive side.

There, we have a graphic presentation of two views of the economy, the views of the Republicans and George W. Bush, with all this job loss, and the views of President Obama. That is the debate in which we are currently engaged. The Republicans want us to return to these policies, policies which call for tax breaks and cuts for the wealthiest in America, and basically ignore the investments we need to put people back to work.

I served on the Bowles-Simpson deficit commission. I understand this issue a little bit, maybe more than some. I don't profess to be an expert. The deficits have to be brought under control. We can't borrow 40 cents for every \$1 we spend in Washington and sustain economic growth in America, period. But I also know this: With 10, 11 or 12 million Americans out of work, we cannot balance this budget. We have to get America back to work. These workers have to start earning a good wage, paying their fair share of taxes, and creating growth in this economy and also growth in revenue which allows us to balance our budget.

The President has two accelerators; he has to push them both at the same time: fiscal responsibility on one side and economic growth on the other. And we have to move forward in a straight path. That is what his budget does.

There are those who say ignore economic growth, ignore creating jobs. Just cut spending, just cut the deficit. If we did that alone, I am afraid the result would be disastrous. The President understands, and we all should.

There are three basic pillars to economic growth in America, and they are obvious: training and education. Is there a single Senator, Congressman or anyone here who doesn't understand they wouldn't be here without an education? We value education in America. It is the ladder of opportunity, and President Obama in his budget focuses on educating and training the next generation of skilled workers and leaders in the American economy. When we walk away from that commitment to education, we walk away from our future.

The second thing the President's budget focuses on is innovation, finding those new technologies, those new discoveries which make our lives less burdensome and create more economic opportunity. It may be the next medical device, a diagnostic tool which saves a life. It may be the next pharmaceutical breakthrough at the National Institutes of Health. It may be a new process for developing clean energy in America that puts us back in the race to be the world leader in that field. Those investments by our Federal Government pay off in good businesses, good jobs, and a better life for all of us.

Education, innovation, and the third piece is one that is on the floor today, infrastructure. It is kind of a sterile word, but what it gets down to is it represents the highways, the bridges, the airports, the mass transit, and the ports of America that are literally the arteries through which our economic blood will flow. When they are not as good as they should be or as efficient as they should be, our economy struggles. Let me give one example.

I live in Illinois and am proud of it. My family came to that State, my mother as an immigrant to this country, my father off a farm in southern Illinois, to work in East St. Louis at a railroad. We almost equate Illinois with railroads. We are in the center of America and most railroads pass through the State. There are railroads in every direction.

Right now, it takes as long to take a freight shipment through the city of Chicago as it does from the west coast to Chicago or from Chicago to the east coast. Why? Our railroad infrastructure hasn't kept up with the growing need for rail freight transportation. We need to invest in that. We have an opportunity to invest in it. When we do, when goods move more quickly, there is more profitability, businesses do better, and they hire more people. The same is true with our highway system, with mass transit, with passenger rail. Look at what the Republican view is, how they view this issue.

Currently, we are considering a bill coming over from the House of Rep-

resentatives which would be a disaster for America's infrastructure and for the State of Illinois, an unqualified disaster. Instead of investing in building the infrastructure so America's economy can grow, this bill, sadly, cuts the Federal investment in transportation by 15 or 20 percent over the next 5 years. It cuts the investment in mass transit dramatically by eliminating the transfer of money from the highway trust fund to mass transit, something that has gone on for 30 years, and it makes a 25-percent cut in Amtrak. At a time when Amtrak is growing and proving itself, they want to basically start shutting it down, closing it down, eliminating trains. That is no vision for the future. That is betting on failure. That is what the House Republican Transportation bill will do. We can do better.

We have a bipartisan bill—a word we don't hear that often in this Chamber but a bipartisan bill—with Senator BARBARA BOXER of California and Senator INHOFE of Oklahoma. They have agreed on a transportation bill which moves us forward for 2 years. We need to make that investment. The President understands that in his budget. We should understand it in the Senate, and we should make it happen.

The last point I will make is this: There was a breakthrough yesterday. Some people will be critical perhaps of the House Speaker for reversing field and changing his position. It is a question of whether the payroll tax cut which President Obama put in place is going to be continued beyond the end of this month.

Many may remember the flap that occurred in December when we were questioning whether to extend it for 2 additional months. I went back to my State and talked about it county by county as to how much it meant to working families. The Republicans relented in the House and agreed to extend it to the end of February. Unfortunately, just a short time ago, the Speaker said:

If we're going to extend the payroll tax credit, unemployment benefits, with reforms, and take care of the so-called doc fix, we're going to have to offset the spending.

That is what the Speaker said. That was just a few days ago. Yesterday, there was a different announcement. The Speaker of the House, Mr. BOEHNER of Ohio, said:

We are prepared to act to protect small businesses and our economy from the consequences of Washington Democrats' political games.

In other words, now the Republicans are prepared to extend the payroll tax cut without paying for it.

It would be easy to take a shot at the Speaker because he changed his position, but I will not. I remember this, the week of celebrating Abraham Lincoln's birth, the 203rd anniversary of his birth, Lincoln was much criticized for changing his position on an issue.

Lincoln said: Yes, I did change my position. But I would rather be right

some of the time than wrong all of the time. I think Speaker BOEHNER is right.

The last point I will make is this: Let us extend the payroll tax cut. The extension of unemployment benefits is of equal value to the economy and immeasurable benefit value to those out of work who are struggling to find a job. Make sure, if we get this done on a payroll tax cut, we don't give up on extending unemployment benefits, benefits that will allow people to get back to work. I wish to see these blue lines growing. I wish to see us moving in the right direction, creating jobs in America.

President Obama's payroll tax cut and the unemployment benefits which we have pushed for have pushed us over the line in creating jobs. Let's not end this record of success. Let's build on it. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

Mr. UDALL of Colorado. Mr. President, before the Senator from Illinois departs the floor, I wish to associate myself with his remarks—the standpoint the majority leader has pointed out in order to build an economy, built to last, we have to invest in our people and in our infrastructure and research and development. We can't cut our way to prosperity. Every business man and woman knows that. Every economist knows that. As our economy grows, then we can meet the challenge that is presented to us when it comes to our deficits and long-term debt. That is how we are going to get a handle on that particular problem. I wish to thank the Senator from Illinois for his compelling remarks.

#### HARDROCK MINE CLEANUP

Mr. UDALL of Colorado. Mr. President, I have come to the floor to talk about an environmental problem that affects many parts of Colorado as well as other western States; that is, abandoned hardrock mines.

These mines pollute thousands of miles of streams and rivers in America with truly a toxic soup of heavy metals, including arsenic, lead, and mercury. That pollution impairs drinking water and kills aquatic and plant life for miles downstream.

This is a problem that doesn't get enough attention in the Congress, and it is my hope that by speaking, I can spur all of us in this body and the administration to take greater steps to help solve this problem. I would, in that spirit, invite my colleagues to join me in this effort.

If I might first, a little background: Starting in the 1800s, miners flocked to the West in search of fortune following the discovery of precious metals, such as gold, lead, copper, and silver. They settled in places with romantic names such as Leadville, Silverton, and Gypsum. Mining became an important part of our history, of our settlement, and of our development in Colorado. But it

also left a very dirty and deadly legacy.

When a claim was mined for all its worth, the miner frequently packed up and left without a thought about the lasting problems the mine would cause. And this was an era before modern mining laws that hold miners accountable for their impact on the land.

Then, as a followup, in many cases it became impossible to identify the persons responsible for the vast majority of these abandoned mines. The Government Accountability Office estimates that there are over 160,000 such abandoned hard rock mines in the West; 7,300 are in Colorado, 47,000 are in California, and another 50,000 are in Arizona.

Today, highly acidic water still drains from these mines, polluting entire watersheds. I want to follow the logic that a picture is worth a thousand words. I want to show my colleagues what an acid mine drainage looks like. This is the Red and Bonita Mine in San Juan County, CO, which is near Silverton. For scale, I want viewers to note the pickup truck on the left side of this photograph. You can see a couple of individuals up there as well. Over 300 gallons of water drains from this mine every minute, and the water is contaminated with all kinds of heavy metals that produce the orange and the red streaks you see in this photograph. Highly acidic water flows into the Cement Creek and eventually into the Animas River, impairing water quality and aquatic life. For a region of Colorado that thrives on tourism, including angling, this situation is extremely harmful.

From EPA data, we can conservatively estimate that over 10,000 miles of streams and rivers and nearly 350,000 acres of lakes are impaired in this country as a result of acid mine drainage. With that backdrop, what is being done? For one, at those sites where a responsible party can be identified, the Federal Government has the tools at its disposal to hold them accountable. Also, the Federal Land Management agencies have a variety of programs that mitigate abandoned hard rock mine pollution.

However, the efforts I want to focus on today are those undertaken by a third category of people: entities that had no role in creating the pollution at an abandoned mine site yet want to make the situation better. Appropriately enough, we refer to these entities as Good Samaritans. One such Good Samaritan is the Animas River Stakeholders Group in southwestern Colorado. They are working to find solutions to clean up the Red and Bonita Mine. Often, Good Samaritans are non-profits with a mission to restore the natural environment. Sometimes they are community groups that want to improve their cities and their towns. Sometimes they are mining companies looking to be good stewards in the communities in which they operate. Sometimes they are State and local governments.

For example, take the Tiger Mine near Leadville, CO. The picture I want to show you was taken before any remediation activities took place. You can see the piles of mine waste and drainage coming from the mines beside it. At peak flows, as much as 150 gallons of water per minute contaminated with cadmium, copper, lead, zinc, and iron flows out of the Tiger Mine.

As you can see in the second picture, some remediation work has been done. The mine waste was moved out of the way, capped, and revegetated, and the ditches were put in above the mine to divert surface water runoff and to further reduce contamination.

You can also see in this picture that four pits have been dug below the mine, and this represents the next phase of cleanup being lead by Trout Unlimited, another Good Samaritan. Eventually these pits will become what is known as a sulfate-reducing bioreactor. Now, the Presiding Officer knows I was not a chemistry major, so I won't attempt to describe how this works. But the end result is a good thing, I can tell you that. The acid mine drainage flows in and cleaner water flows out. However, Trout Unlimited has run into a problem that has frustrated many Good Samaritans. The bioreactor counts as a point source of pollution; therefore, before Trout Unlimited can turn the bioreactor on, they must obtain a clean water permit. Trout Unlimited cannot meet the stringent permit requirements without investing in far more expensive water treatment options, nor can they afford to assume the liability that comes with the permit. As a result, the bioreactor sits unused.

Federal law is, in effect, sidelining some of the best hopes for remediation. I have tried for several years—I said several years, but it feels like a lifetime—I think at least a decade to give Good Samaritans some relief. I have introduced legislation to every Congress since 2002 that creates a unique permit specifically for this kind of work. Unfortunately, I have not been able to convince enough of my colleagues just how good of an idea this is, but I am going to keep trying.

In addition, I have been working with Senator BOXER to encourage the EPA to better use the administrative tools it has at its disposal. Good Samaritans report to me that administrative tools have been cumbersome to use so far, and they don't offer the full Clean Water Act protection they need.

Senator BOXER, along with Senator BENNET, has asked the EPA to make this tool more accessible to Good Samaritans. Last week we asked the agency to provide Good Samaritans with assurances that they would not be subject to enforcement for appropriate actions to clean up acid mine pollution.

I am grateful for the work the EPA has done to focus on these issues and for Senator BOXER's leadership. Good Samaritans are too valuable a resource to keep on the sidelines. Congress