United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, SECOND SESSION

Vol. 156 WASHINGTON, TUESDAY, JULY 20, 2010 No. 107

Senate

The Senate met at 10 a.m. and was called to order by the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire.

PRAYER

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

Let us pray.

Eternal God, in whom we live and move and have our being, from whom we come and to whom we go at last, quiet our spirits and give us the grace to faithfully serve You during these challenging times. Lead our Senators to do justly, to love mercy, and to walk humbly before You. May they offer to You their bodies, minds, and spirits in service, that they may fulfill Your purpose for humanity. Lord, give them joyful and dauntless hearts, prepared for surprises and ready always for fresh opportunities. Infuse them with the belief that You can accomplish what seems to be humanly impossible.

We pray in Your powerful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 20, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Madam President, following any leader remarks, there will be a period of morning business. Senators will be allowed to speak for up to 10 minutes each. That will be until 12:30 p.m. today. The time will be equally divided and controlled between the two leaders or their designees. The majority will control the first 30 minutes, the Republicans will control the next 30 minutes.

The Senate will recess from 12:30 p.m. to 2:15 p.m. for our weekly caucus meetings. At 2:15 p.m., CARTE GOODWIN of West Virginia will be sworn in as Senator from West Virginia to replace Senator Byrd. Then, at 2:30 p.m., there will be a cloture vote with respect to H.R. 4213, legislation extending unemployment insurance benefits.

RECOGNITION OF THE MINORITY LEADER

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

FISCAL RESPONSIBILITY

Mr. MCCONNELL. Madam President, later today, the Senate will vote to extend Federal unemployment benefits to millions of Americans who are out of work and struggling to make ends meet in a terrible recession.

Ordinarily, this is not a controversial piece of legislation. Everyone agrees we should help people who are struggling to get back on their feet and keep food on the table. Unfortunately, the President has decided to turn this debate into a political exercise.

In his weekly radio address over the weekend and again yesterday at the White House, the President accused Republicans of doing something we have not done. In doing so, he cheapens political discourse and does a disservice to the people this bill is meant to help.

As a former Senator, the President is well aware of how the Senate works. He knew today's vote to extend these benefits had already been scheduled days before he told the Nation, in two national broadcasts, that Republicans were holding it up. He also knew it would pass. But he intentionally implied otherwise, leaving the public without all the facts.

So here are the facts: Republicans support extending benefits to the unemployed. As the President himself said yesterday, we have repeatedly voted for similar bills in the past, and we are ready to support one now. What we do not support—and we make no apologies for this—is borrowing tens of billions of dollars to pass this bill at a time when the national debt is spinning completely out of control.

That is why Republicans have proposed an alternative bill five times that would enable us to extend these benefits without adding a nickel to the debt—a bill Democrats have repeatedly rejected.

There should be no doubt as to what constitutes fiscal responsibility in this debate. Last November, the President himself described a bill to extend unemployment benefits as fiscally responsible because it did not add to the debt. So according to the President's own logic, Democrats who vote to pass this bill and add nearly $34 billion more

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

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to the national debt will be doing so in a fiscally irresponsible way, and Republicans who insist on passing it without adding to the debt are being responsible.

The fact is, this debate is not about unemployment insurance. There is no debate in the Senate about whether we should pass a bill. Everyone agrees we should. This debate is about whether, in extending those benefits, we should add to the debt.

If Democrats were as concerned about passing this bill as they say they are, they would find a way to do it without adding to the debt. After all, there is no law that says we are required to exacerbate one crisis in an effort to alleviate another. Most Americans I talk to think a $13 trillion debt is one crisis we cannot afford to put off any longer.

If Republicans have done anything wrong in this debate, it was to underestimate how committed Democrats are to spending money we do not have. Given the choice to extend these benefits without adding to the debt or allowing them to expire, Democrats chose the latter on five separate occasions. They do not seem to appreciate the fact that by adding to the national debt, they are increasing the long-term burden on everyone—the unemployed, the employed and our children and grandchildren who will have to pay for it.

The President likes to point out that Congress has added to the debt in years past. What he does not mention is we were not in the middle of a debt crisis then. We were not being lectured by the French about the need to cut back on our spending. People were not rioting in Greece. We did not have a President who came into office with a list of legislative priorities that would double the national debt in 5 years and triple it in 10.

The President also says Republicans are playing politics in this debate. But by pointing the finger at Republicans, he is attempting to deflect attention not only from his own party's unwillingness to take the debt seriously, he is attempting to deflect attention from Democrats' own fiscal recklessness and its potential consequences for our future.

None of us likes to see good people struggling to find work. We all empathize with the people the President highlighted yesterday at the White House. But let's not forget the role this administration's own policies have played in all this.

If ever there was an indictment of this administration's economic agenda, it was yesterday's press conference. The administration asked taxpayers to foot the bill on a $1 trillion stimulus that he claimed would create 4 million jobs. A year and a half later, the President is standing with three chronically unemployed Americans, some of the victims of a 9.5-percent unemployment rate, asking taxpayers for another $34 billion in deficit spending to continue paying their unemployment benefits. I think most Americans see the connection here.

The President also tried to score political points yesterday by mischaracterizing the debate over the small business bill. Here is another bill that both parties support. Yet the President would have the American people believe that somehow we are trying to hold it up just because the majority leader would rather move on to some of his other legislative priorities than have a vote on a couple of amendments to this bill that would help to create more jobs.

So either the President is misinformed about what has been going on over here or he is deliberately mischaracterizing the situation. The fact is, the Senate is already on this bill and both sides have offered improvements. If the President wants to criticize someone for slowing it down, he should point the finger at his own party for repeatedly taking it off the floor, which brings me to the supplemental war spending bill.

I will remind my colleagues the Secretary of Defense has indicated that failure to pass this bill before the August recess could actually keep our soldiers and marines from getting paid, a point he reiterated in a letter to the majority leader, sent yesterday.

So what is the holdup?

Some Democrats in the House do not want to pass this funding for our troops unless the Senate agrees to tack on billions in unrelated domestic spending. It is time for House Democrats to get serious and stop holding our troops hostage. Let's strip this unrelated funding and pass this war funding bill.

Yesterday, the Democratic chairman of the House Armed Services Committee made it clear that he recognizes the need for the Senate to pass the troop funding bill quickly and get it to the President's desk.

Every Member of this Chamber should unite behind this goal. The Defense Department finds itself in the last weeks of the fiscal year with little flexibility to meeting funding shortfalls of the operations and pay for our forces in the field. That leaves it to us to act, and I suggest we do so this week.

I yield the floor.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now be in a period of morning business until 12:30 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first 30 minutes and the Republicans controlling the next 30 minutes.

The Senator from Illinois.

UNEMPLOYMENT INSURANCE

Mr. DURBIN. Madam President, this afternoon is a historic moment in the history of this great Chamber. Our beloved and now departed Senator from West Virginia, Robert C. Byrd, will be succeeded in office with a temporary appointment from West Virginia, and we will swear in his successor at 2:15 this afternoon. A few minutes later, the Senate will take up a historic measure. It is a question of whether we should provide unemployment benefits to the millions of Americans who have lost their job, through no fault of their own, and are victims of this recession.

In my home State, 115,000 people have fallen off the unemployment rolls while we have debated whether to extend unemployment benefits. Across America, 1.2 million Americans have lost basic unemployment benefits.

What do these benefits mean to these families out of work? Literally, bread on the table; literally, whether the lights go on when you flick the switch; literally, whether they have a roof over their heads.

This did not use to be a political issue. We did not get involved in a partisan debate about unemployment benefits when it came to other Presidents. But under this President, Barack Obama, the Republicans have decided to take a stand and the stand says this: When it comes to people who are victims of this recession, we will not help them unless we find some way to add a new tax or cut some spending in other areas.

That was never the standard before. We viewed this as an economic emergency, which we responded to, to get America back on its feet.

Those who are involved in watching our budget and our deficit and our economy, such as Bob Bixby, the president of the Concord Coalition, puts it very clearly. Mr. Bixby says:

> As a deficit hawk, I wouldn't worry about extending unemployment benefits. It is not going to add to the long-term structural deficit, and it does address a serious need. I just feel like unemployment benefits wandered onto the wrong street corner at the wrong time, and now they are getting mugged.

That is Bob Bixby of the Concord Coalition.

What about David Brooks? I respect David Brooks, a conservative Republican writer but a thinker. Here is what he says, in writing in the New York Times last week about unemployment benefits:

> Well, there's a few short-term things you can do [about this economy]. First, extend unemployment insurance; that's a foolish place to begin budget-balancing.

David Brooks knows what we all know: a dollar handed to an unemployed person is spent almost immediately, recirculates through the economy, and creates $1.60 in economic activity. It is the best way to create

more consumer demand—more demand for goods and services and greater opportunities for jobs, while it provides the basic necessities of life for those who are out of work.

But when it comes to this issue, the Republicans have said: No, we are going to take a stand on the deficit and we are going to take a stand when it comes to unemployed people because the deficit is a serious issue.

I agree with them; it is a serious issue. But last week, the Republican minority whip, JON KYL of Arizona, was asked: Well, let me ask you about tax cuts for the wealthiest people in America. If you cut taxes, doesn't that add to the deficit? It is hard to argue that it doesn't.

They said to JON KYL of Arizona: So you don't want to add to the deficit; you don't want to make it worse, so we would have to pay for or find some new revenue or some cut for tax cuts; correct? Senator KYL said: No; tax cuts don't count when it comes to the deficit.

So here is the double standard. The double standard says when we are helping unemployed people in America, it is a deficit problem, but if we are giving tax breaks to the wealthiest people in America, it is not a deficit problem. That kind of double standard is fundamentally unfair. When it comes to unemployed Americans who lost their jobs through no fault of their own, Americans literally faced with living in their cars, the Republicans tell us: Sorry, we can't help; the deficit just requires us to say no to unemployed Americans. But when it comes to wealthy Americans who are living comfortably, Americans who can take a tax cut and buy a new car, the Republicans say that is all right; we can give those tax cuts to the wealthy; it doesn't hurt the deficit. It makes no sense.

Why are we in this situation today? We are here because of the worst economic recession since the Great Depression. This President inherited it from Republican Bush economic policies that failed America, and in that failure the victims can be found in every community across our great Nation. I met with three of them in Chicago on Sunday. We sat down and talked about what life is like when you are out of work for more than a year—more than a year.

One was a veteran, a man who had served in our Coast Guard and worked for years and years in the advertising business in Chicago. He has MS and now he has no paycheck and now he has no health insurance. If the VA will not cover some of his needs, he is on his own.

Another was a young woman. She was a woman who worked hard and had a good job and lost it a year ago but has been looking ever since. Every day, she is on the Internet, answering the ads, doing everything she can.

She said: I am almost afraid to come to this press conference. I don't want my landlord to see me and realize my unemployment is over. I am 2 months away from living in my car.

The third was a man who had been out of work for over a year; a productive, good man who was clearly broken by this experience but determined to keep trying. He was cut off from unemployment benefits by a Republican Party which will not join us in what has been a bipartisan effort under Presidents, both Republican and Democrat.

This afternoon we have a chance to stand for those people in Illinois, in New Hampshire, in Maryland, and in Kentucky. We have a chance to say we as an American family stand together, we care for our own, we help our own. We are going to help them get back to a life of productive activity, paying taxes, and retiring our deficit.

We remember on the Republican side not that long ago under President Bush when the national debt of America doubled under President Bush, from $5 trillion worth of accumulated debt in the history of the United States of America to the day when President Bush left office and the national debt was $12 trillion. It more than doubled with the budgets offered by President Bush under his administration. In those days, Vice President Cheney used to say: Deficits don't count.

Well, they count.

We are going to bring ourselves out of this deficit crisis, but first we are going to get this economy moving, create the jobs and put people back to work. Until we do that, the deficit just gets worse.

This afternoon we have a chance to give a helping hand to people who have lost their jobs through no fault of their own and need just a little assistance from us as a nation so they can move forward and help this Nation move forward again.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Ms. MIKULSKI. Thank you, Madam President.

I wish to thank the Senator from Illinois for his remarks and his leadership on this topic because I feel the same way.

Finally, finally, finally, we are going to vote and have enough votes to pass the extension of unemployment insurance—unemployment insurance. It is insurance against being unemployed. That is what it is. It is not some grant. It is not some giveaway. It is not an earmark. It is insurance. It is social insurance, created by the United States of America in partnership with the private sector and the people who work every day so that when they hit a speed bump and have to be laid off through no fault of their own, there will be a safety net so they do not fall. It is insurance. It is social insurance. It is a social contract, and it is a social compact.

In my mind, it is like having a treaty with the American people. We don't violate treaties, and we shouldn't violate this social contract. But oh, no, not our Senate. We had to dilly-dally around for month after month with the obstructionist tactics of the other side, using out-of-date procedures of this institution that belong in another century and another economy.

My constituents are frustrated. They are frustrated about their lives, they are frustrated about the direction of the country, and they are sure frustrated with the Senate—and put me in that corner. It is time we not only get the country moving, it is time we get the Senate moving. We have to first look at reform for ourselves, and I want everyone here to know I am on the side and definitely part of the reform movement in this institution to get rid of out-of-date procedures that belong to another century whose only job is not to slow us down so that we do due diligence but that we don't do anything at all.

Right now, we have a compelling need in our country. People who have been laid off through no fault of their own do need that safety net. Our failure to act has brought untold harm to people. When we left for the Fourth of July, I couldn't believe we walked out to carry the flag and say: Let's hear it for the red, white, and blue, and we were going to leave America without income insurance that they themselves had paid into to be able to get. We forget that for part of the insurance, private sector employers pay into it and so do the workers. It is insurance.

When I went around Maryland during the break, whether it was the workers themselves—people who had jobs—and even those who were well off said: Why can't you pass unemployment insurance. If you can't do that, you can't do anything. And they were absolutely right.

When I talked to the workers, I saw in their eyes the loss of energy, the loss of hope, and the loss of hope about a way of life, such as in manufacturing where in some areas it is being challenged. It is terrible to lose a job and then to lose unemployment insurance—no job, no income, no hope. Wow. What a bitter pill.

The Baltimore Sun in an editorial pointed out how unemployment benefits are helping the U.S. economy. This isn't BARB MIKULSKI, a moderate liberal talking about it. This is hard-nosed analysis saying, in Maryland, why it is good for the Maryland economy. Unemployment compensation would help put $819 million into our economy for the fiscal year ending June 30.

Over 17,000 Marylanders have lost their unemployment insurance. In our State, unemployment insurance certainly isn't lavish. The average is $312 a week. The maximum is $410 a week. In our State, it is only enough to pay electricity or rent or for food, but it is certainly not some big lavish program. This is what the insurance is meant to do. It is meant to be a safety net.

In our country people believe if they work hard and they play by the rules,

the rules should be on their side. Well, hello. We make the rules. We rule. So let's rule out this endless delay.

Today, I want us to pass this extension, and I want us to remember this is social insurance. I have sat here and listened to the debate minimizing and trivializing workers: Oh, unemployment is a way to discourage people to look for work. I don't know who these people talk to. Maybe they are too busy fundraising to talk to people. Maybe they are too busy trying to extend those Bush tax credits that added very little to our economy but added a lot to our debt. Maybe they are too busy. I am not too busy. I enjoy being out there with the people, listening to the stories of their lives. What does it mean to public policy?

What they want us to do is get off of our filibuster, pass this extension, and at least let people have a safety net. Then let's continue to concentrate on helping create jobs in the private sector in the United States of America by passing the Landrieu-Snowe small business bill and actually do something of which we can be proud.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

Mr. BROWN of Ohio. Madam President, I join with Senator MIKULSKI from Maryland and her comments about extending unemployment benefits.

We all know these numbers. In my State, 47,000 Ohioans lost their unemployment benefits. At the end of June, that number increased dramatically to more than 90,000. If we don't pass the extension today, or this week, at the end of July more than 80,000 additional Ohioans will lose their benefits. These numbers are incredible. I think it is important to put a human face on these numbers, in large part because 41 Members of the Senate, overwhelmingly Republicans and one Democrat, have consistently voted to filibuster, to block extending unemployment insurance.

I guess the reason for that is they think of these as numbers. They don't think of these as people because I cannot imagine, when they call their names out in the well and they respond and say no over and over and over, as has happened over the last 7 weeks—it is just an amazing thing to me. I think my colleagues who vote no, the 39 or 40 Republicans who vote no, must see this unemployment insurance as welfare. I know some of them think that. But it is insurance. We don't call it unemployment welfare, we call it unemployment insurance.

That means they pay in when they are working, and they get help when they are not. That is done to help individual people, of course. It matters to the community because the dollars they get in their pockets, the $300, $320, roughly, that people get a week on average in unemployment insurance are spending it at the local drugstore. They are spending it at a local grocery store. They are buying clothes for their kids. They are paying rent, paying utilities. They serve as an economic stimulus. It is not just helping those individuals, it is an economic stimulus, as Senator MCCAIN's top aide and his top economic adviser in his Presidential campaign said. This is the best kind of stimulus for the economy. Put a dollar in somebody's pocket for unemployment insurance and they spend it, and it is spent over and over in the community.

President Obama said yesterday that there has been a tradition under both Democratic and Republican Presidents to offer emergency relief to the unemployed. When the economy is bad, that is when we need to do this. For the Republicans to say we need to cut other programs to pay for this—they never said that when we were spending hundreds of billions of dollars on the wars in Iraq and Afghanistan. They didn't say pay for that; they said charge that to our grandchildren.

They didn't say pay for it when it was a bailout to the drug and insurance companies in the name of Medicare privatization; they said just bill that to our grandchildren.

When it was tax cuts for the rich—and some of our Republican Senate colleagues said it again this last week—we don't pay for tax cuts for the rich; we just add it to our children's and our grandchildren's credit cards and their tax burden in the future. But when it comes to workers, they look at it differently. Tax cuts for the rich, a bailout for the drug and insurance companies, spending it on the war in Iraq and Afghanistan, it is OK. But it is not OK to spend it on unemployed workers.

So I just am not sure my colleagues ever put a human face on this. They just see these as numbers. I don't know how many of my colleagues sit down and listen to unemployed workers who have lost their jobs—a worker who lost her job, then she lost her health insurance and had to explain to her children that: We are going to have to move because we are going to have our house foreclosed on; we cannot afford the mortgage. They are going to switch school districts, with all of the uncertainties. Can you imagine that—sitting down with your children and doing that? It is happening all too often that people are explaining to their children that they are going to have to move, they are not going to have their own room anymore and they will not go to the same school, and they will not be able to buy the tennis shoes they thought they would get. All those kinds of discussions are happening all over America, in part because people are losing their unemployment insurance.

I will share four brief letters with my colleagues. This is trying to help people understand that real people are losing their unemployment benefits. It is a real hardship.

First is Jillian from Holmes County in Millersburg, OH, one of the smallest, least populous counties. She wrote:

> My husband is one of the 83,000 Ohioans who lost unemployment benefits in June. He was working in the same job for 14 years until he was recently laid off. Our family has struggled to keep the bills paid. Our mortgage has been consistently one month behind. And each month, more late fees are tacked on. Now that his unemployment benefits have expired, our utility bills are now one month behind. Please help to get this extension passed.

This is exactly what I hear from constituent after constituent in Ohio. They work hard. Many have worked the same jobs for years, and many have been in the same line of work for 10 to 20 years. These are not lazy people who don't want to work. They lost their jobs through no doing of their own. They have nowhere to turn, and their unemployment benefits have run out.

I ask my colleagues—today we have another chance to vote to join us in helping Jillian and others.

Larry is from Shelby County, another rural county close to the Indiana border, a town called Sidney, the county seat. He wrote:

> The lack of movement on extending unemployment benefits is causing major system devastation to workers unable to find employment. Loss of these benefits has become devastating to me and my family. The extreme added emotional and financial stress has exacerbated an otherwise manageable physical condition into a borderline disability. I do not want to lose my capacity to search for and secure employment due to physical stress brought on by economic hardship. Please fight to extend these critical benefits.

So often, what my Republican colleagues seem to think is that people don't have to go out and look for work, but they are out looking for work. These people are not staying home not trying to find a job. To receive unemployment benefits, you have to demonstrate to the local employment office that you are looking for a job.

With all of the economic hardships and the troubles and potential loss of car, house, job, and potentially insurance, there is also an emotional toll taken on people. Larry illustrates that.

Richard is from Summit County, the Akron area. He wrote:

> I am a 67-year-old American who has worked for more than 50 years of my life. I got laid off last year and had been receiving unemployment benefits since then. I was thankful for it because it helped me make my house payments. But when I got cut off last month, I went into panic mode. My blood pressure shot up and I ended up in the ER. I have never felt so scared and uncertain of the future as I am now. I didn't plan to stop working. It just happened. I am headed to the welfare office today.
>
> I just hate what this country has become where Senators can't relate to us common folk. Is there any hope for us?

The answer is yes. With the appointment of a new Senator from West Virginia, we will likely have the 60th vote. We have 39 Republicans and 1 Democrat who have voted consistently to allow us to filibuster. A majority of us, 59, have voted—the Presiding Officer and I and 57 others have consistently

voted to extend unemployment benefits. Yet, because of a minority of 41, they have been able to stop the debate and this bill from moving forward. Look at the stress it has caused Richard and the anguish it has caused Larry from Shelby County. Look at what Jillian and her husband are facing.

Here is the last letter. This is from Joan from Montgomery County, which is Dayton:

> I am an unemployment accountant with a college degree. I was laid off last year when my small law firm merged with a larger one. There was no position for me in the new firm. I decided to go back to school, using up much of my retirement and my husband's savings. I reduced my hours at school and went part-time. I was able to collect unemployment benefits, but since it has run out, my savings are dwindling rapidly.

Given the high level of unemployment in Ohio, extending federal unemployment benefits is imperative. We can't afford further delay. Two weeks is a long time for someone whose only means of support is unemployment benefits. I hope the Senate passes an extension in the next few days.

As I said to her, we hope we will do that today, and the President will sign it quickly and the benefits will go out. I hope more than a couple of Republicans will join us so we can pass this with a significant vote. Some of these are people who have gone back to college, and they work hard. They are people who have been in the workplace for 10, 20, 30 years. They have a good work ethic.

Again, Joan is from Montgomery County—a county that has been hit especially hard, as DHL shut down there and the GM plant shut down, and National Cash Register up and moved to Atlanta. There have been some good things happening but not enough. That is why we need to extend these benefits today, get this done so we can focus on job creation and help people get back to work.

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

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

The legislative clerk proceeded to call the roll.

(Mr. BROWN of Ohio assumed the chair.)

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

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

Mrs. SHAHEEN. Mr. President, I am pleased, though frustrated, like my colleagues, to be here this morning on the floor to talk about the critical need to extend unemployment insurance.

Across the Nation, there are almost 15 million Americans who are out of work, and although we are making progress on our unemployment rate, it is still too high at 9.5 percent. We need to extend unemployment insurance, and we need to do it now, today, before one more family is put on the street and before one more child goes to bed hungry.

This legislation is every bit as important to our economy as it is to those who are struggling to get by. Nearly 7 million people, or half of all Americans collecting unemployment insurance, have been out of work for 6 months or longer. They have run out of the insurance that is provided by their State. These are the workers who will collect this Federal unemployment extension, which they are using, as my colleagues have said—the Senator from Ohio, with his letters, was eloquent as he reported on the people from Ohio who are talking about why they need this to pay their rent, to make mortgage payments, to buy groceries, and to put gas in their cars to go out and look for their next job.

As the Senator said so eloquently, sometimes the real people whom this legislation affects are forgotten during this debate. While Members of this body stand and give economic lessons and talk about the macro situation, there are honest hard-working people out there who are suffering because of our failure to act.

I recently heard from a woman in Canterbury, NH, named Jo Ellen. She is a professional psychiatric nurse with a graduate degree. She had a good job until she was laid off because of cutbacks to our mental health system. She is in her sixties and has been working since she was 11 years old. Since being laid off, she has applied for dozens of jobs, from part time to retail positions. She has cut back on her professional experience on her resume so that she is not ruled out for being overqualified. She always mentions that she is willing to accept any salary, but nonetheless she has not yet been called for an interview—not once.

Jo Ellen wrote to me not just because her unemployment was going to run out but because she is so troubled by what she keeps hearing from people who voted against the extension of unemployment benefits, who say that people who are collecting unemployment are irresponsible or that they are not looking for a job, they are looking for a handout. Jo Ellen is not looking for a handout; she is looking for a job.

While we still face one of the most difficult job markets in history, with five applicants for every one job, we need to make sure people such as Jo Ellen stay afloat. There are millions of people across this country who are just like Jo Ellen, who are working hard, who want to find a new job, who are one step away from disaster if they don't get an extension of unemployment benefits.

In New Hampshire, 20,000 people could see their unemployment insurance expire within the next 4 months if we don't act. By supporting the legislation today, we can make sure New Hampshire's unemployed workers receive $75 million in essential Federal assistance. This money, as has been pointed out, won't sit quietly in savings accounts; it will go to grocery stores, pharmacies, and small businesses in the communities where the unemployed are living. In fact, conservative economist Mark Zandi, a former adviser to Senator MCCAIN, has cited unemployment insurance as one of the three most effective uses of Federal funding. According to his analysis, every dollar we invest today will create $1.61 in economic growth.

When I was Governor, after the September 11 attacks, when this country went into a recession, one of the first things we did in New Hampshire was to increase unemployment benefits because we knew what Mark Zandi said was correct—that people would put that money back into the economy, help stimulate the economy, and help create economic growth. We did that with bipartisan support from a Republican legislature. I don't know what has changed in the last 9 years since September 11 that we have our colleagues on the other side of the aisle who, by and large, say we can't support unemployment benefits and extending those benefits but we can have tax cuts for the wealthy without funding those. There is something wrong with that kind of logic.

These benefits that, hopefully, we are going to pass today will help people all across America invest in their community. At a time like this, with our economy poised to turn the corner, this funding is critical to our future. Quite simply, these are investments we can't afford not to make.

I am pleased to join my colleagues, and I hope we will get those 60 votes and extend the unemployment benefits for millions of Americans.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. (Mr. UDALL of New Mexico). Without objection, it is so ordered.

Mr. KAUFMAN. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

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

CLEAN ENERGY

Mr. KAUFMAN. Mr. President, 2 years ago for the first time global investments in clean energy technology exceeded those for fossil fuels. This is clearly a trend that will continue, and a good trend. Unfortunately, America is not keeping up with the clean energy revolution. Today, 90 percent of the market for production of clean energy is outside the United States. We are losing the race to develop those technologies in nearly every market.

Of the top 10 solar panel companies in the world, only 1 is American. Similarly, of the top 10 wind turbine manufacturers, only 1 is American. And of

the top 10 advanced battery manufacturers, only 2 are American.

For decades we have talked about the need to reform our Nation's energy policy. Every President since Franklin Delano Roosevelt has included energy reform in their policy agenda, and in virtually every Congress we passed an energy bill. But these efforts have not been successful in revolutionizing our Nation's energy system because they did not go far enough. Our oil imports have tripled since 1974. Today we rely on fossil fuels to meet 86 percent of our energy needs and we are one of the largest contributors to global carbon pollution.

The truth is simple and unmistakable. If we want to move away from dirty fossil fuels, we need to put a price on carbon pollution and we need to do it now. Putting a price on carbon will reflect the true costs of our energy sources and enable market forces to drive American ingenuity to develop clean energy technologies that will create jobs, enhance U.S. competitiveness, strengthen national security, and cut carbon pollution.

We are in the worst economic recession our country has seen since the Great Depression. We need to invest in sectors of the economy that can create jobs today and then long into the future. Studies have shown that investments in clean energy jobs create more jobs per dollar than fossil fuel-based energy products. These clean energy jobs use American ingenuity to turn Sun and wind into electricity, waste into fuel, and reduce the energy we use to power our homes, businesses, cars, and trucks. These are the sectors that will provide the long-term economic security and job creation we desperately need.

Studies by numerous academic institutions show that by putting a price on carbon, we could create up to 1.7 million net new jobs over the next 10 years. That is 170,000 jobs per year and includes any jobs that may be lost in the transition away from fossil fuels. Many clean energy jobs cannot be shipped overseas. From installing insulation to building offshore wind turbines, these are jobs that can exist only on American soil. The creation of these new clean energy jobs will themselves create a multiplier effect, allow Americans to do more with their income—such as eat out at a restaurant, take a vacation, or buy a home. These activities could add an additional $39 billion to $111 billion boost to the economy. It is clear that investing in clean energy will give us the best bang for the buck by creating more jobs today and for generations to come, paving a long-term sustainable path to economic recovery.

The good news is that we do not have to wait for these clean energy technologies to be developed. We can get started today. Over the last few decades we made great strides in improving green energy technologies. For example, advances in wind energy technology have reduced the cost from 30 cents per kilowatt hour in the early 1980s to less than 5 cents per kilowatt hour today. The Obama administration as well as cities and States across the country have recognized the potential for these technologies. In fact, the energy provisions of the Recovery Act represent the largest single investment in clean energy in American history.

The truth is, as much as that is, it is still not nearly enough. The rest of the world also faces an economic recession, energy insecurity, and carbon pollution, and many countries have also begun to take significant steps to transition to a new clean energy economy, including China.

We have some things in common with China. We each contribute roughly 20 percent of the world's carbon pollution, and we both rely heavily on foreign oil to meet our energy needs. However, China is outpacing the U.S. investments in clean energy. From 2005 to 2009, China's investment in clean energy increased by 148 percent. This surge of financing led China to surpass the United States for the first time last year, spending nearly twice as much on renewable energy technology.

China is now the largest manufacturer of wind turbines and the largest manufacturer of solar panels, 95 percent of which they export to other countries.

My home State of Delaware is a leader in renewable energy development. In fact, we are on the verge of constructing one of the first offshore wind farms in the United States. The project leaders are working hard to make sure that the turbines off the Delaware coast will proudly wear the label ''Made in the U.S.A.''

Today, the average wind tower has 50 percent American-made components. If we want to ensure that 100 percent of future wind and other renewable energy projects are made in America, then we must make it a national priority. Only then will we have the capacity to meet our own rising demands for clean energy.

We must also recognize the fact that our reliance on foreign oil is a serious threat to our national security. The United States imports nearly 60 percent of the oil we use, and 70 percent of the imports come from outside North America. All told, we send $1 billion overseas every day for foreign oil. Some of the nations we buy oil from do not share our interests and may be hostile to the United States or their own people, and some of these nations are unstable, corrupt, and dangerous. Because of this, we send our troops overseas to ensure the secure flow of oil around the world. This stretches our military thin, and puts our troops in harm's way.

Even during times of peace, we have spent $50 billion a year to patrol shipping lanes and secure Middle Eastern oilfields and transport routes. Our dependence on foreign oil also forces us to deal with undemocratic nations in order to protect our interests in oil. It reduces our leverage and forces us to make oil security part of our international diplomatic and military strategies.

Furthermore, because we consume 25 percent of the world's oil, our high demand drives up prices worldwide. So no matter from whom we choose to buy oil, oil-rich nations, some of which are unstable and hostile to the United States, will reap the benefits.

This dependence on oil also leaves us vulnerable to price manipulation by entities such as OPEC, which can influence global oil prices at any time, as they have done so many times in the past. We have the opportunity now to make this right. We can eliminate the threat of foreign oil to our national security by transitioning to a clean energy economy. We can harness American ingenuity and regain our competitive edge in the global markets. We can create hundreds of thousands of new jobs in America for generations to come.

By putting a price on carbon, we will send a signal to investors, industries, manufacturers, and global competitors that the future of the American economy lies in clean energy.

Pricing carbon is the most cost-effective policy tool available to transition the United States away from dirty fossil fuels. It will create incentives for businesses and industry to find low-cost solutions to reduce carbon pollution, and it will send a clear signal that offers predictability in the marketplace. It will allow businesses and investors to finance long-term projects in renewable energy knowing that they are standing on the same common ground as their competitors.

Many of the new clean energy technologies require decades of lead time before they are ready for commercial-scale development. Therefore, it is imperative that we start investing in them immediately. Furthermore, because market barriers exist, we must also provide additional investments such as loan guarantees, grants, tax incentives, and other assistance to encourage early and significant action toward clean energy technology development and deployment.

We can no longer afford to pay for the high cost of a fossil-based economy. Putting a price on carbon will reflect the true costs of our energy sources and enable market forces to drive American ingenuity to develop clean energy technologies. We have the most creative and talented workforce in the world. We can transform our energy system to one that creates jobs and enhances U.S. competitiveness, strengthens national security, and cuts carbon pollution. But we have to take the bull by the horns. Now is the time to chart a new course for the country.

I urge my colleagues to join me and seize this moment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

ESTATE TAX

Mr. SANDERS. Mr. President, each and every day it gets harder and harder to listen to my Republican friends who race to the Senate floor breathlessly telling the American people how concerned they are about the $13 trillion national debt and how we have got to get our financial house in order. They are just very, very upset about that.

But, as you know, under the leadership of President George W. Bush, these same Republicans turned a record-breaking Federal surplus left by the Clinton administration into record-breaking deficits.

Back then, their rallying cry was ''deficits don't matter,'' articulated by then-Vice President Dick Cheney. This ''deficits don't matter'' philosophy gave us two wars that were not paid for. There are estimates that the war in Iraq alone will end up costing some $3 trillion, unpaid for. They gave us some $700 billion in tax breaks that went to the wealthiest 1 percent. They gave us a $400 billion unpaid for prescription drug program written by the insurance and drug companies. They gave us a $700 billion bailout of Wall Street.

But under President Obama, Republicans have seemingly taken a 180-degree turn. Apparently, deficits do matter. Now they say we can't afford to extend unemployment insurance to 2 million Americans who lost their jobs during the worst recession in modern history, and they say we just don't have the money to create millions of new jobs by investing in rebuilding our crumbling infrastructure and transforming our energy system. We just don't have the money to do that.

The Republican hypocrisy is now about to advance to a whole new level. In the name of fiscal responsibility, they are opposing virtually every effort to help the middle-class and working families. We just can't afford to do it. But when it comes to the needs of millionaire and billionaire families, our Republican friends have no problem reducing revenue by hundreds and hundreds of billions of dollars. In other words, they are deficit hawks when it comes to the needs of ordinary people, but they are very big spenders when it comes to the needs of the rich.

Four years ago, every Republican but two voted to completely eliminate the estate tax, a tax that has been in existence since 1916, and impacts only the very wealthiest families, the top three-tenths of 1 percent. Under the estate tax, 99.7 percent of American families do not pay one nickel. This huge tax break for the wealthy, repealing the estate tax, which Republicans are fighting to do, would increase the national debt by more than $1 trillion over a 10-year period. These deficit hawks, who are so concerned about the national debt and record-breaking deficits, want to increase the national debt by over $1 trillion in a 10-year period.

Let me tell my colleagues who the major beneficiaries of this tax break would be. Would it be the average middle-class worker who during the Bush years saw a $2,200 decline in his income? We have a collapsing middle class, working people desperately in need. Would Republican repeal of the estate tax help those workers? Not a chance. Nobody in the middle class would get one nickel of a tax break.

Would Republican repeal of the estate tax help a single mother struggling to send her daughter to college, maybe for the first time ever in that family's history? College costs are going up. Working people can't afford college. Would it help that single mom? No, I am afraid not. That single mom would not get one penny.

Would it help one of the millions of senior citizens struggling to maintain their dignity on Social Security benefits? This year there is no COLA for senior citizens. I tried to get some help there. Republicans voted against it. Couldn't do it. Would it help senior citizens struggling with the high cost of medicine? No. Those senior citizens would not get one penny of help by Republican repeal of the estate tax.

I must be honest. Sadly, there are also a few Democrats who are supporting this giveaway, all Republicans and a few Democrats.

Who are the major beneficiaries of the repeal of the estate tax or, as Republican pollsters like to call it, ''the death tax''? If we completely eliminated the estate tax, it would provide an estimated $32 billion tax break for the Walton family, the founders of Walmart. We have a family whose fortune today is worth an estimated $86.8 billion. If, as the Republicans want, we eliminate the estate tax completely, this family—obviously of desperate need, obviously struggling hard to keep their family above water economically, struggling hard to stay off welfare—would receive an estimated $32.7 billion in tax breaks, if the estate tax is completely eliminated.

Let's be clear. This policy being pursued by Republicans is designed to help the very richest people in our society.

Interestingly enough, our Republican friends today in all likelihood are going to vote against providing a $35 billion emergency extension of unemployment benefits that will help 2 million Americans who have lost their jobs through no fault of their own. We can't afford to do it. We just don't have the money. But apparently we do have the money to provide almost $33 billion to a family worth $86 billion, one of the richest families in the world.

It is not only the Walton family our Republican friends and a few Democrats want to help. Permanently repealing the estate tax will also provide an $11 billion tax break to the Mars candy bar family. We all eat Mars candy bars. They are going to get an $11 billion tax break.

It would provide a $9 billion tax break to the Cox Cable family and a $2.5 billion tax break to the family who founded Campbell Soup. No one in the bottom 99.7 percent of the population, nobody in the working class, nobody in the middle class, no low-income person, nobody even in the upper middle class will gain one cent of benefit from these tax breaks.

Today, while Republicans may not have the votes to permanently eliminate the estate tax, they are working feverishly to push legislation to substantially lower that tax. In fact, they have already succeeded in eliminating the estate tax this year, and this year alone, as result of President Bush's $1.35 trillion 2001 tax cut legislation. Wiping out this tax in 2010, when billionaires are dying, for the first time in 95 years their families will not pay one cent in taxes. That has already cost our Treasury, in the midst of a $13 trillion national debt, billions and billions of dollars in needed revenue.

It seems to me that at a time when this country has a $13 trillion national debt, at a time when 22 percent of our children are living in poverty—the highest rate of childhood poverty in the industrialized world—at a time when our infrastructure is crumbling, at a time when we have a desperate need to transform our energy system and by doing that we can put millions of people to work rebuilding America, transportation infrastructure, energy, it is beyond comprehension, literally beyond comprehension that anyone can come down to the floor of this Senate and argue with a straight face that we should provide hundreds of billions of dollars in tax breaks for millionaires and billionaires.

I should add all of this takes place within the context of the United States already having by far the most unequal distribution of wealth of any major country on Earth. The top 1 percent own more wealth than the bottom 90 percent. When we give away billions more in tax breaks to the very rich, we are only exacerbating that. We are making that wealth gap even greater.

That is why I have introduced the Responsible Estate Tax Act, S. 3533, along with Senators HARKIN, WHITEHOUSE, SHERROD BROWN, and Senator FRANKEN. This legislation would raise $318 billion over the next decade by establishing a graduated inheritance tax on estates of over $3.5 million. I actually cannot take credit for this legislation. I would like to, but I cannot. It would be dishonest. This is an idea developed 100 years ago by a good Republican President named Teddy Roosevelt.

In 1910 he pushed this idea which eventually became adopted in 1916. This is what Teddy Roosevelt, as this chart indicates, said 100 years ago. I

think my Republican friends probably will not be quoting Teddy Roosevelt, though he is one of our great Presidents. This is what Teddy Roosevelt said:

> The absence of effective State, and, especially, national, restraint upon unfair money-getting has tended to create a small class of enormously wealthy and economically powerful men, whose chief object is to hold and increase their power.

That sounds pretty familiar. A small group of incredibly wealthy people whose sole objective is to hold and increase their power.

> Therefore, I, [Teddy Roosevelt] believe in . . . a graduated inheritance tax on big fortunes, properly safeguarded against evasion, and increasing rapidly in amount with the size of the estate.

What he was talking about was not from a financial point of view of bringing in revenue. He was expressing fear about America becoming an oligarchic aristocracy in which a few people had incredible wealth and used that wealth to perpetuate their position in society. If that is not what is happening today, then I don't know what is happening.

When we look at Wall Street spending $300 million trying to stop any real reform of Wall Street at a time when these guys are making all kinds of money, having been bailed out by taxpayers, if we look at the oil companies and all of their lobbyists around here, that is precisely what is going on. A small number of incredibly wealthy people are perpetuating their power through their wealth.

In order to gain support for the permanent repeal of the estate tax or a major reduction in estate tax rates, Republicans and lobbyists representing the super rich are doing what they do best, and that is distorting reality. We will not hear any of my Republican friends who talk about repealing the estate tax tell us that the richest families in America are going to be receiving $10, $20, $30 billion in tax breaks. What they have done, both as politicians and through their lobbyists, has created a mythology that a responsible and a fair estate tax—or as their pollsters have framed it, ''a death tax''—will somehow destroy family farms and small businesses.

In other words, what they are doing is what they very often do. They say: It is not the very rich, the billionaires we are interested in protecting. It is not the Walmart people. We are interested in family farmers and small businesses. Those are the people we are trying to protect. But nothing could be further from the truth.

As usual, they are using their old tactic of pretending to worry about the needs of ordinary people as a smokescreen to serve extremely wealthy special interests.

Let's talk a little bit about what they are saying. In terms of the preservation of the family farm, something I happen to believe in passionately—we have a lot of family farms in Vermont—the American Farm Bureau was asked some years ago to come up with a single example of one family farm being lost as a result of the estate tax. They could not find one farm, not one farm that had to be sold as a result of the estate tax, not one.

I should tell you, the legislation I have authored provides even more protections to family farms than previous law. So they are not protecting the family farmers; they are protecting the Walton family and other billionaire families.

In terms of small businesses—something that is obviously vital to our economy; small business is the engine of job creation; we have to protect small businesses—this is what the nonpartisan Tax Policy Center has estimated: that only 80 small businesses and farm estates throughout the country paid an estate tax in 2009—80; 8-0—representing, as this chart shows, 0.003 percent of all estates. In other words, virtually every single small business and family farm in this country would not pay one penny in estate taxes under my bill, and because of protections in the Tax Code, their effective, real tax rate would only be 14 percent. And the relatively few people who inherit small businesses who pay an estate tax are given 14 years to pay it off. They do not have to pay it off in 1 year.

So when our Republican friends come down here and tell us they are fighting to protect the family farm or small businesses, that just is not the case. What they are coming down here to do is to protect the Walton family and the Steinbrenner family and the other billionaire families who are spending a whole lot of money in a major lobbying effort to make sure the richest people in this country become even richer.

So I think what this debate is really all about is what the old Woody Guthrie song framed and described as ''which side are you on?''—which side are you on?—and the Republicans have answered very loudly and clearly, when it comes to the needs of the unemployed and the uninsured, when it comes to protecting the interests of the struggling middle class, they are just not there. When it comes to ordinary people, the Republicans are deficit hawks. But if you are a millionaire or a billionaire family and if you need a huge tax break that will cost our government hundreds and hundreds of billions of dollars, you can count on Republicans for your support. That is what this issue is about.

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

The PRESIDING OFFICER. The Senator from Montana is recognized.

UNEMPLOYMENT INSURANCE

Mr. BAUCUS. Mr. President, at 2:30 this afternoon, the Senate will vote again on unemployment insurance. This bill is about jobs. This bill is about compassion. This bill would extend unemployment insurance for people who have lost their jobs.

This bill is about jobs because unemployment insurance goes to people who spend it immediately. That would increase economic demand, and that would help support our fragile economic recovery. The nonpartisan Congressional Budget Office says that additional unemployment benefits would have one of the largest effects on economic output and employment per dollar spent compared with any other policy. A fancy term is the ''multiplier effect.'' Dollars spent on unemployment benefits have a much greater effect on the economy, a bigger bang for the buck than almost any other dollar expended by the Federal Government. It stimulates the economy. Unemployment benefits stimulate the economy, and clearly it helps the people who have lost their jobs. Of the 11 policies CBO analyzed, the Congressional Budget Office ranked increasing aid to the unemployed first. It is No. 1. CBO says it will create the most jobs per dollar of budgetary cost.

As I mentioned, this vote is really about compassion. As of this week, more than 2.5 million out-of-work Americans have stopped receiving unemployment insurance benefits because Congress has failed to enact this bill. That is more than 2.5 million people who are not getting a paycheck to pay the bills. That is more than 2.5 million Americans who are not getting any help from unemployment insurance to tide them over. These 2.5 million Americans are trying to get work. But there are still five people looking for work for every job opening—five looking for every job available. They need to get help until they can find that job.

A woman from Helena, MT—the town I was born in—called my office and told us that unemployment benefits are keeping her family afloat. She was laid off when she was 8 months pregnant. She wants the Senate to know she has worked since she was a teenager. She wants to work. And she will work again.

For these 2.5 million Americans, this bill is about the roof over their heads. For these 2.5 million Americans, this bill is about keeping the electricity on. For these 2.5 million Americans, this bill is about food on the table. It is that simple. It is that important.

A Montana father with three small children was laid off after 18 years of service because the company could no longer pay his wages. Now he has no income. But he continues to look for work. His home is going into foreclosure. Unemployment insurance has been his only income. It is what puts food on the table for his family.

This is America. When there is an emergency, we in America do not leave people behind. Let's not leave the unemployed behind. We have stripped this measure down to the bare essentials. We simply must pass this bill. This afternoon, I urge my colleagues to vote for cloture and move this important bill.

SMALL BUSINESS LENDING FUND ACT

Mr. BAUCUS. Mr. President, this week the Senate also returns to the small business jobs bill. Small businesses are central to our efforts to create jobs. Unemployment insurance helps people who are out of work. We want to help create the jobs so people can get the work.

Small businesses employ half of America's private sector workforce. In my home State of Montana, small businesses employ more than 90 percent of all private sector employees. Over the past 15 years, small businesses have created two-thirds of Americans' new jobs. That is about 12 million new jobs.

Historically, during recessions, small businesses bear the brunt of employment losses. The great recession has been no exception. Over the course of the great recession, small firms have accounted for between 64 percent and 80 percent of net job losses. Plainly, to create jobs, we need to find ways to help small businesses.

Small businesses continue to face significant obstacles to expanding and hiring. One of the biggest obstacles is getting capital. A recent study by the National Federation of Independent Business found that only half of small businesses trying to borrow are able to get the capital they need. Nearly a quarter are not able to get any credit at all. Compare that to 2005. Five years ago, 90 percent of small businesses were able to get the capital they needed, and only 8 percent were not able to get any credit at all—a big change.

Small business lending has dropped. From the second quarter of 2008 to the third quarter of 2009, small business borrowing fell by more than $20 billion. A number of factors have contributed to this decline. Banks have tightened lending standards and terms for new credit. Banks have reduced risky assets to improve their capital positions. Falling real estate values have limited the ability of small business owners to use their own assets to guarantee or collateralize loans. And credit card terms have also worsened.

Over the course of the great recession, small businesses in my home State of Montana have faced many of these obstacles. For example, Grains of Montana—that is a restaurant and bakery based in Billings—had trouble finalizing the terms of its SBA loan. This delayed the expansion of their bakery. And when a potential franchisee in Arizona was unable to secure funding, the deal fell through. Companies such as Grains of Montana need to get capital to grow and to hire new employees. We must act to get credit flowing. We must increase access to capital so small employers can begin hiring again. That is exactly what the small business jobs bill would do.

The small business jobs bill includes a provision that would completely eliminate the tax on the sale of certain small business stock purchased from the date of this bill's enactment through to the end of 2010 and held for 5 years. This proposal would provide a powerful incentive to invest in small entrepreneurial firms right now.

The bill also includes a provision for certain small businesses that expands the carryback period for general business credits determined this year from 1 year to 5 years, and our bill allows these general business credits against the alternative minimum tax.

Another provision would temporarily shorten the holding period required after a C corporation converts to an S corporation in order to avoid triggering a gain on assets. This provision would allow small businesses to increase their liquidity by selling assets that would otherwise be subject to an additional layer of tax.

All of these provisions free up business capital for expansion and job growth. In past recessions, small firms were the first to begin hiring again. We must ensure that this trend continues as we recover from the great recession. We can achieve this by helping small businesses get the capital they need.

I urge my colleagues to support the small business jobs bill.

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

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

UNEMPLOYMENT INSURANCE

Mr. CASEY. Mr. President, I rise to talk about an issue we are going to be voting on today, thank goodness. We are going to be voting on an extension of unemployment insurance, which is something many of us in the Senate have tried to pass for many weeks now. We have been blocked by the Republican side of the aisle.

We are finally at a point now where we think we can get the votes today to extend unemployment insurance. It is badly needed. You don't have to be a Senator or a Member of Congress to have heard from people all across this country about what this means to them. Those of us who are serving in the Senate have received letters, e-mails, phone calls, and other communications from people within our States.

In Pennsylvania, the people have made it abundantly clear to me and my office over many weeks now about how urgent a problem this is in their lives. This isn't about some complicated, remote issue; this is an issue of life and death, in some instances. But for most, it is an issue of getting by every week, making ends meet, paying bills, providing health care for their children, those who have lost their jobs, through no fault of their own, being able to have the dignity that comes from providing for your family. We know we have more than 14 million Americans out of work. In Pennsylvania, we have over 591,000 people out of work. If that is not a record, it is very close to one. I know it is a high for the last quarter century in Pennsylvania.

The last unemployment extension expired 5 weeks ago, on June 4. Without an extension, just about 1.2 million people have lost their benefits in the month of June, just last month. If this continues to be blocked in the Senate, we know another 2 million will be without benefits by the end of this month, July. In the Commonwealth of Pennsylvania, over 200,000 will have exhausted their unemployment benefits by the end of this month. That means one-third of Pennsylvania's jobless will be without benefits by the end of this month.

To say this is anything but an emergency is an understatement. To continue to block an unemployment insurance extension is irresponsible, in a word, and I think callously irresponsible. Also, I think it is an action that is harmful to our economy. We know, for example, that if you spend a buck in unemployment insurance, you will get a lot more than a buck in return for the economic impact. The Congressional Budget Office has an estimate to the effect that for the GDP, gross domestic product, it may be as high as $1.90 for every $1 you spend on unemployment insurance. So you spend a buck and get a $1.90 back. That is an even higher number than a lot of us have pointed to prior to this.

Mark Zandi, one of our leading economists, said years ago, I think, that if you spend a buck on unemployment insurance, you get about $1.60 back. Such as when you spend $1 on food stamps, you get more than that—maybe $1.70—in return. Now we have the CBO saying the return might be as high as $1.90 for every $1 you spend on unemployment insurance.

There are those in Washington and around the country who are trying to make political arguments against extending this and using a lot of hot air in the process to oppose the extension, block the extension, slow down the effort to provide this bridge that unemployment insurance is, for people who paid into this program for years, in many instances, for just this purpose—when the economy is in the ditch, when they lose jobs and they are trying to get this help.

We have had weeks and weeks of efforts to block this. We should be at the end—we hope. In the end, this isn't simply about a program or about an extension or about what the Federal Government is doing; this is about real people and their lives and the challenges in their lives.

I have received lots of correspondence—whether they are letters, e-mails or phone calls—and I will highlight a few examples. We had a letter from Frank—I will just use the first name so we don't disclose people's names. He

has been seeking employment for a long time. He said:

I have gone through a lot of health situations since being home—

Meaning since being home after losing his job.

constantly worrying will I get a job, is there going to be enough money, or when are my benefits going to be cutoff. . . . The worries are overpowering and devastating.

A lot of these letters we are getting speak in those terms. This isn't a mechanical thing or a question about a program or whether the Senate will do this or that; this is about whether Frank, in this instance, who lives in the Commonwealth of Pennsylvania, is going to be able to have enough money to provide for his family. So this is about worry and emotion and about real anxiety that people feel in the midst of the most horrific recession since the 1930s. This isn't some far off remote problem; this is real life for someone such as Frank. Then he goes on from there to say:

My ex-wife came home from work to advise me and our children that she will be losing her job on August 6, 2010, due to her company outsourcing [the work of that company] to India. She was employed there for 21 years. She carries our medical insurance and 80 percent of our income. We have a 12-year-old [child] with Cystic Fibrosis, which is a fatal disease, and this precious child will be without [health] insurance that pays for the very medicine that keeps her alive.

He goes on from there in his letter. I will end the quote with that line about his daughter with cystic fibrosis. So this isn't just about paying the light bill or paying the mortgage or making ends meet in a general way; this is about whether this family can provide health insurance for a 12-year-old with cystic fibrosis. That is what we are talking about, in many instances. We are talking about health care. When you lose your job, unfortunately, the direct impact isn't just on income; it is about whether you have health insurance. That is Frank's story in Pennsylvania.

I will give one more example because we are short on time.

Rachel, from Pennsylvania, writes to us in an e-mail. She says this:

I am writing for my husband.

Sometimes a person who loses a job is too embarrassed to write or doesn't want to express the feelings that are tearing them apart inside. They don't want to write down on paper the anxiety they are living with—the horror of not having enough to provide for your family. She is writing for her husband, saying he was laid off from his job as a GPS operator. She said the best way to take care of his family, he thought at that point, was to become an airman in the National Guard. He enlisted this year, and he entered the program for the Air National Guard. He excelled in the program, but he couldn't proceed to basic training because he needs dental work. Rachel and her husband, similar to so many others, have no health and dental insurance.

She says—and this is direct quotation from the letter:

I am doing everything I can, including working 2 jobs, to keep us above water, and we are drowning at a speed I never imagined. I bring home $700 a month, which doesn't cover our rent, let alone car insurance, groceries, the electric bill, et cetera. We do not want to live extravagantly. We just want to live.

That is what Rachel says about her situation because of the loss of a job that her husband had to experience. He is becoming an airman in the National Guard to try to make ends meet. I could go on, but I will not because we don't have the time.

That is what this is about. This isn't a theoretical issue or some government program over here that none of us fully understands. This is about real lives, providing health insurance for families, making ends meet, and basic dignity that people feel robbed of because they lost their job, and some people in Washington don't want to lift a finger to help them. It doesn't take much to say aye when your name is called to vote for an extension of unemployment insurance. That is what the program is for. It is for emergencies, when people's lives are at risk—at least the life of their family to be able to make ends meet. That is what we are talking about. That is why I urge every Member of the Senate not to vote for your own political priorities but to vote for Frank and Rachel in Pennsylvania, who have written to us, and people similar to them all across this country. I think we are going to finally get an affirmative vote, but it is long overdue.

With that, I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. BEGICH).

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The VICE PRESIDENT. Without objection, it is so ordered.

CERTIFICATE OF APPOINTMENT

The VICE PRESIDENT. The Chair lays before the Senate a certificate of appointment to fill the vacancy created by the death of the late Senator Robert C. Byrd of West Virginia. The certificate, the Chair is advised, is in the form suggested by the Senate.

If there be no objection, the reading of the certificate will be waived, and it will be printed in full in the RECORD.

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

STATE OF WEST VIRGINIA

Office of the Executive

Joe Manchin III

Governor

CERTIFICATE OF APPOINTMENT

To the President of the Senate of the United States:

This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of West Virginia, I Joe Manchin III, the Governor of said State, do hereby appoint Carte Patrick Goodwin a Senator from said State to represent said State in the Senate of the United States until the vacancy therein caused by the death of Robert C. Byrd, is filled by election as provided by law.

Witness: His excellency our Governor Joe Manchin III, and our seal hereto affixed at Charleston, West Virginia this the Sixteenth day of July in the year of our Lord 2010.

By the Governor:

JOE MANCHIN III,
Governor.
NATALIE E. TENNANT,
Secretary of State.

[State Seal Affixed]

ADMINISTRATION OF OATH OF OFFICE

The VICE PRESIDENT. If the Senator-designate will now present himself to the desk, the Chair will administer the oath of office.

Mr. GOODWIN, escorted by Mr. ROCKEFELLER, advanced to the desk of the Vice President; the oath prescribed by law was administered to him by the Vice President; and he subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations, Senator.

(Applause, Senators rising.)

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

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

AMERICAN JOBS AND CLOSING TAX LOOPHOLES ACT OF 2010

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the House message to accompany H.R. 4213, which the clerk will report.

The legislative clerk read as follows:

House message to accompany H.R. 4213, an act to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

Pending:

Reid motion to concur in the amendment of the House to the amendment of the Senate

to the bill, with Reid amendment No. 4425 (to the amendment of the House to the amendment of the Senate to the bill), in the nature of a substitute.

Reid Amendment No. 4426 (to amendment No. 4425), to change the enactment date.

Reid motion to refer in the amendment of the House to the amendment of the Senate to the bill to the Committee on Finance, with instructions, Reid amendment No. 4427, to provide for a study.

Reid amendment No. 4428 (to the instructions (amendment No. 4427) of the motion to refer), of a perfecting nature.

Reid amendment No. 4429 (to amendment No. 4428), of a perfecting nature.

The PRESIDING OFFICER. Under the previous order, the time until 2:30 will be equally divided and controlled between the two leaders or their designees. That time has expired.

CLOTURE MOTION

The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant editor of the Daily Digest read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to concur in the House amendment to the Senate amendment to H.R. 4213, the American Jobs and Closing Tax Loopholes Act, with a Reid amendment No. 4425.

Harry Reid, Max Baucus, Jack Reed, Edward E. Kaufman, John F. Kerry, Sheldon Whitehouse, Carl Levin, Roland W. Burris, Richard J. Durbin, Jeff Merkley, Benjamin L. Cardin, Christopher J. Dodd, John D. Rockefeller, IV, Barbara Boxer, Patty Murray, Robert P. Casey, Jr., Charles E. Schumer.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to concur in the House amendment to the Senate amendment to H.R. 4213, the American Jobs and Closing Tax Loopholes Act, with a Reid amendment No. 4425, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 60, nays 40, as follows:

[Rollcall Vote No. 209 Leg.]

YEAS—60

Akaka	Franken	Mikulski
Baucus	Gillibrand	Murray
Bayh	Goodwin	Nelson (FL)
Begich	Hagan	Pryor
Bennet	Harkin	Reed
Bingaman	Inouye	Reid
Boxer	Johnson	Rockefeller
Brown (OH)	Kaufman	Sanders
Burris	Kerry	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Kohl	Snowe
Carper	Landrieu	Specter
Casey	Lautenberg	Stabenow
Collins	Leahy	Tester
Conrad	Levin	Udall (CO)
Dodd	Lieberman	Udall (NM)
Dorgan	Lincoln	Warner
Durbin	McCaskill	Webb
Feingold	Menendez	Whitehouse
Feinstein	Merkley	Wyden

NAYS—40

Alexander	DeMint	McCain
Barrasso	Ensign	McConnell
Bennett	Enzi	Murkowski
Bond	Graham	Nelson (NE)
Brown (MA)	Grassley	Risch
Brownback	Gregg	Roberts
Bunning	Hatch	Sessions
Burr	Hutchison	Shelby
Chambliss	Inhofe	Thune
Coburn	Isakson	Vitter
Cochran	Johanns	Voinovich
Corker	Kyl	Wicker
Cornyn	LeMieux	
Crapo	Lugar	

The PRESIDING OFFICER. Upon the reconsideration of this vote, the yeas are 60, the nays are 40. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Cloture having been invoked on the motion to concur with amendment in the House amendment, the motion to refer falls, as it is inconsistent with cloture.

The Senator from Vermont.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. LEAHY. Mr. President, I see the Republican leadership and the distinguished Senator from Tennessee on the floor. I would note that I am hopeful the Senate Republican leadership would take the opportunity to enter into a time agreement on 1 of the more than 20 judicial nominees who have been stalled from Senate consideration. I am referring to the nomination of Jane Stranch of Tennessee. Her nomination was reported by a bipartisan majority of the Senate Judiciary Committee last November, 8 months ago.

A native of Nashville, Mississippi, Ms. Stranch has practiced law in that community for 32 years, and has often appealed before the Sixth Circuit—the court to which she is now nominated. She has decades of experience in labor and employment law, an expertise she put to good use when she taught a class on labor law at Nashville's Belmont University. Ms. Stranch also has an active appellate practice, as well as significant experience with alternative forms of dispute resolution, such as mediation and arbitration. She is a leader in her community who dedicates significant time to pro bono work, civic matters, and her church. She also has impressive academic credentials, having earned both her J.D., Order of the Coif, and her B.A., summa cum laude and Phi Beta Kappa, from Vanderbilt University.

Since this nomination was reported last November, all Democratic Senators have been prepared to debate and vote on her nomination. I had given my friend, the distinguished senior Senator from Tennessee, my assurance about that. I, myself, have spoken about this nomination a number of times because it is one of the oldest on the calendar.

I know the senior Senator from Tennessee has expressed his frustration to me about the fact that this nomination has not been voted on in the last 8 months. So I went to him last week and said I was going to make a unanimous consent request for a time agreement to consider her nomination. The Senator asked me if I would wait until today, which I was glad to do. We have waited 8 months already.

I, in no way, fault the senior Senator from Tennessee. He has been very clear to me he is ready to vote whenever this nomination comes forward. So seeing the Republican leader on the floor, I will now propound a unanimous consent request. I ask unanimous consent, as if in executive session, at a time to be determined by the majority leader, following consultation with the Republican leader, the Senate proceed to executive session and consider Calendar No. 552, the nomination of Jane B. Stranch, of Tennessee, to be a judge on the U.S. Court of Appeals for the Sixth Circuit; there be 3 hours of debate with respect to the nomination, with the time equally divided and controlled between the chairman and ranking member of the Judiciary Committee, myself and Senator SESSIONS, or our designees; that upon the use or yielding back of time, the Senate proceed to vote on the confirmation of the nomination; that upon confirmation, the motion to reconsider be considered made and laid upon the table; any statements related to the nomination be printed in the RECORD; the President be immediately notified of the Senate's action; the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. ALEXANDER. Mr. President, reserving the right to object, I thank the Senator from Vermont, the chairman of the Judiciary Committee, for his request. Jane Stranch is a well-qualified nominee.

It has long been my position, without going into the history in this body, that a President's judicial nominees deserve an up-or-down vote. She is President Obama's longest pending circuit court nominee yet to be confirmed. She was nominated last August. The committee reported her in November. She has my support, that of Senator CORKER.

I know it is difficult, with the amount of matters we have on the Senate floor, to schedule anything, including a circuit judge.

But it would be my hope that the Republican leader and the majority leader could, before long, set a time certain for an up-or-down vote on Jane Stranch, the President's nominee for the Sixth Circuit Court of Appeals. I thank the Senator from Vermont for his request. I will not object.

The PRESIDING OFFICER (Mrs. GILLIBRAND). The Republican leader.

Mr. MCCONNELL. Reserving the right to object, I know my good friend from Tennessee is interested in this nomination. There were, however, some no-votes on the nominee in committee. We will be running the traps on our side and seeing if we can work out

both the debate time and a time to take up this nominee in the not too distant future. But for the short term, I must object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Vermont.

Mr. LEAHY. Madam President, I am terribly disappointed. With this objection, Senate Republicans have further ratcheted up the obstruction and partisanship that has become commonplace this Congress with regard to judicial nominees. I had honestly hoped that working with the respected senior Senator from Tennessee, we would be able to obtain a standard time agreement. I am not asking any Republican Senator to vote for the nominee, but simply to vote. I am not asking Republican Senators to vote before they have had a chance to debate the nomination, only to agree to a reasonable time for debate. If they do not think 3 hours reasonable, I wish they would indicate what time they think they need for such a debate. During the past 2 years, their demands for time have gone unused in debates on the nominations. Often, hours will be demanded in opposition without any of it being used for that purpose. If it were just a matter of the number, I would hope we could have worked that out and reached an agreement. Instead, this objection is like the Republican leader's objection last week to the request from the Senator from North Carolina to consider two nominees from that State to the Fourth Circuit. They were both reported by the Judiciary Committee last January, more than 6 months ago. One was reported by a vote of 18 to 1 and the other by a vote of 19 to 0; they are supported by both home State Senators, one a Republican and one a Democrat. Still the Republican leadership refuses to allow the Senate to consider them.

I was disappointed to see my friend from Kentucky object last week. He did not speak about the nominees, or to their unquestioned qualifications, including their backgrounds in military service. It seemed as if his justification was along the lines of tit-for-tat. That is most unfortunate. I note that when I became chairman of the Judiciary Committee midway through President Bush's first tumultuous year in office, I worked very hard to make sure Senate Democrats did not perpetuate the judge wars as tit-for-tat. In fact, we did not. Despite that fact that Senate Republicans pocket filibustered more than 60 of President Clinton's judicial nominations and refused to proceed on them, including one of the nominees from North Carolina now pending before us, again, during the 17 months I chaired the committee during President Bush's first 2 years in office, the Senate proceeded to confirm 100 of his judicial nominees. By contrast, during these first 2 years of President Obama's term, Senate Republicans have allowed only 36 Federal circuit and district court nominees to be considered by the Senate, 100 to 36.

Ironically, the history of the Sixth Circuit and our efforts to turn away from the destructive practices that Republicans had followed during the Clinton years is detailed in my July 29, 2002, Senate statement in support of another Tennessee nominee, Judge Julia Gibbons. As chairman, I proceeded to a confirmation hearing for Judge Gibbons in April 2002; it was the first hearing for a Sixth Circuit nominee in 5 years. Despite the well-qualified nominees of President Clinton, the Republican majority did not consider them. Republicans refused to consider the nominations of Judge Helene White, an experienced State court judge; Kathleen McCree Lewis, an accomplished attorney and the daughter of former Solicitor General of the United States and former Sixth Circuit Judge Wade McCree; and Kent Markus, a law professor and former Justice Department official who had the support of his Republican home State Senator. This was the partisan record Senate Democrats overcame when in the Senate majority. Republicans' pocket filibusters of President Clinton's nominees resulted in numerous Sixth Circuit vacancies. By proceeding with President Bush's nominations of Judge Julia Gibbons of Tennessee and then his nomination of Judge John Rogers of Kentucky, to the Sixth Circuit in 2002, the Democratic Senate majority did not engage in a tit-for-tat but acted to break the logjam the Republican obstruction had created.

When I resumed the chairmanship of the Judiciary Committee in 2008, we were able to fill the last remaining vacancies on the Sixth Circuit when we confirmed President Bush's nominations of Judge Helene White and Judge Ray Kethledge of Michigan to the Sixth Circuit. Judge White had been one of President Clinton's nominations in 1997 who was pocket filibustered after having waited in vain for a hearing for more than 1,450 days. During the Bush years the Sixth Circuit went from half vacant to full.

With respect to Senate Republican leadership's current practice of holding, delaying and obstructing Senate consideration of judicial nominees reported favorably by the Judiciary Committee, this is a tactic they reserve for nominees of Democratic Presidents. Indeed, when President Bush was in the White House, Senate Republicans took the position that it was unconstitutional and wholly inappropriate not to vote on nominees approved by the Senate Judiciary Committee. With a Democratic President, they have reverted to their secret holds that resulted in pocket filibusters during the Clinton years. Last year, Senate Republicans successfully stalled all but a dozen Federal circuit and district court nominees. That was the lowest total for judges confirmed in more than 50 years. They have continued that practice despite the fact that judicial vacancies continue to hover around 100, with more than 40 declared judicial emergencies.

No one should be confused: The current obstruction and stalling by Senate Republicans is unprecedented. There is no systematic counterpart by Senate Democrats. In fact, during the first 2 years of the Bush administration, the 100 judges confirmed were considered by the Senate an average of 25 days from being reported by the Judiciary Committee. The average time for confirmed circuit court nominees was 26 days. The average time for the 36 Federal circuit and district and circuit court judges confirmed since President Obama took office is 82 days and the average time for circuit nominees is 126 days.

Overall judicial vacancies were reduced during the Bush years from almost 10 percent to less than 4 percent. Federal judicial vacancies are now over 10 percent. During the Bush years, the Federal circuit court vacancies were reduced from a high of 32 down to single digits. That progress has not continued with President Obama. Instead, Republican obstruction is putting that progress at risk. During the Bush years, we reduced vacancies on nine circuits. Since then, vacancies on six circuits have risen. I note that during the Clinton years, Republican obstruction succeeded in virtually doubling Federal circuit vacancies.

I trust that the Republican leader remembers how I treated and Senate Democrats treated judicial nominees from Kentucky. During the 17 months I chaired the Judiciary Committee during President Bush's first 2 years, we proceeded to consider and confirm Judge John Rogers of Kentucky to the Sixth Circuit by voice vote before the end of the session in 2002, having already confirmed Judge Danny Reeves and Judge Karen Caldwell to the Eastern District of Kentucky, and of course, Judge David Bunning to the Eastern District of Kentucky by voice vote, as well. During the more than 4 years that Republicans were in the majority during the Bush Presidency, one other judge for the Eastern District of Kentucky was confirmed, Judge Gregory Van Tatenhove, a former aide to the senior Senator from Kentucky. The year I resumed the Judiciary Committee chairmanship, we proceeded to confirm Judge Amul Thapar to the Eastern District of Kentucky. Nominees the Republican leader supported for his home State's vacancies were very well treated.

I am confident the senior Senator from Tennessee remembers how fairly we treated judicial nominees from his State. I was chair when we broke a longstanding logjam on the Sixth Circuit by confirming Judge Julia Gibbons of Tennessee in July 2002. During the first 2 years of the Bush administration we worked to see the Senate also confirm Samuel Mays, Jr., as a judge for the Western District of Tennessee and Judge Thomas Phillips as a judge for the Eastern District of Tennessee. When I resumed the chairmanship in 2008, we also facilitated the Senate confirmation of Judge Stanley Anderson

to be a judge for the Western District of Tennessee. During the intervening years three other nominees were considered and confirmed to be Eastern District of Tennessee judges, Judge Thomas Vartan, Judge Ronnie Greet and Judge Harry Mattice, Jr. In addition Judge J. Daniel Breen was confirmed to be a judge in the Western District of Tennessee.

There did come a time in the 108th Congress when President Bush and Senate Republicans were intent on packing the courts with ideologues and the Republican Chairman of the Judiciary Committee violated the rules and practices of the committee in support of this effort. They forced filibusters of 10 nominees, 6 of which were ultimately confirmed.

I have not done what the Republican chairman did. I have respected and protected the rights of the minority. President Obama has not made nominations opposed by home State Senators but has instead reached out and worked with home State Senators from both parties. He has by and large nominated well-qualified moderates.

I have tried to ratchet up the cooperation between parties and branches in my role as chairman. It is disappointing to see the Senate Republican leadership take the opposite approach. They are holding up consideration of nominees reported unanimously from the Judiciary Committee for weeks and months for no reason. Just last week, after a needless 3-month delay, the Senate confirmed a judge for the Northern District of Illinois unanimously. That is more evidence of the pattern of stall and obstruct. Earlier this year the majority leader had to file cloture to get to a vote on the nomination of Judge Barbara Keenan of Virginia to the Fourth Circuit. When the vote was held, she was confirmed unanimously.

Republicans' sense of injury is misplaced in my view. Moreover, the disproportionateness of their response disserves the American people and our Federal justice system.

Jane Stranch of Tennessee is just one example of the harm they are causing. Judge James Wynn of North Carolina is another example, as is Judge Albert Diaz, also of North Carolina. The list includes the 21 judicial nominees currently stalled by Republican objection from final Senate consideration but also many of the 36 who were needlessly delayed. What is being perpetuated is a shame.

I thank the distinguished senior Senator from Tennessee for his efforts in moving this forward. I am obviously disappointed, but I am not disappointed in the actions of the distinguished Senator from Tennessee. He did work very hard.

The PRESIDING OFFICER. The Republican leader

TRIBUTE TO SENATOR PAUL COVERDELL

Mr. MCCONNELL. Madam President, about 10 years ago, one of our dear friends, the Senator from Georgia, Paul Coverdell, was unexpectedly taken from us. He became ill and passed away. Here we are 10 years later, and we wish to commemorate his life and service. His good friends, the Senators from Georgia, Mr. CHAMBLISS and Mr. ISAKSON, are both here. We all want to say a few words about our departed friend Paul Coverdell.

Paul was a patriot. I admired him a great deal. Nobody worked harder than Paul Coverdell, and nobody wanted less credit for it. We were talking on the floor a few moments ago. Senator Lott, who was the Republican leader at the time, used to call him Mikey. What he meant by that was some character we believe was in a commercial named Mikey who always got the job done and didn't care where the credit ended up. That is exactly how Paul was. No matter how tough the task, no matter how thankless the job, Paul was ready to pitch in with good humor and credible persistence and see it through to completion.

He had a distinguished career in the private sector before he entered public life. He spent a long time toiling in the Georgia State Senate before he came here. In fact, he used to joke that he knew all too well what it was like to be an underdog because he spent 15 years representing all five Republicans in the Georgia State Senate against 51 Democrats. That gives one a certain humility, shall I say.

Paul's deep understanding of the power of freedom is well known, and his efforts to promote and spread freedom are a big part of his legacy. As Director of the Peace Corps in the late 1980s, Paul sent the first Peace Corps volunteers into Eastern Europe to work with nations about to experience freedom for the very first time.

In a speech he delivered shortly before his death, Paul said:

> I believe that in the 20th century, America has helped plant the seeds of democracy and freedom around the world. I hope that when the stories are written at the end of this new century, it is said of this nation that we tended to liberty, nurtured it around the world, and sustained freedom and prosperity here in this Hemisphere.

That was Paul shortly before his death.

He served in this Chamber for nearly a decade, and those of us who served alongside him know he never, ever sought the spotlight. He was a decent hard-working guy who was dedicated to his wife Nancy, the people of Georgia, the American people, and to promoting what he called the three pillars of freedom: economic liberty, security for persons and property, and a well-educated citizenry. Paul often said that an uneducated mind can never truly be free. It is an idea he shared with the men who founded our Nation. As Washington put it in his first annual address to Congress:

> Knowledge is, in every country, the surest basis of public happiness.

As with all the lessons Paul liked to share, he delivered it with a smile.

Paul is deeply missed by all of us in this room, but his contributions are lasting. Ten years after his sudden passing, we continue to learn from the life and example of Paul Coverdell.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CHAMBLISS. Madam President, I rise, like my leader from Kentucky, to celebrate the life of Paul Douglas Coverdell. I thank the leader for his kind comments about a very personal friend to both Senator ISAKSON and me as well as to the leader.

Paul Coverdell served in this body from 1993 until his untimely death on July 18, 2000. Paul was a longtime politician in our State, having first run for office in 1968. He lost the first election and then was elected to the State senate in 1970. He rose to the rank of minority leader in the Georgia State Senate and had a successful career there. He then decided to run for Congress and lost his first race for the House of Representatives.

Paul did something that is so Coverdell-like in the summer of 1978. He was then the chairman of the Georgia Republican Party. He was on vacation in Maine. He knew, obviously, of the soon-to-be Vice President, George H.W. Bush, but he didn't know him and he wanted to get to know him. So he walked up to his house in Kennebunkport—didn't have to worry about the Secret Service back then—and knocked on his front door. President Bush came to the front door. He introduced himself. They became fast friends after that.

When President Bush was elected, Paul Coverdell was very involved in his campaign. He wrote him a simple note. He said: If I can help you, I would like to. Well, the President took that to heart and appointed Paul to be the Director of the Peace Corps. Anything Paul undertook, he put his whole heart and soul into. When he became Director of the Peace Corps, he did exactly that. He also was a very good thinker. He created what was called World Wise Schools within the Peace Corps. Those schools all of a sudden cropped up all around the world under the sponsorship of Peace Corps volunteers and all under Paul's leadership. Paul led the first Peace Corps volunteers into Eastern Europe after the fall of the wall.

I will never forget going to the Peace Corps building as a Member of the House after Paul's death when the Peace Corps building was named after Paul. To hear the many tributes of volunteers who had served for so long under Paul and the personal stories they had about the involvement of their leader and their affection for their leader was truly humbling and moving.

When Paul was elected to the Senate in 1992, he actually had to be elected four times that year. He was in a primary which he won after a runoff. He then came in second in the general election in November, but because of the rules being what they are in Georgia, as I experienced myself in 2008,

Paul was in a runoff with the incumbent because an independent third-party candidate got enough votes so that the incumbent did not get 50 percent plus one. Paul then won, after coming in second, the runoff election and, thus, his fourth election in 1992.

In 1998, he became the first Georgia Republican to ever be reelected to the Senate. He was such a class guy here that he was respected and admired by folks on both sides of the aisle. I went back and looked at some of the comments Republicans and Democrats made on the floor of the Senate after Paul's death. It truly was, again, a very moving experience to read those comments.

He created what is called the Coverdell ESA, or the Coverdell education savings accounts—they are really education IRAs—to allow families to set aside money on a tax-free basis to educate their children. Paul loved education. It was very near and dear to him. He was very proud of being able to establish those IRAs for future leaders of the country.

A quick story about Paul. He was a very unique individual. He never wore anything but a dark suit, never wore anything but a long-sleeve white shirt. I remember one day I had an event down in the very southern part of my congressional district, down at the Okefenokee Swamp. It was in July or August, I don't remember which, but I do remember it was extremely hot. The humidity in south Georgia on a June or July or August day is extremely high. We were all there, and some other Members of Congress who were there were in shorts and golf shirts. Whatever we could put on to stay cool or somewhat cool, that is what we had on. Paul showed up. As always, Paul had on a dark suit and a white shirt. We finally did get him to take his tie and coat off because we were going to ride out into the swamp. I used to kid Paul about that really until the time of his death.

The leader is right, Senator Lott had a term for Paul Coverdell. He called him Mikey because anytime Trent needed to get something done, he would go to Mikey. Paul just had a way of making sure that whatever the challenge was, it got done and got done in a very efficient way.

The photograph I cherish most of all my political photographs is a black-and-white photo. It is a picture of Paul and myself sitting in his office at one of our weekly meetings that took place while I was in the House and he was in the Senate, the two of us just sitting there talking. The expression on Paul's face is so classic Coverdell. It always makes me feel good and is a great reminder of Paul.

Paul's wife Nancy has always been a dear friend. She was such a great asset to him. She has chaired my military academy appointment committee in all of my years in the Senate. She is a wonderful lady. Again, we have some very fond conversations together about Paul from time to time.

Paul Coverdell was not just a great Georgian; he was a great American. He certainly loved our State and our country as much as anybody who has ever served in this body. It is a sad day but yet a very good day from the standpoint of having the opportunity to remember the strong and positive leadership of Senator Paul Coverdell.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Madam President, I am honored and privileged to join Leader MCCONNELL and Senator CHAMBLISS to take a few minutes to talk about one of my great friends, Paul Coverdell, and his lovely wife Nancy. MITCH MCCONNELL has done some great recollections of Paul's service in the Senate. Senator CHAMBLISS told some great stories of his relationship with Senator Coverdell. I wish to share some of mine to certify and document that everything they have said is absolutely correct.

I met Paul Coverdell in 1972, 2 years after he was elected to the Georgia State Senate as the fifth Republican to serve there. I was running for the Georgia House of Representatives. Although I lost in 1974, I won in 1976. A few years later, I became the leader of the Republicans in the Georgia House of Representatives, and Paul was the senate leader. The senate had their caucus elections every January after elections. I always loved the senate election. They had five caucus officers and five Republican Senators. So instead of having an election, they drew straws. They drew straws and they drew Paul Coverdell, to which he was forever reelected as leader of Republicans in the Georgia State Senate.

Paul was the most organized guy I have ever known and was the most goal-oriented guy I have ever known.

His goal—when we were outnumbered 10 to 1 in the senate, Democrat to Republican, and 8 to 1, Democrat to Republican, in the house—he dreamed of the day when we were in the majority. As the Republican leader of the house, he would summon me, by kind invitation, on every Monday morning, to the Buckhead Waffle House or the Buckhead IHOP where we would have coffee and talk about how one day we were going to be the majority party in Georgia.

Now, I am an optimist. I was a salesman all my life. I believed we could get there too. But Paul had a step-by-step plan—a plan that in 1976 seemed tantamount to impossible but a plan that was realized with his election to the Senate in 1992, a congressional majority for Republicans in Georgia in 1994 and, ultimately, the first Republican Governor in the history of our State Post-Reconstruction, in 2002.

Paul meticulously was a partisan, but he was, above that, an American. Paul Coverdell was also a man of ideas. Folks have talked about the Coverdell education savings accounts, which he authored in the Senate and are now law. But I remember, in Georgia, in the 1970s and 1980s, when he championed the mandatory seatbelt law. Believe me, in a State such as Georgia where you have a lot of pickup trucks and a lot of rural communities, wearing a seatbelt was not the most popular thing in the world. But Paul knew it was good for saving lives. He knew it was good for lowering insurance rates because he was an insurance man. He fought against a majority that did not want it, but he prevailed and he won, and today many lives have been saved because of the efforts of Paul Coverdell in the Georgia Legislature.

Senator CHAMBLISS told his story of Paul in his dark suit and his red tie and his white shirt. I want to tell mine.

Back in 1982, I was on the beach at Jekyll Island, GA, following a joint house Republican-senate Republican conference. The late Haskew Brantley—then a Georgia State senator—and I were on the beach under an umbrella enjoying the beautiful coast of Georgia on our great island, Jekyll Island. In the distance we could see this figure coming toward us that looked from a distance as having on a suit, walking on the beach with his shoes in his hand and his pant legs rolled up. The closer he got, the more Haskew and I realized: That is Paul Coverdell.

Paul came in his red tie, his buttoned-down white shirt, his dark pinstriped suit but with his shoes in his hand. He sat in the sand with us, talked, got up, walked back to the parking lot, and drove to Atlanta. In fact, I am not sure I ever saw Paul when he did not have on the dark suit, the red tie, and the white shirt.

He was always dressed to the nines, and he was always ready for whatever challenge came. His wife Nancy, who is a beautiful lady I saw just a few weeks ago on the coast of Georgia, actually had her real estate license in my company. So not only did I know Paul, but I knew Nancy, and for 35 years they were as close of friends as I have ever had. But for 35 years they served Georgia day in and day out in whatever capacity they could to make it a better State.

I think it is a great tribute to tell this story: When Paul was elected to the Georgia State Senate as the fifth Republican in history in 1970, for somebody to think a Republican majority could ever have taken place, they would have laughed. But shortly after Paul's death, the legislative office building where every member of the Georgia House and Senate in downtown Atlanta has an office was named the Paul D. Coverdell Legislative Office Building. He went from the bottom in terms of numbers, and he went to the top, but he climbed it one step at a time; he climbed it one commitment at a time, and he never lost sight of the fact that he was an American first and a Republican second but always committed to the values of Georgia and the values and the conservative principles we shared.

So on this day, just 10 years after his passing, we rise to pay tribute to a great American, a great Member of the Senate, and a leader who made it possible for people such as Senator CHAMBLISS and myself to follow in his footsteps and one day, ultimately, serve in the greatest deliberative body in the world, the U.S. Senate.

I pay tribute to Paul Coverdell and his legacy and his beautiful wife Nancy.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Mr. MERKLEY. Madam President, I ask unanimous consent to speak as in morning business.

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

Mr. MERKLEY. Thank you, Madam President.

OIL INDEPENDENCE

Madam President, today I come to this Chamber to speak about oil independence for a stronger America. Many folks across America are continuously talking about the downside of our addiction to overseas oil. Today I am going to be presenting a plan embodying a bill with that name: Oil Independence for a Stronger America.

One of the big issues of our dependence on foreign oil is national security. We send $1 billion a day overseas to governments that often don't share our core American values; governments in the Middle East, in Nigeria, in Venezuela. Sometimes those dollars end up directly in the hands of terrorists. As some national security analysts have noted, in our current wars we are sometimes funding both sides of the battle, and that is not a good place to be.

In addition, to maintain our access to that overseas oil, we have to maintain a significant national security military force. Some analysts have estimated the cost of that additional security, that additional access to guarantee oil for America, has a value or a cost of up to $5 per gallon. So those aren't dollars we pay at the pump, but we certainly pay them in terms of our national security overhead.

In addition to national security, our addiction to overseas oil is terrible for our economy. We are sending $1 billion a day overseas. Two years ago, when the cost of a barrel of oil surged upwards, we were sending $2 billion a day overseas. It will be that again. It will go higher, because the world's demand for oil is only increasing. As the economies of Asia, and particularly the economy of China, are growing, the demand for oil is growing as well, and with it we will be paying more.

Take that $1 billion a day. That is $3 for every man, woman, and child in America. I have a family of four: $12 a day for my family. A significant sum, hundreds of dollars a month for my family, goes overseas. When those dollars go overseas, they create jobs overseas instead of creating jobs here in America. Try to picture the difference between spending $1 billion a day overseas and spending $1 billion a day on red, white, and blue American-made energy. That is the difference between families who have jobs, a stronger economy, or a weaker economy.

Oil addiction makes us weaker as a nation. Oil independence makes us stronger as a nation. Isn't it time to choose strength over weakness?

I wish to take a look at the numbers demonstrating the challenge before us. The estimate for the amount of oil we will be importing as a nation 20 years from now is between 6 million to 7 million barrels per day, as indicated by this column. If we were to put together a plan that would reduce our consumption of oil by more than 6 million to 7 million barrels per day, then we would have a plan that equates to independence from oil so that we would be able to eliminate the requirement, the need to import oil from overseas.

The good news is that the tools are at hand to have such a strategy. What we have lacked is the will, the political will to move forward; the will to say, yes, we are going to have a plan and we are going to stay on that plan over the course of time, the two decades necessary to implement it.

So what are the major strategies through which we can end our addiction to overseas oil? The first strategy I wish to talk about is changing the consumption of gasoline in passenger vehicles. Right now we have a number of hybrid cars that consume a lot less oil. We have coming on the market next year the Nissan LEAF, the Chevrolet Volt. We have the Tesla sedan. We are going to have numerous options for customers in America to be able to satisfy their domestic transportation needs in ways that consume vastly less gasoline, and that means less overseas oil. So the question is whether we promote adoption of these strategies. There is a tremendous amount to gain by promoting adoption of these strategies.

I wish to thank Senator BYRON DORGAN and Senator LAMAR ALEXANDER who partnered with me, the three of us together, on the Electric Vehicle Deployment Act. This is an act that will take a half dozen or so communities across this country and create deployment communities to test drive, if you will; building the infrastructure necessary for electric vehicles in partnership with the deployment of electric vehicles, because the two have to work together. From what we learn from those deployment communities, we can develop an accelerated strategy to shift to electricity from gasoline across this Nation. The potential savings are 3.2 million barrels per day.

The second strategy is to have more efficient freight transportation. There is a lot to be gained in this area as well—up to 2 million barrels of oil per day. We have a group out in Oregon, a nonprofit called Cascade Sierra. Cascade Sierra works in partnership with the trucking community to make sure there is a one-stop shop to acquire different technologies designed to increase the efficiency of trucks. They deploy airfoils to make the trucks go down the highway more efficiently. They provide the technology for automatic tire inflation which makes a huge difference in mileage over time. Cascade Sierra makes available different types of generators so that a truck, instead of running its large diesel engine to provide electricity when it is stopped, can instead run a small generator. Now they are working to help develop charging stations where the trucks can actually plug in to power up their electric infrastructure on the truck rather than running their diesel engine.

There are many ways to increase efficiency on trucks as well as increasing efficiency by shifting a percentage of our freight transportation from trucks to barges and rail. Rail and barges are incredibly efficient. I am constantly amazed at the statistic of how far you can take a ton of freight with one gallon of diesel. For all of my colleagues who may be wondering: Well, how far can you go? Can you go 50 miles? Can you take a ton of freight 50 miles with one gallon? Well, no, it is higher than that. Is it 100 miles? No, it is over 400 miles, a ton of freight, with one gallon on rail or by barge. Significant savings are available in that area.

The third section is smart metropolitan transportation options. Portland, OR, is a city that is working very hard to provide options to its citizens on how they commute back and forth to work. We have light rail not too dissimilar from what we have here in Washington, DC. Back home in Oregon, we also are building streetcars, and streetcars create a whole infrastructure around efficient electric transportation for neighborhoods. Then we are working on other strategies, including bike lanes, and so forth, that create a network of options for effective noncar transportation. Those types of strategies can do an enormous amount in reducing the amount of fuel we consume, not to mention reducing the congestion and, therefore, improving the quality of life for Americans throughout metropolitan areas. Potential savings: 1.7 million barrels of oil per day.

The fourth area is in alternative fuels. There have been natural gas forklifts since I was a little kid. Compressed natural gas is an effective fuel. Through recent developments in drilling technology, we have discovered we can produce a lot more natural gas in our Nation, which means a lot more potential to power up trucks with natural gas rather than diesel. So that is a technology that will have a big impact.

A second area is advanced biofuels. Certainly I wish to see the forests of

Oregon generating some advanced cellulosic ethanol for our truck fleet and to do so in a fashion which is environmentally sustainable so the power of plants, if you will, can be a significant factor in strengthening our domestic energy economy and creating more jobs here in America and reducing our oil imports from overseas.

The fifth area is energy-efficient homes and buildings. In this case, the savings are more modest: 200,000 barrels of oil per day. They are more modest because most buildings are not heated by heating oil. But we should pay attention to those buildings that are heated by heating oil, because the savings, when you increase the energy characteristics of a building, are substantial. So that merits attention.

If one combines these strategies, we are looking at savings of well over 8 million barrels per day, as compared to the estimate for imports 20 years from now of 6 million to 7 million barrels per day. So it is unquestionable that we can end our oil addiction if we have the political will, if we have the determination to sustain a plan through every 4-year cycle over 20 years.

Here in America, we tend to oscillate back and forth as Presidencies change, and that is why this bill, the Oil Independence for Stronger America Act, calls for a National Energy Security Council that will sustain the attention to the national plan as Presidents come and go, as Members of Congress come and go.

There should be little question in any of our minds that America will be stronger as an oil-independent nation rather than an oil-addicted nation. There should be little question that creating jobs here, buying American-made energy at $1 billion a day is far preferable to sending billions of dollars a day overseas, where they are no longer in our retail stores and are no longer creating jobs.

Certainly, many of these strategies will have a very positive influence on creating cleaner air and having American leadership and stewardship of our planet. So numerous positive factors go together. I want to be sure to thank my original cosponsors of the bill. Senator TOM CARPER has done terrific work on CAFE and CLEAN TEA, which involves metropolitan transportation options. TOM UDALL brought insights on freight, rail, natural gas, and biofuels. Senator MICHAEL BENNET has a comprehensive understanding of energy issues that is of real value in the Senate Chamber.

I will conclude with this: Let's choose a stronger oil-independent America over a weaker oil-addicted America.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent to speak for up to 10 minutes as in morning business.

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

HUGO BOSS

Mr. BROWN of Ohio. Mr. President, last April a German clothing company, Hugo Boss, announced it was planning to close down its only North American manufacturing plant located in Brooklyn, OH, outside of Cleveland. Hugo Boss told us they were going to expand their American sales force but shut down all U.S. production. Despite the Cleveland plant being profitable—a plant that had been in existence for decades and decades prior to Hugo Boss purchasing it—Hugo Boss planned to move its Cleveland production to the country of Turkey.

I recognize Hugo Boss's desire to expand their sales force by eliminating production in the United States and shipping it to Turkey—a sad but all too common story in our Nation today—but it was a devastating announcement for the workers and for the community in Brooklyn, OH. Cleveland has a long and storied history of manufacturing clothes and apparel, in addition to chemicals and steel and autos and so much else. In Brooklyn, a suburb of Cleveland, a factory is a source of pride and economic prosperity. Yet despite the shock and disappointment of the announcement, the community rallied behind the workers.

In the ensuing months, Governor Strickland and I met Hugo Boss executives and workers. I talked to the Hugo Boss people in Germany by phone. I went to the plant and talked to workers, heard their stories—often workers who had been there 10, 20, 30 years, husbands and wives working together at the plant making no more than $15 an hour. So these were not jobs that paid a lot of money or made a lot of people rich, but they were jobs that gave particularly immigrant workers a real opportunity in this country to work. They had decent health benefits, and they made a wage that they could at least make a go of it.

Earlier this year, in February, when I traveled to meet with some of those 400 workers, I began to hear these stories. As I said, the workers make no more than $15 an hour, and many make less than that. They are paid decent benefits but barely enough to keep these working families in the middle class. These workers did everything they could to keep this plant profitable. Their work meant everything to the community.

When the decision to close the factory was made, Joe Costigan, Sue Brown, Mark Milko, and Dallas Sells—all of Workers United—fought tirelessly on behalf of these workers. Mayor Richard Balbier rallied the community to help keep the plant open, recognizing a healthy manufacturing sector means a healthy and prosperous community. In the meantime, management, workers, elected officials, and community leaders all continued to work together to find a way to keep the factory open.

Exactly a year later, in April 2010, an agreement was made that would keep workers in their jobs and would sustain that community's economy. These workers agreed to absorb wage cuts. Many of them went from $12 or $13 an hour down to $10 or $11 an hour.

Yesterday, we celebrated what happens when we work together to save a plant and a community. Yesterday, Governor Strickland and I joined 200 workers and Hugo Boss executives to celebrate the first suit off the line of this restarted manufacturing plant. Wanda Navarro and Sheila McVay were among those who spoke. Sheila McVay introduced the Governor, and Ms. Navarro introduced me. But before they did so, they spoke eloquently of what being back to work means. I am proud to have stood by Wanda and Sheila and those who fought for the classic American success story.

I wear a suit. The suit I have on today was union made in Cleveland, OH, by these workers. One of these workers came up to me as I was standing there and she pointed to the vest pocket of the suit, saying: I make those vest pockets; I probably sewed that one. It makes me proud to have worked with Workers United and Hugo Boss to ensure that a premier global company continues to invest in this town, in this State, in American manufacturing.

Yesterday marked a new chapter for this company's global competitiveness and for our community's economic prosperity. But that celebration yesterday must be viewed in the context of what is happening all too often in our country. The closing of a plant too often means moving it offshore. It looks like a good deal for the company's quarterly financial statement. That is initially what Hugo Boss thought when they were going to close this plant—a profitable plant—and move to it Turkey: manufacture more clothes, sell more clothes in Turkey, increase their U.S. sales force, and sell more of them back into the United States. We know that story can be told again and again, when U.S. trade law, U.S. tax laws, and companies think about the next quarter more than they do the next year or the next decade and outsource those jobs, then sell the products back into the United States.

As an example, I was meeting with someone today who is working to push the Commerce Department to simply enforce U.S. trade law and enforce or stop some of the currency manipulation by the People's Republic of China. He told me that only 10 years ago we had 19 million manufacturing jobs in the United States. Today, we are down to about 11 million. Yet China has some 100 million people working in manufacturing.

For the last two decades, manufacturing has steadily declined, as financial services expanded. The Presiding Officer from Delaware has worked on and has talked about this. He understands this in terms of what has happened with manufacturing versus what has happened with financial services. Only 30 years ago, manufacturing made up more than a quarter of our Nation's GDP, our Nation's gross domestic product. Financial services was only 11 percent of our gross domestic product. Today, those numbers are almost reversed, where manufacturing is only about half of what it was as a percentage of GDP and financial services is double what it was. Look where that brought us as a nation. Look what happened to our jobs. Look what happened to the middle class.

People at Hugo Boss and these other companies make things. People in this country who make things can provide a middle-class lifestyle for their loved ones and their families. If we stop relying on manufacturing as something that is important to us as a nation—not everything but something important to us as a nation—we will see the middle class continue to atrophy and decline.

We need a national manufacturing strategy that ensures that trade agreements and tax laws come down on the side of workers and communities, not encourages investors to go overseas, make things in China and then send them back to the United States. We need a national manufacturing strategy that once again invests in American workers and incentivizes companies to promote manufacturing innovation. We need a national manufacturing strategy that recognizes manufacturing has been and always will be a ticket to the middle class for millions of Americans. That is what manufacturing means to workers at the Hugo Boss plant in Brooklyn, OH, a suburb of Cleveland. That is what it means to workers in communities in Toledo and Dayton and Cincinnati and Lima and Mansfield, OH, and that is what it means to the middle class all over this great country.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. NELSON of Florida. Mr. President, what is our parliamentary position?

The PRESIDING OFFICER. We are in a period postcloture.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent to speak as in morning business.

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

NASA AUTHORIZATION

Mr. NELSON of Florida. Mr. President, I wish to compliment a lot of Senators on both sides of the aisle for the extraordinary bipartisanship—no, the extraordinary nonpartisanship that occurred in coming together unanimously to pass the NASA authorization bill out of the full Commerce Committee last week.

The budget for NASA was about to be blown apart by centrifugal force—having different elements, different interests all going off in different directions. Everybody seemed to have their own agenda. Geographical circumstances came into it as to whose States were being affected. The companies were at war with each other. There was a lack of cooperation that was going on between the legislative branch and the executive branch. All I can say is hallelujah, it all came together, and we passed the NASA bill out of the Commerce Committee last week unanimously, with all the Senators who spoke singing its praises.

I am going to outline it in just a minute, but let me make note of another fact. We had unprecedented cooperation between the authorizers; that is, the authorizing committee, and the appropriators. As we speak, the Appropriations Subcommittee on Commerce, State, Justice, which includes the NASA appropriations—are preparing the markup. We will find out the result tomorrow afternoon. But I can tell you the cooperation was extensive and so was the communication, the likes of which we have not seen around here this year, particularly in this year when there is so much gridlock and we have so much difficulty getting anything done. That has not been the case with the NASA bill.

There are a host of Senators, they all know who they are, to whom this Senator wants to express his appreciation for their coming together. As the Good Book says: ''Come, let us reason together,'' and it happened. As I said at the time we passed it, I think it was a near miracle, but I believe in miracles. Indeed, it happened.

Let me tell you what is in the bill. A good part of what the President requested is there. That is why we had the verbal and the written support of the President of this consensus that developed, which we passed. We had the President's recommendations on the top line of the spending for NASA, about $19 billion for this next fiscal year starting in October.

The President recommended the extension of the International Space Station to 2020, which was originally supposed to expire in 2015, which was absolutely ridiculous. We are just now getting it built and it is about a $100 billion investment. The President wants to start a commercial rocket industry, already under contract with NASA—two companies, SpaceX and Orbital Sciences—to deliver cargo to the International Space Station. Those contracts are already underway and the testing is beginning. We put in the President's recommendation on that commercial cargo in this bill, which was a recommendation for $300 million.

We agreed with the President to start the process of human-rating commercial rockets for the purpose of being, in effect, a taxi service to and from the International Space Station. Human rating of a rocket is no small measure, because when you strap in to a rocket, there has to be all kinds of redundancies in order to protect human life. Safety is one of our major watchwords. That was authorized as well—at a different level from what the President had originally recommended and over 6 years as opposed to 5 years that the President had recommended, but nevertheless it gets the project started.

The main thing we did differently from the President's recommendation is this. When the President came to the Kennedy Space Center a few months ago and said he wanted to develop a new heavy-lift rocket that will ultimately take us out into the cosmos, the President set the goal—and I gave him great credit for this because you have to have a goal when you are developing cutting-edge technology—he set that goal of going to Mars by a flexible path. The first way station he pointed to, with a date 2025, is an asteroid. He said he wanted that heavy-lift rocket to start to be developed by 2015. That is a 5-year wait. Our committee did not want to wait that long. We want to get started now. In the authorization bill, in a congressional committee, we cannot design a rocket. But we can set policy guidelines to the executive branch of government and to the agency, in this case NASA, as to using shuttle-derived technology and building on that, making it, in the parlance of the space community, evolvable, and that is what we did in the authorization bill. We want to start it now instead of waiting until 2011.

We also did another thing differently. Although the White House was contemplating this, by them embracing the consensus that we built, now they have supported it; that is, to fly an extra flight of the space shuttle. This is not a space shuttle that we have to go out and build the parts for. It is a space shuttle, a stack with the external tank and the two solid boosters as well as the orbiter we already have and ready to be on the pad as a rescue shuttle for the remaining two flights, one of which will come this November, the other next February. We wish to fly that third flight. It is likely to be the orbiter Atlantis. That would come a year from now, probably next June.

There is a lot more stuff to take up to the space station. There is a lot more equipment, supplies, and, interestingly and importantly, there is a lot of stuff up there that you need the big volume of that cargo bay of the orbiter to be able to bring back to Earth. That third flight will supply that.

We continue the President's recommendations on all the other parts of NASA—on the science part, on the aeronautics part, and on the acceleration of research and development for new technologies. We continue that. We focus some of that development of technologies in our authorization bill toward the building, the designing, and ultimately the flying of this heavy-lift vehicle, complete with a crew compartment, which more than likely will be in the form of what we thought of in the old days as the capsule.

Therefore, at the beginning of the new fiscal year, which comes this October, assuming that we have the authorization in place—if that is the decision of the Appropriations Committee as well, and we can get that appropriation passed and signed into law by the President—then, come October 1, they will start on the development of that new heavy-lift vehicle.

This has been met with wide consensus. The research and development on new technologies will continue. They will be more focused and directed. They will be more immediate. The capability of having the commercial rockets be human rated, to be the trip to and from the space station, will be there, and it will start immediately.

All this dissonance and argument and criticism, it all came together and it passed unanimously. I await very expectantly and very hopefully for the Appropriations Committee—they are acting as we speak—on seeing the results of their work.

Let me say in conclusion, I could name a dozen Senators. They all know who they are. I have said it in press conferences, and so forth, singing their high praises. Somewhere down the line, if this Chamber is still in gridlock on so many other issues that we have and if we get to the point we are not able to pass appropriations bills and if we, in fact, have to go back in order to fund the government starting October 1 on what is called a continuing resolution, which usually is a continuance of the previous year's funding—hopefully, we will have passed by the Senate Appropriations Committee their bill that is very similar to the authorization bill I have just described. In that case, if we are in gridlock, it would be my hope, it would be the hope of some dozen of us Senators that we would be able, then, to take that Appropriations Committee bill, passed by the Senate Appropriations Committee, if we have to go to a continuing resolution, and put that NASA appropriations bill in the continuing resolution.

The alternative would be disaster. It would be appropriating on the basis of last year's bill that would completely blow apart the consensus I have just described. It would have the manned space program dead in its tracks by the funding at last year's levels without the policy direction.

But, despite gridlock, I am an optimist. I believe what I have laid out is the mere expression of support of so many of our Senators on both sides of the aisle so that when it comes to this little $19 billion agency, the National Aeronautics and Space Administration, the agency that carries the hopes and dreams of a lot of Americans, it is my hope that under those circumstances, as we get on into the fall, that that is how we can fund NASA with an appropriations bill, if we cannot pass the overall CJS appropriations bill in its entirety.

I come as someone who 2 weeks ago didn't know where in the world we were going or how we were going to get the votes. But Senators came together, and I, for one, this Senator, hope for the sake of all those young people out there whose hearts beat a little bit faster when they see that rocket as it climbs into the heavens, who had the dreams of understanding what is out there in that universe that we are exploring—for the sake of all those young people, for the sake of this country and its technological prowess, for the sake of this country and its people, for the technological spin-offs that come out of the research and development of the space program that absolutely pervades our everyday life to make our quality of life better, for the sake of the future of this country, that we stay on the cutting edge, inspiring our young people into math and science and technology and engineering so we can stay as the leader in this global marketplace, because we have the ingenuity, the creativity, the inventiveness.

A lot of that inspiration comes out of our space program, both manned and unmanned. It is our destiny as a people to explore. It is our heritage as a people that we have explored. We have always had a frontier. When we developed this country, we expanded westward on the frontier. Now that frontier is upward. We can do no less than to continue the quest.

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

The PRESIDING OFFICER (Mrs. HAGAN). The clerk will call the roll.

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

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

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

Mr. HARKIN. Madam President, after months of obstruction, we have overcome a shameful effort by the Republican minority to block the extension of emergency unemployment benefits.

Because of the obstructionism of those on the other side of the aisle, more than 2 and a half million unemployed Americans have seen their benefits terminated in recent weeks—49 days ago, to be exact. They are among the nearly 6.8 million Americans who have been out of work for more than half a year. That is the highest number of long-term unemployed we have had since we started keeping track in 1948. Again, this is the highest number of long-term unemployment we have had since 1948.

In recent weeks, I have come to the Senate floor several times to share the heartbreaking letters and e-mails I have received from long-term unemployed workers in Iowa. These families are struggling to survive. These Iowans are trying their hardest, doing everything they can to find any kind of work. But the jobs just aren't there.

Officially, there are five job seekers for every new job opening. Unofficially, and more accurately, there are more than eight job seekers for every opening. Here on the chart, it says that when you include the discouraged workers who aren't counted in the official numbers, unemployment has gone up to 26 million. Yet there are 3.2 million job openings. So there is between five and eight unemployed workers for every job opening.

I say to those desperate families in Iowa and across America that we have listened to you, we have heard you, and we have been fighting desperately over the last 49 days here to get an extension of unemployment insurance benefits. Every time we have tried it, we have been obstructed by the minority, the Republicans. So thanks, today, to the first vote cast by the new Senator from West Virginia, Mr. CARTE GOODWIN—by the way, I might say to Senator GOODWIN, who was just sworn in at about 2 p.m. and then cast his first vote, he can be rightfully proud of the first vote he cast in the Senate—to help lift up people who, in many cases, have lost all hope, to make sure families get the necessary wherewithal to put food on the table and keep their families together. Thanks to the first vote of the new Senator from West Virginia, today we were able to get cloture and stop the filibuster.

I also thank the two Republicans—Senator SNOWE and Senator COLLINS—who also voted with us today to make sure we were able to get this extension into law.

Just remember, on three occasions this summer Republican Senators pulled out the stops to filibuster and kill efforts to extend unemployment benefits. During that time, we heard a rising chorus on talk radio and even from some Senators. They said that extending unemployment benefits would be a bad idea because, in so many words, people are lazy, and they are just relying on their benefits instead of looking for work.

As the distinguished minority whip, the Senator from Arizona, Mr. KYL, put it:

> . . . continuing to pay people unemployment compensation is a disincentive for them to seek new work.

I believe that is woefully out of touch with the reality of trying to survive on unemployment benefits. Let's look at the facts. While the numbers vary from State to State, the average weekly unemployment benefit nationwide is only about $300 a week. As this chart shows, $300 a week in UI benefits adds up to

about $15,000 a year. That is the average. The poverty line for a family of four is $22,000 a year. So is the Senator from Arizona saying someone who is getting $15,000 a year—a family of four—would rather get that than find a job and make well over $22,000 a year, which would be the poverty line? Would they rather exist on $15,000 a year than, say, $45,000 a year or $55,000 or $60,000 a year?

It is incredible to think that someone would say that when there is one job for five to eight people out there looking. To say that somehow by giving them $15,000 a year—$300 a week—that will keep them from going to work is preposterous.

This line of argument is not just absurd and factually wrong, it is shameful. It is shameful to say that about hard-working Americans, who, through no fault of their own, are out of a job. I keep saying every time I come to the Senate floor that we all have jobs here. Every time I come here and look around, I see fellow Senators and staff—we all have jobs. We are not worried about tomorrow. Think about your own family. What if you were out of work and have been out of work for a year and you are out there looking for work, and for every job there are eight other people out there looking for that job? You have to put yourself in the shoes of those kinds of families.

It is shameful to say somehow that by giving people unemployment benefits, they are not going to go back to work because of that—I have more faith in the American people. The American people want to work. In fact, the figures show that we are still the most productive Nation on Earth. Does that somehow point to lazy Americans? No. Given the opportunity, Americans can outwork anybody anywhere in the world—if there is only a job.

To say that somehow giving unemployment benefits encourages people to be lazy flies in the face of the facts about hard-working Americans—how hard they work and how productive American workers are. Well, there is little question that the long-term unemployed would like nothing more than to pull themselves up by the bootstraps. But this economy right now is very short on bootstraps.

Our Republican colleagues have trotted out another justification for stopping extending unemployment benefits. They say that extending the benefits will add to the deficit. They argue that we should cut off some of the most desperate people in our economy. We should take away their last meager lifeline out of a concern for the deficit.

Yet these very same Senators today are demanding that the 2001 and 2003 tax breaks for the wealthiest 1 percent of Americans be extended for another 10 years. Let me repeat that. These same Senators on the Republican side who are arguing that we can't extend the unemployment benefits because it would add to the deficit are some of the same Senators who are saying these tax breaks President George Bush and a Republican Congress gave to the wealthiest 1 percent of Americans in 2001 and 2003 should be extended for another 10 years. And they are saying the cost of those tax breaks should not be offset, they should simply be added to the deficit.

So let's be clear about what our Republican friends are saying. They are saying the roughly $33 billion cost of extending unemployment benefits for some of the most desperate workers in our society is unacceptable if it adds to the deficit, but extending tax breaks for the most fortunate and privileged Americans, which would cost a whopping $670 billion over the next decade, well, we can just add that to the deficit. So, again, $33 billion to help people who are out of work, who are desperate, to help them feed their children, stay in their homes, pay their mortgages, keep their families together, that $33 billion we can't spend because it adds to the deficit; however, we can extend these tax breaks that cost $670 billion for another 10 years. Oh, yes, we can add that to the deficit. That is what my Republican friends are saying. Well, this is breathtaking. It is breathtaking to hear this line of argument. It is nothing more than a return to the Bush years when the President, with a Republican majority here, dragged us into trillion dollar wars and turned major surpluses into historic deficits—historic deficits. Well, today, finally, the Senate said: No, we are not going to go any further on this. We drew the line. We had our vote. Shortly, we will vote on passage of the bill—49 days too late.

Imagine, if you will, that you are one of those persons and you have a family. Maybe you have an illness in the family. Maybe you have a child who is sick or a child with a disability or maybe some other unfortunate things have happened to you. Maybe you have been out of work and you lost your unemployment benefits 49 days ago. What have you done for those 49 days? Think about it. Think about what you would do. Well, I am sorry. I apologize to all those Americans, on behalf of the Senate, that we didn't pass this 49 days ago. But the Republican minority would not let us do it because of a filibuster—because of a filibuster—which requires 60 votes. We didn't have 60 votes until today. So I am sorry people had to wait 49 days, but the unemployment extension we will pass today will be retroactive, so it will fill in those last 49 days. I hope and trust that many of the bills that piled up on those kitchen tables—maybe the mortgage payment that wasn't made or maybe the mortgage company is calling all the time and hounding you about it, maybe you have had to go out and get one of those awful payday loans with high interest rates to tide you over—I hope that will soon get taken care of, that you will get your unemployment benefits and be able to pay those off. These will be extended until the end of November. So we can now say to the people who are unemployed: You will get your unemployment benefits until the end of November. And I hope the programs we are working on will turn this economy around.

Tomorrow, the President will sign into law the financial reform bill we passed here last week. This is going to go a long way toward reassuring the markets that we are going to have openness and transparency and that we are going to now deal openly and forthrightly with our financial institutions and demand of them that they deal openly and forthrightly with the American people. I am hopeful the economy will turn around, but the economists say things are still kind of dicey. Well, if that is the case, our obligation is to make sure we have a safety net, and the biggest safety net of all is unemployment insurance benefits.

I am sorry we had to wait 49 days because of Republican intransigence and their raising the filibuster on this, but we finally got it done today, and pretty soon those checks will be going out to our American families. I just hope we don't have to keep extending it. I hope the economy turns around. But if it doesn't—if it doesn't—I say to my Republican friends right now, as we go into next year, these tax breaks they want to extend for the wealthiest 1 percent, I am sorry, that is going to have to take a backseat to the people who are unemployed in this country. We need to make sure we do everything possible to get them jobs, to get them back to work, and to make sure they get the unemployment benefits they need until such time as those jobs do return.

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

The PRESIDING OFFICER. The clerk will call the roll. The assistant bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

Mr. CARDIN. I ask unanimous consent I be permitted to speak as in morning business.

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

IRAN

Mr. CARDIN. Mr. President, I rise today to express my deep concerns over Iran's nuclear ambitions and to applaud new and tougher U.S. sanctions recently passed by Congress.

With both of the sanctions imposed in U.N. Resolution 1929, and the Comprehensive Iran Sanctions, Accountability, and Divestment Act becoming law, we are finally poised to inflict real damage to Iran's nuclear program. But only a strong, unified, and forceful implementation of a sanctions regime will stop Iran from continuing on its current dangerous path.

While Iran still clings to the myth that its recent Turkish-Brazilian compromise proposal is an antidote to the global and U.S. sanctions, we must not waste time pretending this is a sign they are halting their nuclear program. Under this proposal, Iran would ship only half of its low enriched uranium out of the country for further enrichment while continuing to violate a multitude of U.N. Security Council resolutions. The international community cannot afford to be fooled by Tehran into slowing the implementation of the sanctions and this is precisely why we should step up pressure on the regime.

Make no mistake: Iran wants to become a world nuclear power, with the ability to threaten Israel, the United States, and the global community.

Containing a nuclear Iran would be virtually impossible and this growing threat looms large in all international diplomacy. If they acquired this capability, it would be an unequivocal ''game changer'' in the Middle East and, indeed, throughout the world. An undeniable threat to Israel and the United States, a nuclear Iran cannot become a reality. We therefore must do all in our power to prevent Iran from acquiring nuclear capabilities.

I am heartened to see the administration embrace both tough global, but more importantly, stringent Congressional sanctions. The enactment of powerful and effective economic sanctions against Iran—and the foreign companies that do business with Tehran—will go a long way in further isolating this rogue nation.

Mr. LEVIN. Mr. President, millions of Americans all across the country, and hundreds of thousands in my State, have lost their jobs. To soften the blow of those job losses, we seek to extend the emergency unemployment insurance benefits that many of these Americans receive. Since the beginning of this crisis, we have extended these benefits several times, but more recently, a Republican filibuster has kept us from doing so.

I hope we will finally clear the way to extend these benefits today, because the failure to do so has been deeply wrong. It has done great harm to millions of American families. Already coping with an economy that is not yet creating the jobs they need, these families must also cope with the fact that because of a Republican filibuster, Congress has failed to provide the help they need.

The arguments offered in opposition to this extension aren't just a matter of differing opinions. They are fictions. And based on these fictions, the opponents seek not just to block an extension of unemployment benefits for millions of jobless Americans, but to stop us from even holding a vote.

Some opponents tell us they oppose this extension because jobless benefits encourage workers to stay on unemployment instead of seeking work. In fact, the Bureau of Labor Statistics reported just last week that in May of this year, there were about 3.2 million job openings in the United States. There were at the same time roughly 15 million unemployed Americans. With nearly five jobless workers for every job opening, desire to work on the part of the American people is definitely not the problem. Instead of disparaging the work ethic of Americans, these members should help us get desperately needed aid to workers who lack not the desire to work, but the opportunity.

These opponents also tell us they oppose this extension because it will add to the deficit. This is an odd position to take after having supported proposals, such as the Bush tax cuts, that added far more to the deficit than this legislation would add. To account for this clear contradiction, they say that they do not believe those tax cuts added to the deficit. The Republican leader was quoted last week as saying, ''There's no evidence whatsoever that the Bush tax cuts actually diminished revenue.'' He went on to say that this is ''the view of virtually every Republican.''

Tax cuts decrease tax revenue. This is not debatable. The entire economic team from President Bush's White House will tell you so. Alan Viard, former chief economist of President' Bush's Council of Economic Advisers, has said, ''Federal revenue is lower today than it would have been without the tax cuts. There's really no dispute among economists about that.'' And according to the Congressional Budget Office, roughly half the increase in our deficits since 2001 is due to those tax cuts. By contrast, the unemployment extension would barely move the needle on our debt.

And what is the consequence of making these inaccurate arguments? It is millions of Americans dealing with tragedy on top of tragedy. Not only have they lost the jobs that provided a decent living for themselves and their families, but the benefits that could help them keep food on the table and help clothe their children are held up by politicians who fail to see that their justifications are fictional.

It is deeply frustrating and sad that so many of our colleagues do not see the need to help these families. It is disappointing that they justify their obstruction with clearly false arguments. And it is outrageous that they would oppose even our ability vote on this measure.

Michigan families who need us to act should not have to wait 1 more day for the help they need. Voting to approve this cloture motion is the only justifiable course.

Mr. CARDIN. Mr. President, I rise today to thank my colleagues for voting to extend the emergency unemployment compensation program through November 30, 2010. This vote is long overdue. While we have been debating the issue, families across the country dealing with long-term unemployment have been suffering. While we have been arguing about this extension, they have been struggling to survive. I am pleased that this body has finally taken action to ease the burden they face.

Extension of the emergency unemployment compensation program provides additional weeks of unemployment benefits to out-of-work Americans once regular State unemployment benefits have been exhausted. The number of weeks of benefit is determined by a State's unemployment rate.

The legislation also extends full Federal funding of the extended benefits program. This program provides 13 to 20 weeks of benefits to unemployed workers who have exhausted regular and emergency unemployment compensation benefits in States with threshold unemployment rates.

Thanks in part to some of the actions of this Congress, including the American Recovery and Reinvestment Act, we are beginning to see some upturn in what is considered the most severe economic recession this Nation has experienced since the Great Depression. The recovery, though, is not a quick and easy process.

Even though job loss has slowed, unemployment remains high at 9.5 percent. This translates into 14.6 million unemployed Americans. Further, an unprecedented number of Americans have been without jobs for more than 6 months. The average length of unemployment is now stretching to 35 weeks. To put it simply, there are more job seekers than jobs available. For every job, there are five applicants.

Americans want to work and are willing to work but until the job market improves, many rely on unemployment compensation to support themselves and their families. That is why the passage of the extension of emergency unemployment insurance benefits is so crucial; many unemployed Americans quite literally can't survive without this support.

More than 19,000 Marylanders have lost their benefits due to the delay in passing the legislation. The average benefit in Maryland is $312 a week. This isn't ''money in the bank.'' It is food on the table. It is gas in the car. It is medicine and other necessities.

Unemployment checks contribute to the local economy as they are spent almost immediately on basic goods. For Maryland, the delay in passing the legislation dealt a 6 million dollar blow to the State's economy each week. Nationally, 2.5 million Americans have lost their benefits, costing the economy approximately $775 million a week.

Again, I thank my colleagues for standing up for American workers and families. Workers like 57-year-old Cynthia Allen of Baltimore County, MD. Cynthia was laid off from her data management position in January 2009. Outsourcing has made it difficult to find another job in that field. So, here she is, 19 months later, savings expended, credit cards maxed, and unemployment benefits exhausted. Until

this point, throughout her work history she had never drawn unemployment. Still, Cynthia perseveres. She continues her job search and she hopes something will open up for her soon. Our thoughts go out to Cynthia and to the millions of Americans who are struggling to survive in these difficult times.

It is time to finish the job of extending these desperately needed benefits to people like Cynthia Allen.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

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

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

REMEMBERING SENATOR ROBERT C. BYRD

Mr. HATCH. Mr. President, I rise today to pay tribute to our dear departed friend and colleague, Senator Robert Byrd of West Virginia. I have been deeply moved by the words of remembrance we have heard here in the Senate this week and I am honored to have been here today as Senator Byrd has lied in repose on the Senate floor. It is a fitting tribute to the man who, over the course of an astounding tenure of 52 years, came to embody the Senate, its traditions, and its rules.

Robert Byrd was born in North Wilkesboro, NC, in 1917. He was valedictorian of Mark Twain High School and, through the course of his life, attended four separate colleges in West Virginia as well as the American University College of Law. In the early days of his career, he was, at one time or another, a grocery clerk, a butcher, and a shipyard welder before beginning his political career in 1946, when he was elected to the West Virginia House of Delegates. After 5 years in the West Virginia Legislature, he was elected to the House of Representatives in 1952, beginning what would be the longest tenure in the history of the U.S. Congress.

Senator Byrd came to the Senate in 1959. He served right up until his death on June 28 of this year. During his time on the Senate, he was known for his skills as a parliamentarian and his knowledge of Senate rules and procedure. He put these abilities to great use, serving in the Democratic leadership—as either the whip or the leader—for nearly two decades. Senator Byrd's ability to use the parliamentary rules to his advantage is legendary. Indeed, I can think of few others who had such a great understanding of what can be an arduous and difficult set of rules and procedures.

His knowledge of the traditions and history of the Senate were also quite noteworthy. In 1989, the bicentennial anniversary of our cherished Constitution, Senator Byrd published a four-volume series on Senate history, which is a definitive work in describing and outlining the storied traditions of this great Chamber. Senator Byrd's love of this body was known to all. He expressed his love for the Senate at every opportunity and much of his time was spent trying to preserve those rules and traditions he held dear.

Mr. President, this Chamber has suffered a great loss. But, my sadness is tempered by the thought that Senator Byrd is now reunited with his wife Erma, to whom he was married for nearly 70 years. I want to express my sincerest condolences to Senator Byrd's family.

Mr. BUNNING. Mr. President, today I want to speak on the loss of the great statesman, orator, and author, Senator Robert Byrd. Senator Byrd served the State of West Virginia and this great Nation in the Senate for over 50 years. It has been an honor to serve and craft legislation with Senator Byrd to protect and promote the values of our two States, which share a common border and economy. He represented his State well.

Following my election to the Senate, Senator Byrd offered me valuable advice and direction on the operations and rules of the U.S. Senate. Upon learning of his passing, my wife Mary and I were deeply saddened by the news.

Starting from humble beginnings, Senator Byrd was a great example of the virtue of hard work and determination. After losing his mother during the influenza epidemic of 1918, Senator Byrd was sent to live with his aunt and uncle in the coal-mining region of southern West Virginia. With a combination of his strong work ethic and quest for knowledge, Senator Byrd graduated as valedictorian of his high school class. Despite his stellar academic achievements, Senator Byrd was unable to attend college following his high school commencement due to financial constraints.

At the age of 19, Senator Byrd married his high school sweetheart and lifetime soulmate Erma Ora James. In an effort to support his growing family, Senator Byrd took jobs, which included working as a gas station attendant and butcher, to put his family first.

After serving in the West Virginia House of Delegates and Senate, Senator Byrd was first elected to the U.S. House of Representatives and began serving in 1953. Unable to stop his quest for knowledge, Senator Byrd began attending night classes at the American University's Washington College of Law where he received his degree a decade later.

Senator Byrd's love for this country and the Senate itself could be seen in many ways such as the copy of the U.S. Constitution tucked away in his jacket pocket and his vast knowledge of the rules of the Senate. As he said to many of us, ''he who knows the rules will rule.''

He believed, as I do, in the power of the Senate. He understood that the Senate should not be beholden to the executive branch, but must remain separate and equal to provide the necessary checks. As he stated, ''We must never, ever, tear down the only wall—the necessary fence—this Nation has against the excesses of the Executive Branch and the resultant haste and tyranny of the majority.''

Even in his frustration of the current political climate and through his remaining days, Senator Byrd continued to fight for the protection of the rules of the Senate and the rights of the minority, because as he wrote, ''I know what it is to be Majority Leader, and wake up on a Wednesday morning in November, and find yourself a Minority Leader.''

I extend my thoughts and prayers to his surviving children, grandchildren, and great-grandchildren. During this time of difficulty, there is strength in knowing Senator Byrd has once again been reunited with his sweetheart and the son he missed dearly.

CYPRUS

Mr. CARDIN. Mr. President, I rise today to draw the attention of my colleagues to the legacy of the July 20, 1974, invasion of Cyprus by Turkey and its ongoing occupation of that island nation. Thirty-six years later, the human dimension of the conflict and the artificial division of the country is evident in many areas. As Chairman of the Helsinki Commission, I am particularly mindful of the violations of human rights stemming from the occupation. I have walked along the U.N.-monitored buffer zone that cuts through the capital city of Nicosia. A visitor to Cyprus need not look far to discover the scars left by the artificial division of a capital and a country.

A year ago this week, the Helsinki Commission held a public briefing, ''Cyprus' Religious Cultural Heritage in Peril,'' to draw attention to this aspect of the legacy of the events of 1974. Experts at that briefing documented the scope of the destruction of sites in the north, including Orthodox churches, chapels and monasteries as well as those of other Christian communities. According to Archbishop Chrysostomos II, leader of the Church of Cyprus, over 500 religious sites in the area have been seriously damaged or destroyed. Subsequent to the briefing that Church of Cyprus filed a formal case with the European Court of Human Rights regarding its religious sites and other property in the north. A report prepared by

the Law Library of Congress, ''Destruction of Cultural Property in the Northern Part of Cyprus and Violations of International Law'' was released at the briefing.

Helsinki Commission staff traveled throughout the region, visiting numerous churches, each in various stages of deterioration, all plundered, stripped of religious objects, including altars, iconostasis and icons. Other sites have been turned into tourist resorts, storage warehouses or other purposes, including stables, shops, and night clubs. Among photos on display at the briefing were those showing the desecrated ruins of graves with all of the crosses broken off of their bases and smashed. A nearby shed was stacked with broken headstones. A number of Jewish cemeteries in the region, according to reports, have likewise been vandalized and left in shambles. Finally, even the rare occasions when Orthodox services that are allowed to be conducted in the north such exceptional events are occasionally marred by security forces preventing worshipers from crossing into the area or the disruption of religious services.

The Commission recently received an update from Dr. Charalampos Chotzakoglou, one of the experts who testified at our 2009 briefing. He reports a number of disturbing developments over the past year, including road construction through a church yard; transport of grave markers robbed from desecrated cemeteries, reportedly to be recycled as scrap metal; the further looting of artifacts from churches; and the known conversion of another church building into a night club. Dr. Chotzakoglou also reports on the continued difficulties in securing permission to conduct religious services at some of the sites in the north.

The events of 1974 have taken a tremendous toll in so many areas, including Cyprus' rich religious cultural heritage. As we mark this 36th anniversary, let us join in the hope that a resolution of the Cyprus question hammered out, by the Cypriots and for the Cypriots, will be found.

Ms. SNOWE. Mr. President, I rise in remembrance of a deeply tragic anniversary for the Cypriot-American community, their friends and relatives in Cyprus, and for people everywhere who believe in timeless values such as liberty and human dignity. Thirty-six years ago today, the armed forces of Turkey invaded Cyprus in flagrant violation of international law, occupied the north of the island state, and put in place a heavily armed force that continues to occupy nearly 37 percent of Cyprus' territory.

There are more than 43,000 Turkish troops on Cyprus—that is approximately one Turkish soldier for every two Turkish Cypriots. Meanwhile, the occupation, expropriation, and destruction of Greek Cypriot-owned property in the north of the island continues unabated. Indeed, thousands of U.S. citizens of Cypriot descent have claims to such properties. So too continues the egregious desecration of Greek Orthodox churches and sacred religious artifacts that are not only sacred to hundreds of millions of faithful believers but beautiful and historic sites and objects of inherent cultural value to all of humanity.

The international community, speaking through resolution after resolution by the United Nations Security Council and General Assembly, has since 1974 called for an end to the division of Cyprus and the return of refugees to their homes. After 36 frustrating years of diplomatic stops and starts, a cavalcade of U.N. special representatives and envoys, and untold hours of negotiations, the time has come for Turkey to concede that the Cyprus question is one that can only be resolved through mutual agreement on a solution, not the imposition of one. It is essential for Turkey to contribute practically and substantively to the negotiating effort and embrace in concrete terms a reunified and prosperous Cyprus where Greek Cypriots and Turkish Cypriots can live together in peace.

Unfortunately, in a world that has witnessed the collapse of the Berlin Wall and the fall of communism, Cyprus remains as the last divided country in Europe. Yet despite a generation of suffering such injustices, the Greek Cypriot community continues to demonstrate remarkable magnanimity in seeking a fair solution to the division of the island. Cyprus and the U.S. share a deep and abiding commitment to upholding the ideals of freedom, democracy, justice, human rights, and the international rule of law. We must, in our solemn role as a nation that champions human rights and adherence to the rule of law, stand with the Cypriots to bring peace and stability to their island.

I therefore urge my colleagues to join me today in bearing witness to the 36 years of injustice wrongfully brought upon the people of the Republic of Cyprus, and in recommitting ourselves to the urgent task of fairly and finally reuniting the island.

REQUEST FOR CONSULTATION

Mr. COBURN. I ask unanimous consent to have printed in the RECORD a letter dated July 20, 2010, to Senator MCCONNELL.

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

U.S. SENATE,
July 20, 2010.

Hon. MITCH MCCONNELL,
Senate Minority Leader,
U.S. Senate, Washington, DC.

DEAR SENATOR MCCONNELL: I am requesting that I be consulted before the Senate enters into any unanimous consent agreements or time limitations regarding S. 3466, the Environmental Crimes Enforcement Act. My concerns with this bill include, but are not limited to, those outlined in this letter.

Individuals and corporate entities who commit environmental crimes must be held accountable for their actions. However, while this bill is well-intentioned, I believe current law provides sufficient penalties for environmental wrongdoers, and I am concerned this bill goes too far in increasing enforcement provisions by mandating restitution to victims of environmental crimes.

This bill expands the list of crimes which require mandatory restitution by adding environmental crimes covered by the criminal enforcement provisions of the Clean Water Act. Currently, the list of crimes subject to mandatory restitution is limited to violent crimes, certain offenses against property under the Controlled Substances Act, and crimes relating to tampering with consumer products. No environmental law is listed under the mandatory restitution statute.

It is clear this bill is intended as a response to the current oil spill in the Gulf of Mexico. However, it should be noted there is already a basis for holding BP liable for the Deepwater Horizon oil spill, if it is found to be negligently or willfully responsible—the Oil Pollution Act of 1990. The Oil Pollution Act allows for liability up to all removal costs plus $75 million, and would eliminate any cap whatsoever if the spill was a result of ''gross negligence or willful misconduct'' or a ''violation of an applicable Federal safety, construction, or operation regulation.''

There are also criminal penalties for violations of the Clean Water Act. These penalties, which may be enforced for negligent, knowing, and ''knowing endangerment'' violations, include up to 3 years in prison and up to $1 million in fines for each violation. Finally, according to Attorney General Holder, BP may also face civil and criminal action under the Migratory Bird Treaty Act and the Endangered Species Act.

If Congress feels these civil and criminal penalties are insufficient, we should consider increasing them by amending the relevant penalty provisions. Similarly, if Congress believes mandatory restitution should be expanded into areas beyond the limited crimes to which it currently applies, we should address restitution as a whole, rather than singling out certain issues or individual crimes. Legislation expanding victim restitution has been introduced in the past, and if Congress now believes expansion is appropriate it should take the time to consider broad legislation on the topic, rather than a specific, targeted response to a current event.

Furthermore, I believe this bill is overly broad, as it will criminalize ordinary Clean Water Act violations. For example, this bill would create mandatory restitution as a response to: a property owner who constructed feeder ditches and discharged fill without a permit; a mining company that discharged drainage into navigable creeks without a federal permit; and coastal landowners who discharged sand and dirt in their ditching activities without a permit. While these actions are all violations of the Clean Water Act, I do not believe they are intended to be brought under the mandatory restitution statute. Nevertheless, as currently constructed, this bill would indeed expose the violators to mandatory restitution.

I am concerned the changes specified in this legislation may be unnecessary, overly broad, and may contribute to the over-criminalization of federal law. In addition, adding the Clean Water Act to the mandatory restitution statute will create increased liability, additional private rights of action, and increased litigation. Finally, it does not appear this bill is needed in order to prosecute legitimately liable companies for violations of the Clean Water Act. Nevertheless, this bill has been expedited through the legislative process, with no hearings scheduled to explore its need and little time allowed to properly evaluate the consequences of the mandatory restitution provision.

In the end, I believe there are more appropriate responses Congress should pursue if current penalties for environmental wrongdoers are insufficient, and I believe expedited, targeted legislation of this nature is likely to create unintended consequences which outweigh any positive value it may add to our environmental law matrix.

Sincerely,

TOM A. COBURN, M.D.,
United States Senator.

ADDITIONAL STATEMENTS

NATIONAL ASSOCIATION OF CLEAN WATER AGENCIES

• Mr. CARDIN. Mr. President, I wish to take this opportunity to congratulate the National Association of Clean Water Agencies, NACWA, on the occasion of its 40th anniversary. NACWA is a dynamic national organization, involved in all facets of water quality protection. As a key stakeholder in the legislative, regulatory, and legal arenas, NACWA has built credible collaborative relationships with Members of Congress, the Environmental Protection Agency, the Federal courts and other governmental bodies.

The emergence of NACWA as a nationally recognized leader in environmental policy and a sought-after technical resource on water quality and ecosystem protection issues has paralleled the maturation of one of the Nation's most successful environmental laws—the Clean Water Act. NACWA was established in 1970 by a group of individuals representing 22 large municipal sewerage agencies to secure Federal funding for municipal wastewater treatment and serve as a forum to discuss the emerging national interest in improving the quality of the Nation's waters. Based upon the shared goal of effectively representing the interests and priorities of public clean water agencies and the communities they serve, they formed NACWA.

Over the past 40 years, NACWA has expanded its member base and issue platform. It has changed its name, replacing the word ''sewerage'' with ''clean water'' to better reflect the end-product of its members' treatment services—clean water. The organization also partners with diverse stakeholders while always advocating for sound science in advancing water quality protection. Today, as the leading clean water association, NACWA represents nearly 300 member organizations.

Recent years have reflected heightened involvement for the association in a broadening array of complex 21st century water quality issues, including green infrastructure, climate change, watershed-based approaches, and clean water funding and financing. As chairman of the Senate's Water and Wildlife Subcommittee, under the Environment and Public Works Committee, I am in a good position to observe that NACWA has met the goal that its founders established 40 years ago. NACWA continues to pursue every opportunity to develop and implement sound water quality policies that advance clean water and a healthy environment.

It is my sincere pleasure to congratulate NACWA on the occasion of its 40th anniversary. This committee has relied on NACWA's strategic input for decades and will undoubtedly continue to do so as we shape the course of environmental protection for our Nation's waters in the decades to come.•

REMEMBERING SYL METZGER

• Mr. DORGAN. Mr. President, last week I received notice from a North Dakota constituent about a funeral that was held on Friday. The funeral was for Syl Metzger from Langdon, ND. Reading about the life of this extraordinary man reminded me again about how much we owe to people we seldom thank.

Syl Metzger was not a politician or a business executive or celebrity. But he was a hero. He was one of what Tom Brokaw called the ''greatest generation.'' He was one of those young Americans who seven decades ago was called on by his country to put on a uniform, pick up a rifle, and wage the fight for freedom half way around the world.

Syl Metzger landed on the beaches of Normandy during the D-day invasion. He fought in the campaign in northern Europe, including the Battle of the Bulge. The fights that he and his fellow soldiers waged have become legendary.

Following the Second World War, all across our country those young soldiers returned home and lived down the street, up the block, or out on the farm, and seldom spoke of their experiences in World War II. They became the members of the community who you could count on to do things. They built homes, schools, and communities and became the glue that made America work. Because they knew the horrors of war and the pain of losing fellow soldiers in the battlefield, they perhaps more than any other Americans treasured the freedoms that they had risked their lives to save.

Now with the passage of time those young soldiers have become older Americans, in many cases reaching their ninth decade of life. Every day across this country, friends and neighbors gather in the sanctuary of a local church to say goodbye to a relative or an old friend. In many cases, only then do they remember and celebrate the heroic commitment of service to our country by those American patriots.

It was Syl Metzger's son who informed me of his father's death. I had met Syl Metzger only once last fall when he and a group of World War II veterans came to Washington, DC, on an Honor Flight to see the World War II Memorial. So our lives touched only briefly. But when his son sent me the e-mail about his funeral, it reminded me again that he and his fellow soldiers did things for our country that touched all of our lives. Yet we seldom understand the magnitude of their sacrifice and the benefit of their courage that was a gift to all Americans.

God bless the memory of Syl Metzger and the rest of the ''greatest generation.'' America says thank you.•

REMEMBERING FIRST SERGEANT NICK BACON

• Mr. PRYOR. Mr. President, today I pay tribute to the life, service, and memory of 1SG Nick Bacon, U.S. Army (Ret.). First Sergeant Bacon, the last living Medal of Honor recipient from Arkansas, passed away July 17, 2010, at the age of 64. His life will be remembered not just for his heroic military service, which earned him the prestigious Medal of Honor, but also for his work on behalf of veterans in Arkansas and across this Nation.

Narrowly surviving a helicopter crash in his first tour of duty, then Staff Sergeant Bacon volunteered for a second tour of duty in Vietnam; this time he was leading a squad with the 1st Platoon of B Company of the 4th Battalion, 21st Infantry, 11th Infantry Brigade, Americal Division. On August 26, 1968, in an operation west of Tam Ky, Staff Sergeant Bacon and Company B drew heavy resistance from enemy forces. In the ensuing action, Bacon led two platoons in stifling the enemy assault, singlehandedly killing multiple enemy soldiers, destroying an antitank weapon, and directing fire on enemy positions as Company B rescued multiple soldiers trapped to the front.

Due to these brave actions, President Nixon awarded Bacon the Medal of Honor on November 24, 1969. The Medal of Honor is the highest military decoration awarded by the U.S. Government. It is reserved for those members of the United States Armed Forces who distinguish themselves ''conspicuously by gallantry and intrepidity at the risk of his or her life above and beyond the call of duty while engaged in an action against an enemy of the United States.'' That definition most certainly fits the heroism that Nick Bacon, then a staff sergeant, took the night of August 26, 1968.

Nicky Daniel Bacon was born November 25, 1945, in Caraway, AR. Following his family's move to Arizona, he joined the army to escape the difficulties of farm labor. He forged his mother's signature so that he could join the army at age 17. He served in the U.S. Army from 1963 to 1984, retiring at the rank of first sergeant.

First Sergeant Bacon returned home to Arkansas in 1990, where he continued to seek opportunities to serve his community, particularly the men and women of the U.S. military. He was appointed director of the Arkansas Department of Veterans Affairs in 1993 and was essential to the development of the Arkansas State Veterans Cemetery, the Arkansas State Veterans Cemetery Beautification Foundation and the founding of the Arkansas Veterans' Coalition.

In addition to his work on behalf of Arkansas veterans, First Sergeant Bacon was a former president of the Congressional Medal of Honor Society. In 2004, he was appointed to serve on the Veterans' Disability Benefits Commission, which made more than 100 recommendations to Congress on ways to improve veteran benefits.

I ask that my colleagues join me in recognizing the life and service of 1SG Nick Bacon. I join all Americans in lifting up his wife Tamera, his children, and all his loved ones. First Sergeant Bacon was not only a great Arkansan, but a great American, and I am humbled to express my gratitude for his life and service.●

MESSAGE FROM THE HOUSE

ENROLLED BILLS SIGNED

At 10:03 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 4861. An act to designate the facility of the United States Postal Service located at 1343 West Irving Park Road in Chicago, Illinois, as the ''Steve Goodman Post Office Building''.

H.R. 5051. An act to designate the facility of the United States Postal Service located at 23 Genesee Street in Hornell, New York, as the ''Zachary Smith Post Office Building''.

H.R. 5099. An act to designate the facility of the United States Postal Service located at 15 South Main Street in Sharon, Massachusetts, as the ''Michael C. Rothberg Post Office''.

S. 1508. An act to amend the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) in order to prevent the loss of billions in taxpayer dollars.

The enrolled bills were subsequently signed by the President pro tempore (Mr. INOUYE).

At 10:20 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1855. An act to promote industry growth and competitiveness and to improve worker training, retention, and advancement, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con Res. 126. Concurrent resolution recognizing the 50th anniversary of Title VI international education programs within the Department of Education.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1855. An act to promote industry growth and competitiveness and to improve worker training, retention, and advancement, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 126. Concurrent resolution recognizing the 50th anniversary of Title VI international education programs within the Department of Education; to the Committee on Health, Education, Labor, and Pensions.

MEASURES PLACED ON THE CALENDAR

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

H.J. Res. 83. Joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on July 20, 2010, she had presented to the President of the United States the following enrolled bill:

S. 1508. An act to amend the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) in order to prevent the loss of billions in taxpayer dollars.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–6739. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Contract Reporting Requirements of Intrastate Natural Gas Companies'' (FERC Docket No. RM09–2–000) received in the Office of the President of the Senate on July 15, 2010; to the Committee on Energy and Natural Resources.

EC–6740. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–445, ''Commercial Driver's License Minimum Age Requirement Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–6741. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–446, ''Community Impact Statement Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–6742. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–462, ''Fiscal Year 2011 Budget Support Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–6743. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–472, ''Families Together Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–6744. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–473, ''Closing of a Public Alley in Square 6172, S.O. 08–7590, Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–6745. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–478, ''Adoption Reform Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–6746. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–479, ''Rental Housing Commission Quorum Temporary Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. SCHUMER for the Committee on Rules and Administration.

William J. Boarman, of Maryland, to be Public Printer.

By Mr. LEAHY for the Committee on the Judiciary.

Elena Kagan, of Massachusetts, to be an Associate Justice of the Supreme Court of the United States.

James Michael Cole, of the District of Columbia, to be Deputy Attorney General.

Timothy Q. Purdon, of North Dakota, to be United States Attorney for the District of North Dakota for the term of four years.

Willie Ransome Stafford III, of North Carolina, to be United States Marshal for the Middle District of North Carolina for the term of four years.

Arthur Darrow Baylor, of Alabama, to be United States Marshal for the Middle District of Alabama for the term of four years.

J. Patricia Wilson Smoot, of Maryland, to be a Commissioner of the United States Parole Commission for a term of six years.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BINGAMAN (for himself and Mr. UDALL of New Mexico):

S. 3616. A bill to withdraw certain land in the State of New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself, Mr. WYDEN, and Mrs. SHAHEEN):

S. 3617. A bill to amend the Internal Revenue Code of 1986 to provide for an energy investment credit for energy storage property connected to the grid, and for other purposes; to the Committee on Finance.

By Mr. VOINOVICH:

S. 3618. A bill to further enable a nuclear renaissance in the United States to improve energy security, reduce future pollution and greenhouse gas emissions, provide large, reliable sources of electricity, and create thousands of high-quality jobs for the citizens of the United States, and for other purposes; to the Committee on Finance.

By Mr. TESTER:

S. 3619. A bill to amend the Energy Independence and Security Act of 2007 to improve geothermal energy technology and demonstrate the use of geothermal energy in large scale thermal applications, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WARNER (for himself, Ms. KLOBUCHAR, Mr. UDALL of New Mexico, and Mr. BEGICH):

S. 3620. A bill to require the Secretary of Commerce to conduct a study on the economic competitiveness and innovative capacity of the United States and to develop a national economic competitiveness strategy, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FEINGOLD (for himself and Mr. MCCAIN):

S. Res. 586. A resolution supporting democracy, human rights, and civil liberties in Egypt; to the Committee on Foreign Relations.

By Mr. BURR (for himself and Mr. BURRIS):

S. Res. 587. A resolution designating August 26, 2010, as ''Montford Point Marines Day''; to the Committee on the Judiciary.

By Mr. WICKER (for himself, Ms. LANDRIEU, Mr. COCHRAN, Mr. CORNYN, Mrs. HUTCHISON, Mr. LEMIEUX, Mr. NELSON of Florida, Mr. SESSIONS, Mr. SHELBY, and Mr. VITTER):

S. Res. 588. A resolution recognizing the economic and environmental impacts of the British Petroleum oil spill on the people of the Gulf Coast and their way of life and urging British Petroleum to give all due consideration to offers of assistance, products, or services from the States directly impacted by the Deepwater Horizon oil spill; considered and agreed to.

ADDITIONAL COSPONSORS

S. 653

At the request of Mr. CARDIN, the names of the Senator from Oregon (Mr. WYDEN), the Senator from California (Mrs. FEINSTEIN) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 653, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes.

S. 754

At the request of Mr. ROCKEFELLER, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 754, a bill to provide for increased Federal oversight of methadone treatment.

S. 831

At the request of Mr. KERRY, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 831, a bill to amend title 10, United States Code, to include service after September 11, 2001, as service qualifying for the determination of a reduced eligibility age for receipt of non—regular service retired pay.

S. 1089

At the request of Mr. DODD, his name was added as a cosponsor of S. 1089, a bill to facilitate the export of United States agricultural commodities and products to Cuba as authorized by the Trade Sanctions Reform and Export Enhancement Act of 2000, to establish an agricultural export promotion program with respect to Cuba, to remove impediments to the export to Cuba of medical devices and medicines, to allow travel to Cuba by United States citizens and legal residents, to establish an agricultural export promotion program with respect to Cuba, and for other purposes.

S. 1703

At the request of Mr. DORGAN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1703, a bill to amend the Act of June 18, 1934, to reaffirm the authority of the Secretary of the Interior to take land into trust for Indian tribes.

S. 1709

At the request of Ms. STABENOW, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 1709, a bill to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to establish a grant program to promote efforts to develop, implement, and sustain veterinary services, and for other purposes.

S. 2781

At the request of Ms. MIKULSKI, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 2781, a bill to change references in Federal law to mental retardation to references to an intellectual disability, and to change references to a mentally retarded individual to references to an individual with an intellectual disability.

S. 2909

At the request of Mr. SANDERS, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 2909, a bill to provide State programs to encourage employee ownership and participation in business decisionmaking throughout the United States, and for other purposes.

S. 3018

At the request of Mr. WYDEN, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 3018, a bill to amend the Internal Revenue Code of 1986 to make the Federal income tax system simpler, fairer, and more fiscally responsible, and for other purposes.

S. 3034

At the request of Mr. SCHUMER, the names of the Senator from Arkansas (Mrs. LINCOLN), the Senator from Michigan (Ms. STABENOW), the Senator from Maryland (Ms. MIKULSKI), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 3034, a bill to require the Secretary of the Treasury to strike medals in commemoration of the 10th anniversary of the September 11, 2001, terrorist attacks on the United States and the establishment of the National September 11 Memorial & Museum at the World Trade Center.

S. 3184

At the request of Mrs. BOXER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 3184, a bill to provide United States assistance for the purpose of eradicating severe forms of trafficking in children in eligible countries through the implementation of Child Protection Compacts, and for other purposes.

S. 3238

At the request of Mr. SCHUMER, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 3238, a bill to provide for a medal of appropriate design to be awarded by the President to the next of kin or other representative of those individuals killed as a result of the terrorist attacks of September 11, 2001, and to the memorials established at the 3 sites that were attacked on that day.

S. 3262

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 3262, a bill to amend the Internal Revenue Code of 1986 to provide that the volume cap for private activity bonds shall not apply to bonds for facilities for the furnishing of water and sewage facilities.

S. 3467

At the request of Mr. SCHUMER, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 3467, a bill to require a Northern Border Counternarcotics Strategy.

S. 3493

At the request of Mr. SPECTER, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 3493, a bill to reauthorize and enhance Johanna's Law to increase public awareness and knowledge with respect to gynecologic cancers.

S. 3526

At the request of Mr. WICKER, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 3526, a bill to require the GAO to evaluate the propriety of assistance provided to General Motors Corporation under the Troubled Asset Relief Program, and for other purposes.

S. 3567

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 3567, a bill to designate the facility of the United States Postal Service located at 100 Broadway in Lynbrook, New York, as the ''Navy Corpsman Jeffrey L. Wiener Post Office Building''.

S. 3578

At the request of Mr. JOHANNS, the names of the Senator from Ohio (Mr. VOINOVICH) and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. 3578, a bill to repeal the expansion of information reporting requirements for payments of $600 or more to corporations, and for other purposes.

S. 3585

At the request of Mr. UDALL of Colorado, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 3585, a bill to amend title 10, United States Code, to reform Department of Defense energy policy, and for other purposes.

S. 3600

At the request of Mr. ROCKEFELLER, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 3600, a bill to amend the Jones Act and related statutes with respect to the liability of vessel owners and operators for damages.

S. RES. 546

At the request of Mr. SPECTER, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. Res. 546, a resolution recognizing the National Museum of American Jewish History, an affiliate of the Smithsonian Institution, as the only museum in the United States dedicated exclusively to exploring and preserving the American Jewish experience.

AMENDMENT NO. 4464

At the request of Mr. DEMINT, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of amendment No. 4464 intended to be proposed to H.R. 5297, an act to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 586—SUPPORTING DEMOCRACY, HUMAN RIGHTS, AND CIVIL LIBERTIES IN EGYPT

Mr. FEINGOLD (for himself and Mr. MCCAIN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 586

Whereas the Governments of the United States and Egypt have long shared a strong bilateral working relationship;

Whereas the people and the Government of Egypt play an important role in global and regional politics, including with respect to the Middle East peace process, as well as in North and East Africa;

Whereas Egypt has been and continues to be an intellectual and cultural center of the Arab world;

Whereas respect for democracy, human rights, and civil liberties are fundamental principles of the United States and critical to our national security objectives;

Whereas, in his June 4, 2009, speech in Cairo, Egypt, President Barack Obama noted, ''[G]overnments that protect [human] rights are ultimately more stable, successful and secure. Suppressing ideas never succeeds in making them go away'';

Whereas the United States National Security Strategy, released in May 2010, states, ''And we reject the notion that lasting security and prosperity can be found by turning away from universal rights—democracy does not merely represent our better angels, it stands in opposition to aggression and injustice, and our support for universal rights is both fundamental to American leadership and a source of our strength in the world.'';

Whereas the authorities in Egypt continue to harass, intimidate, arbitrarily detain, and engage in violence against peaceful demonstrators, journalists, human rights activists, and bloggers;

Whereas, despite President Hosni Mubarak's pledge in 2005 that Egypt's controversial emergency law would only be used to fight terrorism and that he planned to abolish the state of emergency and adopt new antiterrorism legislation as an alternative, in May 2010 the Government of Egypt again extended the emergency law, which has been in place continuously since 1981, for another two years, giving police broad powers of arrest and allowing indefinite detention without charge;

Whereas in renewing the emergency law, the Government of Egypt asserted that the law would be used only in drug and terrorism cases and it would release all emergency law detainees in other cases, a pledge it has made in the past but failed to fulfill;

Whereas, in response to the emergency law extension, Secretary Hillary Clinton released a statement noting, ''This extension is regrettable given the pledge made by the government to the Egyptian people in 2005. We are confident that Egypt can draft and adopt effective counterterrorism legislation that conforms to international standards for civil liberties and due process. And the United States urges Egypt to complete this legislation on an urgent basis and to rescind the State of Emergency within the coming months.'';

Whereas opposition lawmakers and human rights and democracy activists have protested the extended emergency law because of concerns that it would continue to be used to silence critics and stifle dissent;

Whereas the Department of State's 2009 Human Rights Report notes with respect to Egypt, ''The government's respect for human rights remained poor, and serious abuses continued in many areas. The government limited citizens' right to change their government and continued a state of emergency that has been in place almost continuously since 1967.'';

Whereas Human Rights Watch reports that ''[h]uman rights violations in Egypt are widespread and routine, including arbitrary detention, torture, and unfair trials before state security and military courts . . . State Security Intelligence (SSI), a bureau of the Ministry of Interior, polices the political sphere and considers any exercise of freedom of assembly a security threat, frequently beating and arresting peaceful demonstrators'';

Whereas the independence of the judiciary in Egypt continues to be undermined through exceptional parallel court systems, executive administrative orders overriding judicial decisions, and politically motivated lawsuits;

Whereas past elections in Egypt, including the June 2010 elections to the Shura Council (the lower house of parliament), have seen irregularities at polling and counting stations, security force intimidation and coercion of voters, and obstruction of peaceful political rallies and demonstrations;

Whereas excessive use of force by security forces in Egypt is occurring in violation of Egypt's obligations to protect fundamental human rights and may undermine the country's long-term stability;

Whereas political reform in Cairo would significantly enhance the leadership of Egypt throughout the Middle East and Africa and could help ensure constructive political engagement in these regions for years to come; and

Whereas, in April 2010, a bipartisan ''Working Group on Egypt'' wrote in a letter to Secretary of State Clinton, ''[W]ith three sets of elections coming up over the next eighteen months, Egypt now has the opportunity to energize a process of political, economic, and social reform. If the government responds to demands for responsible political change, Egypt can face the future as a more democratic nation with greater domestic and international support. If, on the other hand, the opportunity for reform is missed, prospects for stability and prosperity in Egypt will be in doubt.'': Now, therefore, be it

Resolved, That, the Senate—

(1) reaffirms that respect for basic human rights is a fundamental value of the United States and that providing unconditional support for governments that do not respect those basic human rights undermines the credibility of the United States and creates tensions, including in the Muslim world, that can be exploited;

(2) recognizes that, while the Government of Egypt faces legitimate security threats, genuine political reform in that country will help to counter extremism while also solidifying prospects for stability and prosperity;

(3) encourages the Government of Egypt to promptly honor its commitment to permanently repeal the state of emergency, which is a significant obstacle to consolidation of the rule of law in Egypt;

(4) calls on the Government of Egypt—

(A) to take all steps necessary to ensure that upcoming elections are free, fair, transparent, and credible, including granting independent international and domestic electoral observers unrestricted access to polling and counting stations and instructing its security forces not to engage in violence;

(B) to end all arbitrary detention, torture, and other forms of harassment against media professionals, human rights defenders and activists, and opposition figures, fully respect freedom of expression and association, and release all individuals detained for peaceful expression as well as those detained under the emergency law for issues unrelated to drug or terrorism allegations; and

(C) to lift legislative restrictions on freedoms of assembly, association, and expression in advance of the 2010 elections;

(5) urges the President and the Secretary of State—

(A) to make respect for basic human rights and democratic freedoms a priority in the ongoing relationship and dialogue between the Governments of the United States and Egypt, and to focus on the importance of these issues, including free and fair elections, during all bilateral meetings; and

(B) to broaden the engagement of the United States Government with the people of Egypt and support efforts in the country to help promote human rights and democratic reform, including by providing appropriate funding to international and domestic election observers, as well as to civil society organizations for democracy and governance activities;

(6) emphasizes the importance of ensuring and strengthening the independence of the judiciary in Egypt; and

(7) recalls that pursuant to the laws of the United States, organizations implementing United States assistance for democracy and governance activities, and the specific nature of that assistance, shall not be subject

to the prior approval of the Government of Egypt.

SENATE RESOLUTION 587—DESIGNATING AUGUST 26, 2010, AS ''MONTFORD POINT MARINES DAY''

Mr. BURR (for himself and Mr. BURRIS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 587

Whereas on June 25, 1941, President Franklin D. Roosevelt issued Executive Order 8802, which established the fair employment practices that began to erase discrimination in the Armed Forces;

Whereas in 1942, President Franklin D. Roosevelt issued a Presidential Directive that integrated the United States Marine Corps;

Whereas approximately 20,000 African-American Marines received basic training at Montford Point in the State of North Carolina between 1942 and 1949;

Whereas the African-American Marines trained at Montford Point became known as the Montford Point Marines;

Whereas the African-American volunteers who enlisted in the United States Marine Corps during World War II—

(1) joined the United States Marine Corps to demonstrate their commitment to the United States, despite the practice of segregation;

(2) served the United States in a most honorable fashion;

(3) defied unwarranted stereotypes; and

(4) achieved distinction through brave and honorable service;

Whereas during World War II, African-American Marine Corps units fought and served in the Pacific theatre, participating in the liberation of the Ellice Islands, the Eniwetok Atoll, the Marshall Islands, the Kwajalein Atoll, Iwo Jima, Peleliu, the Marianas Islands, Saipan, Tinian, Guam, and Okinawa;

Whereas Robert Sherrod, a correspondent for Time magazine in the central Pacific during World War II, wrote that the African-American Marines that entered combat for the first time in Saipan were worthy of a 4.0 combat performance rating, the highest performance rating given by the Navy;

Whereas the heroism, commitment, and valor demonstrated by the Montford Point Marines—

(1) changed the negative attitudes of the military leadership toward African-Americans; and

(2) inspired the untiring service of future generations of African-Americans in the United States Marine Corps;

Whereas in July 1948, President Harry S. Truman issued Executive Order 9981, which ended segregation in the military;

Whereas in September 1949, the Montford Marine Camp was deactivated, ending 7 years of segregation in the Marine Corps;

Whereas in September 1965, over 400 former and active duty Marines met in Philadelphia, Pennsylvania at a reunion to honor the Montford Point Marines, leading to the establishment of the Montford Point Marine Association;

Whereas 2010 marks the 45th anniversary of the establishment of the Montford Point Marine Association; and

Whereas the sacrifices, dedication to country, and perseverance of the African-American Marines trained at Montford Point Camp are duly honored and should never be forgotten: Now, therefore be it

Resolved, That the Senate—

(1) designates August 26, 2010, as ''Montford Point Marines Day'';

(2) honors the 68th anniversary of the first day African-American recruits began training at Montford Point;

(3) recognizes the work of the members of the Montford Point Marine Association—

(A) in honoring the legacy and history of the United States Marine Corps; and

(B) in ensuring that the sense of duty shared by the Montford Point Marines is passed along to future generations;

(4) recognizes that—

(A) the example set by the Montford Point Marines who served during World War II helped to shape the United States Marine Corps; and

(B) the United States Marine Corps provides an excellent opportunity for the advancement for persons of all races; and

(5) expresses the gratitude of the Senate to the Montford Point Marines for fighting for the freedom of the United States and the liberation of people of the Pacific, despite the practices of segregation and discrimination.

SENATE RESOLUTION 588—RECOGNIZING THE ECONOMIC AND ENVIRONMENTAL IMPACTS OF THE BRITISH PETROLEUM OIL SPILL ON THE PEOPLE OF THE GULF COAST AND THEIR WAY OF LIFE AND URGING BRITISH PETROLEUM TO GIVE ALL DUE CONSIDERATION TO OFFERS OF ASSISTANCE, PROJECTS, OR SERVICES FROM THE STATES DIRECTLY IMPACTED BY THE DEEPWATER HORIZON OIL SPILL

Mr. WICKER (for himself, Ms. LANDRIEU, Mr. COCHRAN, Mr. CORNYN, Mrs. HUTCHISON, Mr. LEMIEUX, Mr. NELSON of Florida, Mr. SESSIONS, Mr. SHELBY, and Mr. VITTER) submitted the following resolution; which was considered and agreed to:

S. RES. 588

Whereas on April 20, 2010, the Mobile Drilling Unit Deepwater Horizon experienced a tragic explosion, resulting in the loss of 11 men;

Whereas the explosion resulted in the sinking of the Mobile Drilling Unit Deepwater Horizon and a discharge of hydrocarbons from the Macondo well;

Whereas since the tragic day of April 20, 2010, a significant amount of oil has flowed into the Gulf of Mexico;

Whereas resources such as fishing, tourism, shipping, and energy exploration in the Gulf of Mexico generally account for over $200,000,000,000 in economic activity each year;

Whereas the release of oil has caused a Federal fishery closure since May 2, 2010, which has encompassed up to 37 percent of the Gulf of Mexico exclusive economic zone;

Whereas the impact on the Gulf Coast economy has amounted to over $175,000,000 in reported claims to date;

Whereas tourism is down significantly on the Gulf Coast as a result of the oil spill;

Whereas the workforce in Louisiana, Mississippi, Alabama, Florida, and Texas has been negatively impacted as a result of the oil spill; and

Whereas Federal disaster response procurement law recognizes a preference for local firms in the award of contracts for disaster relief activities: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the impact of the Deepwater Horizon oil spill on the way of life, economy, and natural resources of the Gulf Coast States;

(2) supports the continued public and private efforts to stop the oil spill, mitigate further damage to our treasured Gulf Coast, and clean up of this environmental disaster; and

(3) urges British Petroleum (BP) to give all due consideration to individuals, businesses, and organizations of the States directly impacted by the Deepwater Horizon oil spill where practicable, as BP considers services or products related to ongoing efforts in the Gulf of Mexico associated with this tragic oil spill.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4488. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 4402 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table.

SA 4489. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 4402 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4490. Mr. DODD (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4491. Mr. SANDERS (for himself, Mr. HARKIN, Mr. WHITEHOUSE, Mr. BROWN of Ohio, and Mr. FRANKEN) submitted an amendment intended to be proposed to amendment SA 4402 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr . REID)) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4492. Mr. BROWN of Massachusetts submitted an amendment intended to be proposed to amendment SA 4425 proposed by Mr. REID to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table.

SA 4493. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 4425 proposed by Mr. REID to the bill H.R. 4213, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4488. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 4402 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

On page 40, between lines 3 and 4, insert the following:

(c) WORKING CAPITAL EXPRESS PROGRAM.—

(1) PROGRAM ESTABLISHED.—

(A) WORKING CAPITAL EXPRESS PROGRAM.—Section 7(a)(31) of the Small Business Act (15 U.S.C. 636(a)(31)) is amended by adding at the end the following:

''(G) WORKING CAPITAL EXPRESS PROGRAM IN RESPONSE TO ECONOMIC CRISIS.—

''(i) LOAN GUARANTEES.—The Administrator may guarantee loans under the Express Loan Program made by lenders designated in accordance with clause (iii)(I) to small business concerns that have been in business for not less than 2 years before the date on which the small business concern submits an application for a loan under this subparagraph.

''(ii) LOAN TERMS.—

''(I) MINIMUM AMOUNT.—The Administrator may guarantee a loan under this subparagraph of not less than $100,000.

''(II) GUARANTEE RATE.—Notwithstanding subparagraph (A)(iii), the guarantee rate for a loan under this subparagraph shall be 75 percent.

''(iii) PROGRAM SAFEGUARDS.—

''(I) ELIGIBILITY.—The Administrator shall, by rule, establish criteria for the designation of lenders that are eligible to make a loan guaranteed under this subparagraph.

''(II) UNDERWRITING STANDARDS.—The Administrator shall, by rule, establish underwriting standards for loans guaranteed under this subparagraph, to ensure that the Administrator may guarantee new loans under this subparagraph until 1 year after the date of enactment of this subparagraph. The standards established under this subclause shall require the borrower to submit income tax returns to provide verification of business income.

''(III) PENALTIES FOR FRAUD.—Notwithstanding section 16, a lender that knowingly makes a false statement with respect to the income, assets, or other qualifications of a small business concern in connection with a loan or application for a loan guaranteed under this subparagraph shall be fined not more than $500,000, imprisoned for not more than 5 years, or both.

''(iv) AUTHORITY OF PARTICIPATING LENDERS.—A lender designated in accordance with clause (iii) shall have the same authority with respect to the underwriting and liquidation of a loan guaranteed under this subparagraph as a lender participating in the Certified Lenders Program under paragraph (19).

''(v) TOTAL AMOUNT OF LOANS.—The Administrator may guarantee a total of not more than $3,000,000,000 in loans under this subparagraph.

''(vi) DEFAULT RATE.—The Administrator shall calculate the default rate for loans guaranteed under this subparagraph separately from the default rate for any other loans made or guaranteed by the Administration.''.

(B) CONFORMING AMENDMENT.—Section 7(a)(25)(B) of the Small Business Act (15 U.S.C. 636(a)(25)(B)) is amended by inserting '', and does not include loans under paragraph (31)(G)'' after ''by law''.

(C) IMPLEMENTATION.—Not later than 45 days after the date of enactment of this Act, the Administrator shall begin guaranteeing loans under section 7(a)(31)(G) of the Small Business Act, as added by this subsection.

(2) FUNDING.—

(A) APPROPRIATION.—There is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010, $75,000,000, to remain available until 1 year after the date of enactment of this Act, for an additional amount for the appropriations account appropriated under the heading ''BUSINESS LOANS PROGRAM ACCOUNT'' under the heading ''SMALL BUSINESS ADMINISTRATION'' for the cost of loan guarantees under section 7(a)(31)(G) of the Small Business Act, as added by this subsection.

(B) OFFSETS.—There are permanently rescinded from the appropriations account appropriated under the heading ''FEDERAL BUILDINGS FUND'' under the heading ''REAL PROPERTY ACTIVITIES'' under the heading ''GENERAL SERVICES ADMINISTRATION'', $50,000,000 from Rental of Space and $25,000,000 from Building Operations, to be derived from unobligated balances that were provided in previous appropriations Acts.

(3) PROSPECTIVE REPEAL.—

(A) IN GENERAL.—Effective 1 year after the date of enactment of this Act, section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(i) in paragraph (25)(B), by striking '', and does not include loans under paragraph (31)(G)''; and

(ii) in paragraph (31), by striking subparagraph (G).

(B) PENALTIES.—Notwithstanding subparagraph (A), subclause (III) of section 7(a)(31)(G)(iii) of the Small Business Act, as added by this subsection, shall continue to apply on and after the date described in subparagraph (A), to loans guaranteed under section 7(a)(31)(G) of the Small Business Act.

(C) SAVINGS PROVISION.—A loan guaranteed under section 7(a)(31)(G) of the Small Business Act, as added by this subsection, before the date described in subparagraph (A) shall remain in full force and effect under the terms, and for the duration, of the loan.

SA 4489. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 4402 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part III of subtitle A of title II, insert the following:

SEC. _____. RURAL MICROBUSINESS INVESTMENT CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits) is amended by adding at the end the following new section:

''SEC. 45S. RURAL MICROBUSINESS INVESTMENT CREDIT.

''(a) IN GENERAL.—For purposes of section 38, the amount of the rural microbusiness investment credit determined under this section for any taxable year with respect to a rural microbusiness is equal to 35 percent of the qualified new investments in the rural microbusiness for the taxable year.

''(b) LIMITATIONS.—

''(1) PER BUSINESS LIMITATIONS.—The amount allowed as a credit under subsection (a) with respect to any rural microbusiness for a taxable year shall not exceed—

''(A) $10,000, reduced (but not below zero) by

''(B) the amount allowed under subsection (a) to the rural microbusiness for all preceding taxable years

''(2) PER TAXPAYER LIMITATIONS.—The amount allowed as a credit under subsection (a) with respect to any taxpayer with respect to all rural microbusinesses of the taxpayer for a taxable year shall not exceed—

''(A) $10,000, reduced (but not below zero) by

''(B) the amount allowed under subsection (a) to the taxpayer with respect to rural microbusinesses for all preceding taxable years.

''(c) DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED NEW INVESTMENT.—The term 'qualified new investment' means the excess of—

''(A) qualified expenditures paid or incurred for the taxable year, over

''(B) the greater of—

''(i) qualified expenditures paid or incurred for the preceding taxable year, or

''(ii) the average annual qualified expenditures paid or incurred over the preceding three taxable years.

If the rural microbusiness was not in existence (or expenditures relating to such microbusiness were not taken into account under subsection (a)) for the entire 3-year period referred to in subparagraph (B)(ii), such subparagraph shall be applied on the basis of the period during which such entity (or trade or business) was in existence or such expenditures taken into account.

''(2) QUALIFIED EXPENDITURES.—

''(A) IN GENERAL.—The term 'qualified expenditures' means any amount which is paid or incurred with respect to a rural microbusiness which is not described in subparagraph (B). Such term includes costs for capital plant and equipment, inventory expenses, and wages.

''(B) EXCEPTION.—Such term does not include—

''(i) any interest cost, or

''(ii) the cost of any vehicle and costs associated with purchasing a vehicle.

''(3) RURAL MICROBUSINESS.—

''(A) IN GENERAL.—The term 'rural microbusiness' means a trade or business carried on as a proprietorship, partnership, trust, S corporation, or other pass-thru entity if—

''(i) such trade or business is carried on in a distressed rural area for the first taxable year in which the credit under subsection (a) is allowable to the trade or business,

''(ii) such trade or business meets the gross revenue test under subparagraph (C) for the first taxable year in which the credit under subsection (a) is allowable to the trade or business,

''(iii) such trade or business and all other trade or businesses in which any partners, shareholders, or members of such trade or business owns a majority interest employed not more than 5 full-time equivalent employees during the taxable year, and

''(iv) in the case of a trade or business substantially all of the activity of which is in agricultural production, each individual who is an owner, shareholder, or holds a capital interest, profits interests, or beneficial interests (as the case may be) in such trade or business is a first-time farmer (as defined in section 147(c)(2)(C)).

''(B) EXCEPTIONS.—Such term shall not include—

''(i) any trade or business which includes, in whole or in part, any private or commercial golf course, country club, massage parlor, hot tub facility, suntan facility, racetrack or other facility used for gambling, or any store the principal business of which is the sale of alcoholic beverages for consumption off premises, or

''(ii) any trade or business with respect to which records are required under section 2257 of title 18, United States Code, to be maintained with respect to any performer.

''(C) GROSS REVENUE TEST.—

''(i) IN GENERAL.—A trade or business meets the gross revenue test of this subparagraph for any taxable year if the average annual gross revenue of the trade or business

for the 3-taxable year period ending with the taxable year does not exceed $1,000,000.

''(ii) AGGREGATION RULES.—All persons treated as a single employer under subsection (a) or (b) or section 52 or subsection (m) or (o) of section 414 shall be treated as on trade or business for purposes of clause (i).

''(iii) SPECIAL RULES FOR ENTITIES NOT IN EXISTENCE FOR ENTIRE 3-YEAR PERIOD, ETC.—Rules similar to the rules of subparagraphs (A), (B), and (D) of section 448(c)(3) shall apply for purposes of this subparagraph.

''(D) SPECIAL RULES RELATING TO EMPLOYEES.—For purposes of this paragraph—

''(i) SELF-EMPLOYED INDIVIDUALS.—If, with respect to a trade or business, an individual is treated as an employee under section 401(c), such individual shall be treated as an employee of such trade or business for purposes of the preceding sentence.

''(ii) FULL-TIME EQUIVALENT EMPLOYEE.—The term 'full-time equivalent employee' has the meaning given such term under section 45R(d)(2).

''(4) DISTRESSED RURAL AREA.—

''(A) IN GENERAL.—The term 'distressed rural area' means any area in the United States that—

''(i) has lost at least 5 percent of its population over the last 10 years,

''(ii) has lost at least 10 percent if its population over the last 20 years,

''(iii) has median family income below 85 percent of the national median family income,

''(iv) has a poverty rate that exceeds 12.5 percent, or

''(v) has experienced a sudden and severe economic dislocation and job loss over the last ten years.

''(B) EXCEPTION.—Such term does not include any area which is—

''(i) a city or town that has a population of more than 50,000 inhabitants, or

''(ii) an urbanized area contiguous and adjacent to a city or town described in clause (i).

''(C) RELEVANT SOURCES OF INFORMATION.—In determining whether an area is a distressed rural area under subparagraph (A) or (B), such determination shall be made in accordance with the most recent information from the Bureau of the Census, the Bureau of Labor Statistics, or other government entity with relevant information.

''(5) RELATED PERSONS.—A person shall be treated as related to another person if the relationship between such persons would result in the disallowance of losses under section 267 or 707(b) (but, in applying section 267(b) and (c) for purposes of this section, paragraph (4) of section 267(c) shall be treated as providing that the family of an individual shall include only his spouse, ancestors, and lineal descendants).

''(d) MATERIAL PARTICIPATION.—No amount shall be allowed as a credit under subsection (a) to a taxpayer unless that taxpayer materially participates in the qualified rural microbusiness with respect to which the qualified expenditure is paid or incurred. For purposes of the preceding sentence, material participation shall be determined under rules similar to the rules of section 469(h).

''(e) DENIAL OF DOUBLE BENEFIT.—No deduction or credit shall be allowed under any other provision of this chapter for any amount taken into account in determining the credit under this section.

''(f) OTHER RULES.—

''(1) MARRIED COUPLE MUST FILE JOINT RETURN.—Rules similar to the rules of paragraphs (2), (3), and (4) of section 21(e) shall apply for purposes of this section.

''(2) DENIAL OF CREDIT TO DEPENDENTS.—No credit shall be allowed under this section to any individual with respect to whom a deduction is allowed under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which such individual's calendar year begins.''.

(b) CREDIT ALLOWED AS PART OF GENERAL BUSINESS CREDIT.—Section 38(b) of such Code (defining current year business credit) is amended by striking ''plus'' at the end of paragraph (35), by striking the period at the end of paragraph (36) and inserting '', plus'', and by adding at the end the following new paragraph:

''(37) the rural microbusiness investment credit determined under section 45R(a).''.

(c) CARRYOVER OF UNUSED CREDIT.—Subsection (a) of section 39 of such Code, as amended by this Act, is amended by adding at the end the following new paragraph:

''(5) 5-YEAR CARRYBACK FOR RURAL MICROBUSINESS INVESTMENT CREDIT.—Notwithstanding subsection (d), in the case of the rural microbusiness investment credit—

''(A) this section shall be applied separately from the business credit and the marginal oil and gas well production credit (other than the rural microbusiness investment credit),

''(B) paragraph (1) shall be applied by substituting 'each of the 5 taxable years' for 'the taxable year' in subparagraph (A) thereof, and

''(C) paragraph (2) shall be applied—

''(i) by substituting '25 taxable years' for '21 taxable years' in subparagraph (A) thereof, and

''(ii) by substituting '24 taxable years' for '20 taxable years' in subparagraph (B) thereof.''.

(d) CONFORMING AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end the following new item:

''Sec. 4SR. Rural microbusiness investment credit.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures made in taxable years beginning after the date of the enactment of this Act.

SA 4490. Mr. DODD (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—PAYCHECK FAIRNESS

SEC. __01. SHORT TITLE.

This title may be cited as the ''Paycheck Fairness Act''.

SEC. __02. FINDINGS.

Congress finds the following:

(1) Women have entered the workforce in record numbers over the past 50 years.

(2) Despite the enactment of the Equal Pay Act of 1963, many women continue to earn significantly lower pay than men for equal work. These pay disparities exist in both the private and governmental sectors. In many instances, the pay disparities can only be due to continued intentional discrimination or the lingering effects of past discrimination.

(3) The existence of such pay disparities—

(A) depresses the wages of working families who rely on the wages of all members of the family to make ends meet;

(B) undermines women's retirement security, which is often based on earnings while in the workforce;

(C) prevents the optimum utilization of available labor resources;

(D) has been spread and perpetuated, through commerce and the channels and instrumentalities of commerce, among the workers of the several States;

(E) burdens commerce and the free flow of goods in commerce;

(F) constitutes an unfair method of competition in commerce;

(G) leads to labor disputes burdening and obstructing commerce and the free flow of goods in commerce;

(H) interferes with the orderly and fair marketing of goods in commerce; and

(I) in many instances, may deprive workers of equal protection on the basis of sex in violation of the 5th and 14th amendments.

(4)(A) Artificial barriers to the elimination of discrimination in the payment of wages on the basis of sex continue to exist decades after the enactment of the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) and the Civil Rights Act of 1964 (42 U.S.C. 2000a et seq.).

(B) These barriers have resulted, in significant part, because the Equal Pay Act of 1963 has not worked as Congress originally intended. Improvements and modifications to the provisions added by the Act are necessary to ensure that the provisions provide effective protection to those subject to pay discrimination on the basis of their sex.

(C) Elimination of such barriers would have positive effects, including—

(i) providing a solution to problems in the economy created by unfair pay disparities;

(ii) substantially reducing the number of working women earning unfairly low wages, thereby reducing the dependence on public assistance;

(iii) promoting stable families by enabling all family members to earn a fair rate of pay;

(iv) remedying the effects of past discrimination on the basis of sex and ensuring that in the future workers are afforded equal protection on the basis of sex; and

(v) ensuring equal protection pursuant to Congress's power to enforce the 5th and 14th amendments.

(5) The Department of Labor and the Equal Employment Opportunity Commission have important and unique responsibilities to help ensure that women receive equal pay for equal work.

(6) The Department of Labor is responsible for—

(A) collecting and making publicly available information about women's pay;

(B) ensuring that companies receiving Federal contracts comply with anti-discrimination affirmative action requirements of Executive Order 11246 (relating to equal employment opportunity);

(C) disseminating information about women's rights in the workplace;

(D) helping women who have been victims of pay discrimination obtain a remedy; and

(E) being proactive in investigating and prosecuting equal pay violations, especially systemic violations, and in enforcing all of its mandates.

(7) The Equal Employment Opportunity Commission is the primary enforcement agency for claims made under the provisions added by the Equal Pay Act of 1963, and issues regulations and guidance on appropriate interpretations of the law.

(8) With a stronger commitment by the Department of Labor and the Equal Employment Opportunity Commission to their responsibilities, increased information about

the provisions added by the Equal Pay Act of 1963, wage data, and more effective remedies, women will be better able to recognize and enforce their rights.

(9) Certain employers have already made great strides in eradicating unfair pay disparities in the workplace and their achievements should be recognized.

SEC. __03. ENHANCED ENFORCEMENT OF EQUAL PAY REQUIREMENTS.

(a) BONA FIDE FACTOR DEFENSE AND MODIFICATION OF SAME ESTABLISHMENT REQUIREMENT.—Section 6(d)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(d)(1)) is amended—

(1) by striking ''No employer having'' and inserting ''(A) No employer having'';

(2) by striking ''any other factor other than sex'' and inserting ''a bona fide factor other than sex, such as education, training, or experience''; and

(3) by inserting at the end the following:

''(B) The bona fide factor defense described in subparagraph (A)(iv) shall apply only if the employer demonstrates that such factor (i) is not based upon or derived from a sex-based differential in compensation; (ii) is job-related with respect to the position in question; and (iii) is consistent with business necessity. Such defense shall not apply where the employee demonstrates that an alternative employment practice exists that would serve the same business purpose without producing such differential and that the employer has refused to adopt such alternative practice.

''(C) For purposes of subparagraph (A), employees shall be deemed to work in the same establishment if the employees work for the same employer at workplaces located in the same county or similar political subdivision of a State. The preceding sentence shall not be construed as limiting broader applications of the term 'establishment' consistent with rules prescribed or guidance issued by the Equal Opportunity Employment Commission.''.

(b) NONRETALIATION PROVISION.—Section 15 of the Fair Labor Standards Act of 1938 (29 U.S.C. 215) is amended—

(1) in subsection (a)(3), by striking ''employee has filed'' and all that follows through ''committee;'' and inserting ''employee—

''(A) has made a charge or filed any complaint or instituted or caused to be instituted any investigation, proceeding, hearing, or action under or related to this Act, including an investigation conducted by the employer, or has testified or is planning to testify or has assisted or participated in any manner in any such investigation, proceeding, hearing, or action, or has served or is planning to serve on an industry committee; or

''(B) has inquired about, discussed, or disclosed the wages of the employee or another employee;''; and

(2) by adding at the end the following:

''(c) Subsection (a)(3)(B) shall not apply to instances in which an employee who has access to the wage information of other employees as a part of such employee's essential job functions discloses the wages of such other employees to an individual who does not otherwise have access to such information, unless such disclosure is in response to a charge or complaint or in furtherance of an investigation, proceeding, hearing, or action under section 6(d), including an investigation conducted by the employer. Nothing in this subsection shall be construed to limit the rights of an employee provided under any other provision of law.''.

(c) ENHANCED PENALTIES.—Section 16(b) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(b)) is amended—

(1) by inserting after the first sentence the following: ''Any employer who violates section 6(d) shall additionally be liable for such compensatory damages, or, where the employee demonstrates that the employer acted with malice or reckless indifference, punitive damages as may be appropriate, except that the United States shall not be liable for punitive damages.'';

(2) in the sentence beginning ''An action to'', by striking ''either of the preceding sentences'' and inserting ''any of the preceding sentences of this subsection'';

(3) in the sentence beginning ''No employees shall'', by striking ''No employees'' and inserting ''Except with respect to class actions brought to enforce section 6(d), no employee'';

(4) by inserting after the sentence referred to in paragraph (3), the following: ''Notwithstanding any other provision of Federal law, any action brought to enforce section 6(d) may be maintained as a class action as provided by the Federal Rules of Civil Procedure.''; and

(5) in the sentence beginning ''The court in''—

(A) by striking ''in such action'' and inserting ''in any action brought to recover the liability prescribed in any of the preceding sentences of this subsection''; and

(B) by inserting before the period the following: '', including expert fees''.

(d) ACTION BY SECRETARY.—Section 16(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(c)) is amended—

(1) in the first sentence—

(A) by inserting ''or, in the case of a violation of section 6(d), additional compensatory or punitive damages, as described in subsection (b),'' before ''and the agreement''; and

(B) by inserting before the period the following: '', or such compensatory or punitive damages, as appropriate'';

(2) in the second sentence, by inserting before the period the following: ''and, in the case of a violation of section 6(d), additional compensatory or punitive damages, as described in subsection (b)'';

(3) in the third sentence, by striking ''the first sentence'' and inserting ''the first or second sentence''; and

(4) in the last sentence—

(A) by striking ''commenced in the case'' and inserting ''commenced—

''(1) in the case'';

(B) by striking the period and inserting ''; or''; and

(C) by adding at the end the following:

''(2) in the case of a class action brought to enforce section 6(d), on the date on which the individual becomes a party plaintiff to the class action.''.

SEC. __04. TRAINING.

The Equal Employment Opportunity Commission and the Office of Federal Contract Compliance Programs, subject to the availability of funds appropriated under section __10, shall provide training to Commission employees and affected individuals and entities on matters involving discrimination in the payment of wages.

SEC. __05. NEGOTIATION SKILLS TRAINING FOR GIRLS AND WOMEN.

(a) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary of Labor, after consultation with the Secretary of Education, is authorized to establish and carry out a grant program.

(2) GRANTS.—In carrying out the program, the Secretary of Labor may make grants on a competitive basis to eligible entities, to carry out negotiation skills training programs for girls and women.

(3) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this subsection, an entity shall be a public agency, such as a State, a local government in a metropolitan statistical area (as defined by the Office of Management and Budget), a State educational agency, or a local educational agency, a private nonprofit organization, or a community-based organization.

(4) APPLICATION.—To be eligible to receive a grant under this subsection, an entity shall submit an application to the Secretary of Labor at such time, in such manner, and containing such information as the Secretary of Labor may require.

(5) USE OF FUNDS.—An entity that receives a grant under this subsection shall use the funds made available through the grant to carry out an effective negotiation skills training program that empowers girls and women. The training provided through the program shall help girls and women strengthen their negotiation skills to allow the girls and women to obtain higher salaries and rates of compensation that are equal to those paid to similarly-situated male employees.

(b) INCORPORATING TRAINING INTO EXISTING PROGRAMS.—The Secretary of Labor and the Secretary of Education shall issue regulations or policy guidance that provides for integrating the negotiation skills training, to the extent practicable, into programs authorized under—

(1) in the case of the Secretary of Education, the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.), the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), and other programs carried out by the Department of Education that the Secretary of Education determines to be appropriate; and

(2) in the case of the Secretary of Labor, the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.), and other programs carried out by the Department of Labor that the Secretary of Labor determines to be appropriate.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary of Labor and the Secretary of Education shall prepare and submit to Congress a report describing the activities conducted under this section and evaluating the effectiveness of such activities in achieving the purposes of this title.

SEC. __06. RESEARCH, EDUCATION, AND OUTREACH.

The Secretary of Labor shall conduct studies and provide information to employers, labor organizations, and the general public concerning the means available to eliminate pay disparities between men and women, including—

(1) conducting and promoting research to develop the means to correct expeditiously the conditions leading to the pay disparities;

(2) publishing and otherwise making available to employers, labor organizations, professional associations, educational institutions, the media, and the general public the findings resulting from studies and other materials, relating to eliminating the pay disparities;

(3) sponsoring and assisting State and community informational and educational programs;

(4) providing information to employers, labor organizations, professional associations, and other interested persons on the means of eliminating the pay disparities;

(5) recognizing and promoting the achievements of employers, labor organizations, and professional associations that have worked to eliminate the pay disparities; and

(6) convening a national summit to discuss, and consider approaches for rectifying, the pay disparities.

SEC. __07. ESTABLISHMENT OF THE NATIONAL AWARD FOR PAY EQUITY IN THE WORKPLACE.

(a) IN GENERAL.—There is established the Secretary of Labor's National Award for Pay Equity in the Workplace, which shall be awarded, as appropriate, to encourage proactive efforts to comply with section 6(d) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(d)).

(b) CRITERIA FOR QUALIFICATION.—The Secretary of Labor shall set criteria for receipt of the award, including a requirement that an employer has made substantial effort to eliminate pay disparities between men and women, and deserves special recognition as a consequence of such effort. The Secretary shall establish procedures for the application for and presentation of the award.

(c) EMPLOYER.—In this section, the term ''employer'' includes—

(1)(A) a corporation, including a nonprofit corporation;

(B) a partnership;

(C) a professional association;

(D) a labor organization; and

(E) a business entity similar to an entity described in any of subparagraphs (A) through (D);

(2) an entity carrying out an education referral program, a training program, such as an apprenticeship or management training program, or a similar program; and

(3) an entity carrying out a joint program, formed by a combination of any entities described in paragraph (1) or (2).

SEC. __08. COLLECTION OF PAY INFORMATION BY THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

Section 709 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–8) is amended by adding at the end the following:

''(f)(1) Not later than 18 months after the date of enactment of this subsection, the Commission shall—

''(A) complete a survey of the data that is currently available to the Federal Government relating to employee pay information for use in the enforcement of Federal laws prohibiting pay discrimination and, in consultation with other relevant Federal agencies, identify additional data collections that will enhance the enforcement of such laws; and

''(B) based on the results of the survey and consultations under subparagraph (A), issue regulations to provide for the collection of pay information data from employers as described by the sex, race, and national origin of employees.

''(2) In implementing paragraph (1), the Commission shall have as its primary consideration the most effective and efficient means for enhancing the enforcement of Federal laws prohibiting pay discrimination. For this purpose, the Commission shall consider factors including the imposition of burdens on employers, the frequency of required data collection reports (including which employers should be required to prepare reports), appropriate protections for maintaining data confidentiality, and the most effective format for the data collection reports.''.

SEC. __09. REINSTATEMENT OF PAY EQUITY PROGRAMS AND PAY EQUITY DATA COLLECTION.

(a) BUREAU OF LABOR STATISTICS DATA COLLECTION.—The Commissioner of Labor Statistics shall continue to collect data on women workers in the Current Employment Statistics survey.

(b) OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS INITIATIVES.—The Director of the Office of Federal Contract Compliance Programs shall ensure that employees of the Office—

(1)(A) shall use the full range of investigatory tools at the Office's disposal, including pay grade methodology;

(B) in considering evidence of possible compensation discrimination—

(i) shall not limit its consideration to a small number of types of evidence; and

(ii) shall not limit its evaluation of the evidence to a small number of methods of evaluating the evidence; and

(C) shall not require a multiple regression analysis or anecdotal evidence for a compensation discrimination case;

(2) for purposes of its investigative, compliance, and enforcement activities, shall define ''similarly situated employees'' in a way that is consistent with and not more stringent than the definition provided in item 1 of subsection A of section 10–III of the Equal Employment Opportunity Commission Compliance Manual (2000), and shall consider only factors that the Office's investigation reveals were used in making compensation decisions; and

(3) shall reinstate the Equal Opportunity Survey, as required by section 60–2.18 of title 41, Code of Federal Regulations (as in effect on September 7, 2006), designating not less than half of all nonconstruction contractor establishments each year to prepare and file such survey, and shall review and utilize the responses to such survey to identify contractor establishments for further evaluation and for other enforcement purposes as appropriate.

(c) DEPARTMENT OF LABOR DISTRIBUTION OF WAGE DISCRIMINATION INFORMATION.—The Secretary of Labor shall make readily available (in print, on the Department of Labor website, and through any other forum that the Department may use to distribute compensation discrimination information), accurate information on compensation discrimination, including statistics, explanations of employee rights, historical analyses of such discrimination, instructions for employers on compliance, and any other information that will assist the public in understanding and addressing such discrimination.

SEC. __10. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $15,000,000 to carry out this title.

(b) PROHIBITION ON EARMARKS.—None of the funds appropriated pursuant to subsection (a) for purposes of the grant program in section __05 of this title may be used for a congressional earmark as defined in clause 9(e) of rule XXI of the Rules of the House of Representatives.

SEC. __011. SMALL BUSINESS ASSISTANCE.

(a) EFFECTIVE DATE.—This title and the amendments made by this title shall take effect on the date that is 6 months after the date of enactment of this Act.

(b) TECHNICAL ASSISTANCE MATERIALS.—The Secretary of Labor and the Commissioner of the Equal Employment Opportunity Commission shall jointly develop technical assistance material to assist small businesses in complying with the requirements of this title and the amendments made by this title.

(c) SMALL BUSINESSES.—A small business shall be exempt from the provisions of this title to the same extent that such business is exempt from the requirements of the Fair Labor Standards Act of 1938 pursuant to clauses (i) and (ii) of section 3(s)(1)(A) of such Act (29 U.S.C. 203(s)(1)(A)).

SEC. __12. RULE OF CONSTRUCTION.

Nothing in this title, or in any amendment made by this title, shall affect the obligation of employers and employees to fully comply with all applicable immigration laws, including any penalties, fines, or other sanctions.

SA 4491. Mr. SANDERS (for himself, Mr. HARKIN, Mr. WHITEHOUSE, Mr. BROWN of Ohio, and Mr. FRANKEN) submitted an amendment intended to be proposed to amendment SA 4402 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE __—RESPONSIBLE ESTATE TAX REFORM

SEC. ___01. SHORT TITLE.

This title may be cited as the ''Responsible Estate Tax Act''.

SEC. ___02. REINSTATEMENT AND EXTENSION OF ESTATE AND GENERATION-SKIPPING TAXES; REPEAL OF CARRYOVER BASIS.

(a) IN GENERAL.—The following provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001, and the amendments made by such provisions, are hereby repealed effective December 31, 2009:

(1) Subtitles A and E of title V.

(2) Subsection (d), and so much of subsection (f)(3) as relates to subsection (d), of section 511.

(3) Paragraph (2) of subsection (b), and paragraph (2) of subsection (e), of section 521.

Any provision of the Internal Revenue Code of 1986 amended by such provisions are amended to read as such provisions would read if such sections had never been enacted.

(b) CONFORMING AMENDMENT.—Subsection (c) of section 2511 of the Internal Revenue Code of 1986 is hereby repealed effective December 31, 2009.

(c) SUNSET NOT TO APPLY.—

(1) Subsection (a) of section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by striking ''this Act'' and all that follows and inserting ''this Act (other than title V) shall not apply to taxable, plan, or limitation years beginning after December 31, 2010.''.

(2) Subsection (b) of such section 901 is amended by striking '', estates, gifts, and transfers''.

(d) TRANSITION RULES.—Notwithstanding any provision of the Internal Revenue Code of 1986, in the case of decedent dying or a transfer made after December 31, 2009, and before the date of the enactment of this Act—

(1) the due date for any return under section 6018 or 6019 of such Code (including any election required to be made on such a return) and any payment of tax under chapter 11, 12, or 13 of such Code shall be the later of—

(A) the date that is 4 months after the date of the enactment of this Act, or

(B) the date otherwise required by law (determined without regard to this subsection), and

(2) any disclaimer of an interest in property shall be treated as a qualified disclaimer under section 2518 of such Code if such disclaimer meets the requirements of paragraphs (1), (3), and (4) of section 2518(b) of such Code and is received in writing by a person described in section 2518(b)(2) of such Code not later than—

(A) the date that is 4 months after the date of the enactment of this Act, or

(B) the date otherwise required under section 2518(b)(2) of such Code.

SEC. ___03. MODIFICATION OF RATES AND MAINTENANCE OF UNIFIED CREDIT AGAINST THE ESTATE TAX.

(a) MODIFICATION OF RATES.—

(1) IN GENERAL.—The table in paragraph (1) of section 2001(c) of the Internal Revenue Code of 1986 is amended by striking the last 6 rows and inserting the following:

''Over $750,000 but not over $3,500,000.	$248,300 plus 39 percent of the excess of such amount over $750,000
Over $3,500,000 but not over $10,000,000.	$1,320,800 plus 45 percent of the excess of such amount over $3,500,000
Over $10,000,000 but not over $50,000,000.	$4,245,800 plus 50 percent of the excess of such amount over $10,000,000
Over $50,000,000	$24,245,800 plus 55 percent of the excess of such amount over $50,000,000''.

(2) SURTAX ON WEALTHY ESTATES.—Paragraph (2) of section 2001(c) of such Code is amended to read as follows:

''(2) SURTAX ON ESTATES OVER $500,000,000.—Notwithstanding paragraph (1), if the amount with respect to which the tentative tax to be computed is over $500,000,000, the rate of tax otherwise in effect under this subsection with respect to the amount in excess of $500,000,000 shall be increased by 10 percentage points.''.

(b) EXTENSION OF APPLICABLE 2009 CREDIT AMOUNTS.—The table in subsection (c) of section 2010 of the Internal Revenue Code of 1986 (relating to applicable credit amount) is amended by inserting ''and thereafter'' after ''2009''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying, and gifts made, after December 31, 2009.

SEC. ___04. MODIFICATION OF RULES FOR VALUE OF CERTAIN FARM, ETC., REAL PROPERTY.

(a) IN GENERAL.—Paragraph (2) of section 2032A(a) of the Internal Revenue Code of 1986 is amended by striking ''$750,000'' and inserting ''$3,000,000''.

(b) INFLATION ADJUSTMENT.—Paragraph (3) of section 2032A(a) of such Code is amended—

(1) by striking ''1998'' and inserting ''2009'',

(2) by striking ''$750,000'' and inserting ''$3,000,000'' in subparagraph (A), and

(3) by striking ''calendar year 1997'' and inserting ''calendar year 2008'' in subparagraph (B).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying, and gifts made, after December 31, 2009.

SEC. ___05. MODIFICATION OF ESTATE TAX RULES WITH RESPECT TO LAND SUBJECT TO CONSERVATION EASEMENTS.

(a) MODIFICATION OF EXCLUSION LIMITATION.—The table in paragraph (3) of section 2031(c) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''or thereafter'' in the last row and inserting ''through 2009'', and

(2) by adding at the end the following row:

''2010 and thereafter ..... $2,000,000''.

(b) MODIFICATION OF APPLICABLE PERCENTAGE.—Paragraph (2) of section 2031(c) of the Internal Revenue Code of 1986 is amended by striking ''40 percent'' and inserting ''60 percent''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying, and gifts made, after December 31, 2009.

SEC. ___06. CONSISTENT BASIS REPORTING BETWEEN ESTATE AND PERSON ACQUIRING PROPERTY FROM DECEDENT.

(a) INFORMATION REPORTING.—

(1) IN GENERAL.—Subpart A of part III of subchapter A of chapter 61 of the Internal Revenue Code of 1986 is amended by inserting after section 6034A the following new section:

''SEC. 6035. BASIS INFORMATION TO PERSONS ACQUIRING PROPERTY FROM DECEDENT OR BY GIFT.

''(a) INFORMATION WITH RESPECT TO PROPERTY ACQUIRED FROM DECEDENTS.—

''(1) IN GENERAL.—The executor of any estate required to file a return under section 6018(a) shall furnish to the Secretary and to each person acquiring any interest in property included in the decedent's gross estate for federal estate tax purposes a statement identifying—

''(A) the fair market value of each interest in such property acquired by such person as reported on such return,

''(B) in the case of any property to which the exclusion under section 2031(c) applies or to which section 1014(e) applies, the adjusted basis of such property in the hands of the decedent,

''(C) in the case of any property which consists of stock in a DISC or former DISC (as defined in section 992(a)), the basis of the decedent in such stock reduced by the amount (if any) which would have been included in gross income under section 995(c) as a dividend if the decedent had lived and sold the stock at its fair market value on the estate tax valuation date (determined under the rules of section 1014(d)), and

''(D) such other information with respect to such interest as the Secretary may prescribe.

''(2) STATEMENTS BY BENEFICIARIES.—Any person required to file a return under section 6018(b) shall furnish to the Secretary and to each other person who holds a legal or beneficial interest in the property to which such return relates a statement identifying the information described in paragraph (1).

''(3) TIME FOR FURNISHING STATEMENT.—

''(A) IN GENERAL.—Any statement required to be filed under paragraph (1) or (2) shall be filed not later than the earlier of—

''(i) the date which is 30 days after the date on which such return was required to be filed (including extensions, if any), or

''(ii) the date which is 30 days after the date such return is filed.

''(B) ADJUSTMENTS.—In any case in which there is an adjustment to the information required to be included on a statement filed under paragraph (1) or (2) after such statement has been filed, a supplemental statement under such paragraph shall be filed not later than the date which is 30 days after such adjustment is made.

''(b) INFORMATION WITH RESPECT TO PROPERTY ACQUIRED BY GIFT.—

''(1) IN GENERAL.—Each person making a transfer by gift who is required to file a return under section 6019 with respect to such transfer shall furnish to the Secretary and to each person acquiring any interest in property by reason of such transfer a statement identifying—

''(A) the donor's adjusted basis in each interest in property acquired by such person,

''(B) the fair market value of each interest in such property at the time of the transfer as reported return,

''(C) in the case of a transfer in trust, the amount of the gain or loss recognized by the grantor on such transfer,

''(D) the amount, if any, of gift tax paid by the transferor with respect to such interest, and

''(E) such other information with respect to such interest as the Secretary may prescribe.

''(2) TIME FOR FURNISHING STATEMENT.—

''(A) IN GENERAL.—Any statement required to be filed under paragraph (1) shall be filed not later than the earlier of—

''(i) the date which is 30 days after the date on which such return was required to be filed (including extensions, if any), or

''(ii) the date which is 30 days after the date such return is filed.

''(B) ADJUSTMENTS.—In any case in which there is an adjustment to the information required to be included on a statement filed under paragraph (1) after such statement has been filed, a supplemental statement under such paragraph shall be filed not later than the date which is 30 days after such adjustment is made.

''(c) REGULATIONS.—The Secretary shall prescribe such regulations as necessary to carry out this section, including regulations relating to—

''(1) the application of this section to property with regard to which no estate or gift tax return is required to be filed, and

''(2) situations in which the surviving joint tenant or other recipient may have better information than the executor regarding the basis or fair market value of the property.''.

(2) PENALTY FOR FAILURE TO FILE.—

(A) RETURN.—Subparagraph (B) of section 6724(d)(1) of the Internal Revenue Code of 1986 is amended by striking ''or'' at the end of clause (xxiv), by striking ''and'' at the end of clause (xxv) and inserting ''or'', and by adding at the end the following new clause:

''(xxvi) section 6035 (relating to returns relating to basis information to persons acquiring property from decedent or by gift), and''.

(B) STATEMENT.—Subparagraph (A) of section 6724(d)(2)(A) of such Code is amended by inserting ''6035,'' after ''6034A,''.

(3) CLERICAL AMENDMENT.—The table of sections for subpart A of part III of subchapter A of chapter 61 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 6034A the following new item:

''Sec. 6035. Basis information to persons acquiring property from decedent or by gift.''.

(b) CONSISTENT USE OF BASIS.—

(1) PROPERTY ACQUIRED FROM A DECEDENT.—Section 1014 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(f) BASIS MUST BE CONSISTENT WITH INFORMATION REPORTS.—Except as provided by the Secretary in regulations, in any case in which the executor of the estate was required to make a return under section 6035, the basis of an interest in property in the hands of the person acquiring such property shall not exceed—

''(1) except as provided in paragraph (2), shall not exceed the value of such interest as determined for purposes of chapter 11, and

''(2) in the case of property to which subsection (a)(4) or (d) applies, shall be calculated using the information reported to such person under section 6035(a).''.

(2) PROPERTY ACQUIRED BY GIFTS AND TRANSFERS IN TRUST.—Section 1015 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(f) BASIS MUST BE CONSISTENT WITH INFORMATION REPORTS.—Except as provided by the Secretary in regulations, in any case in which the transferor was required to make a return under section 6035, the basis of the property in the hands of the person acquiring such property shall be calculated using the information reported to such person under section 6035(b).''.

(c) PENALTY FOR INCONSISTENT REPORTING.—

(1) IN GENERAL.—Subsection (b) of section 6662 of the Internal Revenue Code of 1986 is amended by inserting after paragraph (7) the following new paragraph:

''(8) Any inconsistent estate or gift basis reporting.''.

(2) INCONSISTENT BASIS REPORTING.—Section 6662 of such Code is amended by adding at the end the following new subsection:

''(k) INCONSISTENT ESTATE OR GIFT BASIS REPORTING.—For purposes of this section, the term 'inconsistent estate or gift basis reporting' means the portion of the understatement which is attributable to the failure by the taxpayer to use the information reported to such taxpayer under section 6035 in calculating the basis of any property acquired from a decedent or by gift or transfer in trust.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers for which returns are filed after the date of the enactment of this Act.

SEC. ____07. VALUATION RULES FOR CERTAIN TRANSFERS OF NONBUSINESS ASSETS; LIMITATION ON MINORITY DISCOUNTS.

(a) IN GENERAL.—Section 2031 of the Internal Revenue Code of 1986 (relating to definition of gross estate) is amended by redesignating subsection (d) as subsection (f) and by inserting after subsection (c) the following new subsections:

''(d) VALUATION RULES FOR CERTAIN TRANSFERS OF NONBUSINESS ASSETS.—For purposes of this chapter and chapter 12—

''(1) IN GENERAL.—In the case of the transfer of any interest in an entity other than an interest which is actively traded (within the meaning of section 1092)—

''(A) the value of any nonbusiness assets held by the entity with respect to such interest shall be determined as if the transferor had transferred such assets directly to the transferee (and no valuation discount shall be allowed with respect to such nonbusiness assets), and

''(B) such nonbusiness assets shall not be taken into account in determining the value of the interest in the entity.

''(2) NONBUSINESS ASSETS.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'nonbusiness asset' means any asset which is not used in the active conduct of 1 or more trades or businesses.

''(B) EXCEPTION FOR CERTAIN PASSIVE ASSETS.—Except as provided in subparagraph (C), a passive asset shall not be treated for purposes of subparagraph (A) as used in the active conduct of a trade or business unless—

''(i) the asset is property described in paragraph (1) or (4) of section 1221(a) or is a hedge with respect to such property, or

''(ii) the asset is real property used in the active conduct of 1 or more real property trades or businesses (within the meaning of section 469(c)(7)(C)) in which the transferor materially participates and with respect to which the transferor meets the requirements of section 469(c)(7)(B)(ii).

For purposes of clause (ii), material participation shall be determined under the rules of section 469(h), except that section 469(h)(3) shall be applied without regard to the limitation to farming activity.

''(C) EXCEPTION FOR WORKING CAPITAL.—Any asset (including a passive asset) which is held as a part of the reasonably required working capital needs of a trade or business shall be treated as used in the active conduct of a trade or business.

''(3) PASSIVE ASSET.—For purposes of this subsection, the term 'passive asset' means any—

''(A) cash or cash equivalents,

''(B) except to the extent provided by the Secretary, stock in a corporation or any other equity, profits, or capital interest in any entity,

''(C) evidence of indebtedness, option, forward or futures contract, notional principal contract, or derivative,

''(D) asset described in clause (iii), (iv), or (v) of section 351(e)(1)(B),

''(E) annuity,

''(F) real property used in 1 or more real property trades or businesses (as defined in section 469(c)(7)(C)),

''(G) asset (other than a patent, trademark, or copyright) which produces royalty income,

''(H) commodity,

''(I) collectible (within the meaning of section 401(m)), or

''(J) any other asset specified in regulations prescribed by the Secretary.

''(4) LOOK-THRU RULES.—

''(A) IN GENERAL.—If a nonbusiness asset of an entity consists of a 10-percent interest in any other entity, this subsection shall be applied by disregarding the 10-percent interest and by treating the entity as holding directly its ratable share of the assets of the other entity. This subparagraph shall be applied successively to any 10-percent interest of such other entity in any other entity.

''(B) 10-PERCENT INTEREST.—The term '10-percent interest' means—

''(i) in the case of an interest in a corporation, ownership of at least 10 percent (by vote or value) of the stock in such corporation,

''(ii) in the case of an interest in a partnership, ownership of at least 10 percent of the capital or profits interest in the partnership, and

''(iii) in any other case, ownership of at least 10 percent of the beneficial interests in the entity.

''(5) COORDINATION WITH SUBSECTION (b).—Subsection (b) shall apply after the application of this subsection.

''(e) LIMITATION ON MINORITY DISCOUNTS.—For purposes of this chapter and chapter 12, in the case of the transfer of any interest in an entity other than an interest which is actively traded (within the meaning of section 1092), no discount shall be allowed by reason of the fact that the transferee does not have control of such entity if the transferee and members of the family (as defined in section 2032A(e)(2)) of the transferee have control of such entity.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers after the date of the enactment of this Act.

SEC. ____08. REQUIRED MINIMUM 10-YEAR TERM, ETC., FOR GRANTOR RETAINED ANNUITY TRUSTS.

(a) IN GENERAL.—Subsection (b) of section 2702 of the Internal Revenue Code of 1986 is amended—

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively, and by moving such subparagraphs (as so redesignated) 2 ems to the right;

(2) by striking ''For purposes of'' and inserting the following:

''(1) IN GENERAL.—For purposes of'';

(3) by striking ''paragraph (1) or (2)'' in paragraph (1)(C) (as so redesignated) and inserting ''subparagraph (A) or (B)''; and

(4) by adding at the end the following new paragraph:

''(2) ADDITIONAL REQUIREMENTS WITH RESPECT TO GRANTOR RETAINED ANNUITIES.—For purposes of subsection (a), in the case of an interest described in paragraph (1)(A) (determined without regard to this paragraph) which is retained by the transferor, such interest shall be treated as described in such paragraph only if—

''(A) the right to receive the fixed amounts referred to in such paragraph is for a term of not less than 10 years,

''(B) such fixed amounts, when determined on an annual basis, do not decrease relative to any prior year during the first 10 years of the term referred to in subparagraph (A), and

''(C) the remainder interest has a value greater than zero determined as of the time of the transfer.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers made after the date of the enactment of this Act.

SA 4492. Mr. BROWN of Massachusetts submitted an amendment intended to be proposed to amendment SA 4425 proposed by Mr. REID to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Unemployment Compensation Extension Act of 2010''.

SEC. 2. EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.

(a) IN GENERAL.—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(A) by striking ''June 2, 2010'' each place it appears and inserting ''November 30, 2010'';

(B) in the heading for subsection (b)(2), by striking ''JUNE 2, 2010'' and inserting ''NOVEMBER 30, 2010''; and

(C) in subsection (b)(3), by striking ''November 6, 2010'' and inserting ''April 30, 2011''.

(2) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking ''June 2, 2010'' each place it appears and inserting ''December 1, 2010''; and

(B) in subsection (c), by striking ''November 6, 2010'' and inserting ''May 1, 2011''.

(3) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110–449; 26 U.S.C. 3304 note) is amended by striking ''November 6, 2010'' and inserting ''April 30, 2011''.

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (D), by striking ''and'' at the end; and

(2) by inserting after subparagraph (E) the following:

''(F) the amendments made by section 2(a)(1) of the Unemployment Compensation Extension Act of 2010; and''.

(c) CONDITIONS FOR RECEIVING EMERGENCY UNEMPLOYMENT COMPENSATION.—Section 4001(d)(2) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended, in the matter preceding subparagraph (A), by inserting before ''shall apply'' the following: ''(including terms and conditions relating to availability for work, active search for work, and refusal to accept work)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Continuing Extension Act of 2010 (Public Law 111–157).

SEC. 3. COORDINATION OF EMERGENCY UNEMPLOYMENT COMPENSATION WITH REGULAR COMPENSATION.

(a) CERTAIN INDIVIDUALS NOT INELIGIBLE BY REASON OF NEW ENTITLEMENT TO REGULAR

BENEFITS.—Section 4002 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended by adding at the end the following:

''(g) COORDINATION OF EMERGENCY UNEMPLOYMENT COMPENSATION WITH REGULAR COMPENSATION.—

''(1) If—

''(A) an individual has been determined to be entitled to emergency unemployment compensation with respect to a benefit year,

''(B) that benefit year has expired,

''(C) that individual has remaining entitlement to emergency unemployment compensation with respect to that benefit year, and

''(D) that individual would qualify for a new benefit year in which the weekly benefit amount of regular compensation is at least either $100 or 25 percent less than the individual's weekly benefit amount in the benefit year referred to in subparagraph (A),

then the State shall determine eligibility for compensation as provided in paragraph (2).

''(2) For individuals described in paragraph (1), the State shall determine whether the individual is to be paid emergency unemployment compensation or regular compensation for a week of unemployment using one of the following methods:

''(A) The State shall, if permitted by State law, establish a new benefit year, but defer the payment of regular compensation with respect to that new benefit year until exhaustion of all emergency unemployment compensation payable with respect to the benefit year referred to in paragraph (1)(A);

''(B) The State shall, if permitted by State law, defer the establishment of a new benefit year (which uses all the wages and employment which would have been used to establish a benefit year but for the application of this paragraph), until exhaustion of all emergency unemployment compensation payable with respect to the benefit year referred to in paragraph(1)(A);

''(C) The State shall pay, if permitted by State law—

''(i) regular compensation equal to the weekly benefit amount established under the new benefit year, and

''(ii) emergency unemployment compensation equal to the difference between that weekly benefit amount and the weekly benefit amount for the expired benefit year; or

''(D) The State shall determine rights to emergency unemployment compensation without regard to any rights to regular compensation if the individual elects to not file a claim for regular compensation under the new benefit year.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to individuals whose benefit years, as described in section 4002(g)(1)(B) the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note), as amended by this section, expire after the date of enactment of this Act.

SEC. 4. USE OF STIMULUS FUNDS TO OFFSET SPENDING.

The unobligated balance of each amount appropriated or made available under the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) (other than under title X of division A of such Act) is rescinded in order to offset the net increase in spending resulting from the provisions of, and amendments made by, this Act. The Director of the Office of Management and Budget shall report to each congressional committee the amounts so rescinded within the jurisdiction of such committee.

SEC. 5. SUNSET OF TEMPORARY INCREASE IN BENEFITS UNDER THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.

Section 101(a) of title I of division A of Public Law 111-5 (123 Stat. 120) is amended—

(1) in paragraph (1), by inserting before the period, '', if the value of such benefits and block grants would thereby be greater than in the absence of this subsection''; and

(2) by striking paragraph (2) and inserting the following:

''(2) TERMINATION.—The authority provided by this subsection shall terminate after May 31, 2014.''.

SEC. 6. BUDGETARY PROVISIONS.

(a) STATUTORY PAYGO.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled 'Budgetary Effects of PAYGO Legislation' for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on this conference report or amendment between the Houses.

(b) EMERGENCY DESIGNATIONS.—This Act—

(1) is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111–139; 2 U.S.C. 933(g));

(2) in the House of Representatives, is designated as an emergency for purposes of pay-as-you-go principles; and

(3) in the Senate, is designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SA 4493. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 4425 proposed by Mr. REID to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC.__. SENATE SPENDING DISCLOSURE.

(a) IN GENERAL.—The Secretary of the Senate shall post prominently on the front page of the public website of the Senate (http://www.senate.gov/) the following information:

(1) The total amount of discretionary and direct spending passed by the Senate that has not been paid for, including emergency designated spending or spending otherwise exempted from PAYGO requirements.

(2) The total amount of net spending authorized in legislation passed by the Senate, as scored by CBO.

(3) The number of new government programs created in legislation passed by the Senate.

(4) The totals for paragraphs (1) through (3) as passed by both Houses of Congress and signed into law by the President.

(b) DISPLAY.—The information tallies required by subsection (a) shall be itemized by bill and date, updated weekly, and archived by calendar year.

(c) EFFECTIVE DATE.—The PAYGO tally required by subsection (a)(1) shall begin with the date of enactment of the Statutory Pay-As-You-Go Act of 2010 and the authorization tally required by subsection (a)(2) shall apply to all legislation passed beginning January 1, 2010.

NOTICES OF INTENT TO SUSPEND THE RULES

Mr. BROWN of Massachusetts. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, paragraph 2, for the purpose of proposing and considering the following amendment:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Unemployment Compensation Extension Act of 2010''.

SEC. 2. EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.

(a) IN GENERAL.—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(A) by striking ''June 2, 2010'' each place it appears and inserting ''November 30, 2010'';

(B) in the heading for subsection (b)(2), by striking ''JUNE 2, 2010'' and inserting ''NOVEMBER 30, 2010''; and

(C) in subsection (b)(3), by striking ''November 6, 2010'' and inserting ''April 30, 2011''.

(2) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking ''June 2, 2010'' each place it appears and inserting ''December 1, 2010''; and

(B) in subsection (c), by striking ''November 6, 2010'' and inserting ''May 1, 2011''.

(3) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110–449; 26 U.S.C. 3304 note) is amended by striking ''November 6, 2010'' and inserting ''April 30, 2011''.

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (D), by striking ''and'' at the end; and

(2) by inserting after subparagraph (E) the following:

''(F) the amendments made by section 2(a)(1) of the Unemployment Compensation Extension Act of 2010; and''.

(c) CONDITIONS FOR RECEIVING EMERGENCY UNEMPLOYMENT COMPENSATION.—Section 4001(d)(2) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended, in the matter preceding subparagraph (A), by inserting before ''shall apply'' the following: ''(including terms and conditions relating to availability for work, active search for work, and refusal to accept work)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Continuing Extension Act of 2010 (Public Law 111–157).

SEC. 3. COORDINATION OF EMERGENCY UNEMPLOYMENT COMPENSATION WITH REGULAR COMPENSATION.

(a) CERTAIN INDIVIDUALS NOT INELIGIBLE BY REASON OF NEW ENTITLEMENT TO REGULAR BENEFITS.—Section 4002 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended by adding at the end the following:

''(g) COORDINATION OF EMERGENCY UNEMPLOYMENT COMPENSATION WITH REGULAR COMPENSATION.—

''(1) If—

''(A) an individual has been determined to be entitled to emergency unemployment compensation with respect to a benefit year,

''(B) that benefit year has expired,

''(C) that individual has remaining entitlement to emergency unemployment compensation with respect to that benefit year, and

''(D) that individual would qualify for a new benefit year in which the weekly benefit amount of regular compensation is at least either $100 or 25 percent less than the individual's weekly benefit amount in the benefit year referred to in subparagraph (A),

then the State shall determine eligibility for compensation as provided in paragraph (2).

''(2) For individuals described in paragraph (1), the State shall determine whether the individual is to be paid emergency unemployment compensation or regular compensation for a week of unemployment using one of the following methods:

''(A) The State shall, if permitted by State law, establish a new benefit year, but defer the payment of regular compensation with respect to that new benefit year until exhaustion of all emergency unemployment compensation payable with respect to the benefit year referred to in paragraph (1)(A);

''(B) The State shall, if permitted by State law, defer the establishment of a new benefit year (which uses all the wages and employment which would have been used to establish a benefit year but for the application of this paragraph), until exhaustion of all emergency unemployment compensation payable with respect to the benefit year referred to in paragraph (1)(A);

''(C) The State shall pay, if permitted by State law—

''(i) regular compensation equal to the weekly benefit amount established under the new benefit year, and

''(ii) emergency unemployment compensation equal to the difference between that weekly benefit amount and the weekly benefit amount for the expired benefit year; or

''(D) The State shall determine rights to emergency unemployment compensation without regard to any rights to regular compensation if the individual elects to not file a claim for regular compensation under the new benefit year.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to individuals whose benefit years, as described in section 4002(g)(1)(B) the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note), as amended by this section, expire after the date of enactment of this Act.

SEC. 4. USE OF STIMULUS FUNDS TO OFFSET SPENDING.

The unobligated balance of each amount appropriated or made available under the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) (other than under title X of division A of such Act) is rescinded in order to offset the net increase in spending resulting from the provisions of, and amendments made by, this Act. The Director of the Office of Management and Budget shall report to each congressional committee the amounts so rescinded within the jurisdiction of such committee.

SEC. 5. SUNSET OF TEMPORARY INCREASE IN BENEFITS UNDER THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.

Section 101(a) of title I of division A of Public Law 111–5 (123 Stat. 120) is amended—

(1) in paragraph (1), by inserting before the period, '', if the value of such benefits and block grants would thereby be greater than in the absence of this subsection''; and

(2) by striking paragraph (2) and inserting the following:

''(2) TERMINATION.—The authority provided by this subsection shall terminate after May 31, 2014.''.

SEC. 6. BUDGETARY PROVISIONS.

(a) STATUTORY PAYGO.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled 'Budgetary Effects of PAYGO Legislation' for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on this conference report or amendment between the Houses.

(b) EMERGENCY DESIGNATIONS.—This Act—

(1) is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111–139; 2 U.S.C. 933(g));

(2) in the House of Representatives, is designated as an emergency for purposes of pay-as-you-go principles; and

(3) in the Senate, is designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

Amend the title so as to read: ''To extend unemployment insurance benefits, and for other purposes.''.

Mr. COBURN. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII for the purpose of proposing and considering the following amendment to amendment No. 4425 to the House amendment to the Senate amendment to H.R. 4213, including germaneness requirements:

At the appropriate place, insert the following:

SEC.____. SENATE SPENDING DISCLOSURE.

(a) IN GENERAL.—The Secretary of the Senate shall post prominently on the front page of the public website of the Senate (http://www.senate.gov/) the following information:

(1) The total amount of discretionary and direct spending passed by the Senate that has not been paid for, including emergency designated spending or spending otherwise exempted from PAYGO requirements.

(2) The total amount of net spending authorized in legislation passed by the Senate, as scored by CBO.

(3) The number of new government programs created in legislation passed by the Senate.

(4) The totals for paragraphs (1) through (3) as passed by both Houses of Congress and signed into law by the President.

(b) DISPLAY.—The information tallies required by subsection (a) shall be itemized by bill and date, updated weekly, and archived by calendar year.

(c) EFFECTIVE DATE.—The PAYGO tally required by subsection (a)(1) shall begin with the date of enactment of the Statutory Pay-As-You-Go Act of 2010 and the authorization tally required by subsection (a)(2) shall apply to all legislation passed beginning January 1, 2010.

Mr. COBURN. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII for the purpose of proposing and considering the following motion to recommit with instructions of H.R. 4213:

The Senator from Oklahoma [Mr. Coburn] moves to recommit H.R. 4213 to the Committee on Finance with instructions to report the same back to the Senate with changes to include:

(A) a reduction in unnecessary government printing and publishing costs to save $4.6 billion over ten years;

(B) a requirement to sell off $15 billion worth of unused and unneeded federal real property;

(C) a requirement for the Internal Revenue Service to collect any unpaid taxes from federal employees, which would bring in $3 billion, including nearly $2.5 million owed by employees of the U.S. Senate;

(D) a prohibition on bogus bonuses for government contractors whose projects are over budget, behind schedule, or do not meet basic performance standards, saving more than $8 billion over ten years;

(E) a prohibition on nonessential travel by government employees to save $10 billion over ten years; and

(F) a requirement the Secretary of the Senate post on the Senate's public website the total dollar amount of new borrowing and spending and other violations of PAYGO approved by the Senate since the PAYGO law was signed into law.

Mr. DEMINT. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII for the purpose of proposing and considering the following Motion to Commit with instructions to the House message with respect to H.R. 4213:

Mr. DeMint moves to commit the House Message with respect to H.R. 4213 to the Committee on the Judiciary with instructions to report the same back forthwith with an amendment as follows:

At the appropriate place, insert the following:

SEC. ____. No funds made available in any provision of law may be used to participate in any lawsuit that seeks to invalidate those provisions of the Arizona Revised Statutes amended by Arizona Senate Bill 1070, 49th Leg., 2nd Reg. Sess., Ch. 113 (Az. 6 2010) (as amended by Arizona House Bill 2162, 49th 7 Leg., 2nd Reg. Sess., Ch. 211 (Az. 2010)).

Mr. DEMINT. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII for the purpose of proposing and considering the following Motion to Commit with instructions to the House message with respect to H.R. 4213:

Mr. DeMint moves to commit the House Message with respect to H.R. 4213 to the Committee on Finance with instructions to report the same back to the Senate with changes to include a permanent repeal of the estate and generation-skipping transfer taxes, and to include provisions which decrease spending as appropriate to offset such permanent repeal.

NOTICE OF HEARING

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LEVIN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs has

scheduled a hearing entitled, ''Social Security Disability Fraud: Case Studies in Federal Employees and Commercial Drivers Licenses.'' The Subcommittee hearing will focus on the findings of a Government Accountability Office Report, ''Social Security Administration: Cases of Federal Employees and Transportation Drivers and Owners Who Fraudulently and/or Improperly Received SSA Disability Payments.'' Witnesses for the hearing will include The Honorable Michael J. Astrue, the Commissioner of the Social Security Administration, and Mr. Gregory D. Kutz, Managing Director of Forensic Audits and Special Investigations at the Government Accountability Office.

The Subcommittee hearing has been scheduled for Tuesday, July 27, 2010, at 9 a.m., in room 342 of the Dirksen Senate Office Building. For further information, please contact Elise Bean of the Permanent Subcommittee on Investigations.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. CASEY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on July 20, 2010, at 9:30 a.m.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. CASEY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs, be authorized to meet during the session of the Senate on July 20, 2010, at 10 a.m., to conduct a hearing entitled ''Continuing Oversight on International Cooperation to Modernize Financial Regulation.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. CASEY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on July 20, 2010, at 2:30 p.m.

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

COMMITTEE ON THE JUDICIARY

Mr. CASEY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on July 20, 2010, at 10 a.m., in SH–216 of the Hart Senate Office Building, to conduct an executive business meeting.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. CASEY. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on July 20, 2010, at 2 p.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. CASEY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 20, 2010, at 2:30 p.m.

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

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following members of my staff be given floor privileges during the consideration of the small business jobs bill: Jamie Bedwell, Drew Colling, Emily Freeman, Chris Goble, Michael Grant, Nicole Marchman, Lindsay Novis, and Jim Zadick.

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

Mr. HARKIN. Mr. President, I ask unanimous consent that Gabriela McCall Delgado, Jacob Sheahan, Conor McRitchie, Tom Stanley-Becker, and Anthony Tucci of my staff be granted floor privileges for the duration of today's session.

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

FEDERAL BUILDINGS PERSONNEL TRAINING ACT OF 2010

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 437, S. 3250.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant editor of the Daily Digest read as follows:

A bill (S. 3250) to provide for the training of Federal building personnel, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

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

The bill (S. 3250) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3250

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Buildings Personnel Training Act of 2010''.

SEC. 2. TRAINING OF FEDERAL BUILDING PERSONNEL.

(a) IDENTIFICATION OF CORE COMPETENCIES.—Not later than 18 months after the date of enactment of this Act, and annually thereafter, the Administrator of General Services, in consultation with representatives of relevant professional societies, industry associations, and apprenticeship training providers, and after providing notice and an opportunity for comment, shall identify the core competencies necessary for Federal personnel performing building operations and maintenance, energy management, safety, and design functions to comply with requirements under Federal law. The core competencies identified shall include competencies relating to building operations and maintenance, energy management, sustainability, water efficiency, safety (including electrical safety), and building performance measures.

(b) DESIGNATION OF RELEVANT COURSES, CERTIFICATIONS, DEGREES, LICENSES, AND REGISTRATIONS.—The Administrator, in consultation with representatives of relevant professional societies, industry associations, and apprenticeship training providers, shall identify a course, certification, degree, license, or registration to demonstrate each core competency, and for ongoing training with respect to each core competency, identified for a category of personnel specified in subsection (a).

(c) IDENTIFIED COMPETENCIES.—An individual shall demonstrate each core competency identified by the Administrator under subsection (a) for the category of personnel that includes such individual. An individual shall demonstrate each core competency through the means identified under subsection (b) not later than one year after the date on which such core competency is identified under subsection (a) or, if the date of hire of such individual occurs after the date of such identification, not later than one year after such date of hire. In the case of an individual hired for an employment period not to exceed one year, such individual shall demonstrate each core competency at the start of the employment period.

(d) CONTINUING EDUCATION.—The Administrator, in consultation with representatives of relevant professional societies, industry associations, and apprenticeship training providers, shall develop or identify comprehensive continuing education courses to ensure the operation of Federal buildings in accordance with industry best practices and standards.

(e) CURRICULUM WITH RESPECT TO FACILITY MANAGEMENT AND OPERATION OF HIGH-PERFORMANCE BUILDINGS.—Not later than 18 months after the date of enactment of this Act, and annually thereafter, the Administrator, acting through the head of the Office of Federal High-Performance Green Buildings, and the Secretary of Energy, acting through the head of the Office of Commercial High-Performance Green Buildings, in consultation with the heads of other appropriate Federal departments and agencies and representatives of relevant professional societies, industry associations, and apprenticeship training providers, shall develop a recommended curriculum relating to facility management and the operation of high-performance buildings.

(f) APPLICABILITY OF THIS SECTION TO FUNCTIONS PERFORMED UNDER CONTRACT.—Training requirements under this section shall apply to non-Federal personnel performing building operations and maintenance, energy management, safety, and design functions under a contract with a Federal department or agency. A contractor shall provide training to, and certify the demonstration of core competencies for, non-Federal personnel in a manner that is approved by the Administrator.

COMMEMORATING THE 2010 SPECIAL OLYMPICS USA NATIONAL GAMES

Mr. REID. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further

consideration and the Senate now proceed to the consideration of S. Res. 584.

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

The clerk will report the resolution by title.

The assistant editor of the Daily Digest read as follows:

A resolution (S. Res. 584) commemorating the 2010 Special Olympics USA National Games.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 584) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 584

Whereas the 2010 Special Olympics USA National Games will be held in Lincoln, Nebraska, from July 18 to July 23, 2010;

Whereas nearly 4,000 athletes and coaches from 49 State delegations will participate in the Games;

Whereas approximately 30,000 people, including families and friends of the athletes, and enthusiastic supporters, are expected to visit or attend the Games;

Whereas more than 8,500 volunteers will contribute time and talent to make the Games a success;

Whereas, for decades, the Special Olympics has provided athletes with a unique opportunity to participate in athletic competition while developing confidence, skill, and determination;

Whereas the 2010 Special Olympics USA National Games continues the great tradition begun by Eunice Shriver in 1968, and proves the belief of Ms. Shriver that through sports, people with intellectual disabilities ''can realize their potential for growth'';

Whereas 70 Nebraska communities are participating in the Law Enforcement Torch Run, in which law enforcement officials from the State of Nebraska and across the United States carry the ''Flame of Hope'' through Nebraska; and

Whereas the State of Nebraska, the city of Lincoln, and more than 100 State and local businesses and organizations have made major contributions and opened their doors so that people from across the United States can participate in and enjoy the 2010 Special Olympics USA National Games: Now, therefore, be it

Resolved, That the Senate—

(1) applauds the participants and coaches of the 2010 Special Olympics USA National Games, as well as the volunteers and law enforcement officers who support the Games; and

(2) thanks all the people who contributed to the Games for their generous efforts and gifts to make the Games a reality.

RECOGNIZING IMPACTS OF THE BRITISH PETROLEUM OIL SPILL

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 588.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant editor of the Daily Digest read as follows:

A resolution (S. Res. 588) recognizing the economic and environmental impacts of the British Petroleum oil spill on the people of the Gulf Coast and their way of life and urging British Petroleum to give all due consideration to offers of assistance, products, or services from the States directly impacted by the Deepwater Horizon oil spill.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table) with no intervening action or debate, and any statements related to this matter be printed in the RECORD.

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

The resolution (S. Res. 588) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 588

Whereas on April 20, 2010, the Mobile Drilling Unit Deepwater Horizon experienced a tragic explosion, resulting in the loss of 11 men;

Whereas the explosion resulted in the sinking of the Mobile Drilling Unit Deepwater Horizon and a discharge of hydrocarbons from the Macondo well;

Whereas since the tragic day of April 20, 2010, a significant amount of oil has flowed into the Gulf of Mexico;

Whereas resources such as fishing, tourism, shipping, and energy exploration in the Gulf of Mexico generally account for over $200,000,000,000 in economic activity each year;

Whereas the release of oil has caused a Federal fishery closure since May 2, 2010, which has encompassed up to 37 percent of the Gulf of Mexico exclusive economic zone;

Whereas the impact on the Gulf Coast economy has amounted to over $175,000,000 in reported claims to date;

Whereas tourism is down significantly on the Gulf Coast as a result of the oil spill;

Whereas the workforce in Louisiana, Mississippi, Alabama, Florida, and Texas has been negatively impacted as a result of the oil spill; and

Whereas Federal disaster response procurement law recognizes a preference for local firms in the award of contracts for disaster relief activities: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the impact of the Deepwater Horizon oil spill on the way of life, economy, and natural resources of the Gulf Coast States;

(2) supports the continued public and private efforts to stop the oil spill, mitigate further damage to our treasured Gulf Coast, and clean up of this environmental disaster; and

(3) urges British Petroleum (BP) to give all due consideration to individuals, businesses, and organizations of the States directly impacted by the Deepwater Horizon oil spill where practicable, as BP considers services or products related to ongoing efforts in the Gulf of Mexico associated with this tragic oil spill.

ORDERS FOR WEDNESDAY, JULY 21, 2010

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, July 21; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and that following any leader remarks the Senate proceed to a period of morning business for 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first 30 minutes and the majority controlling the final 30 minutes; that following morning business, the Senate resume consideration of the House message on H.R. 4213; finally, I ask that the time during any recess, adjournment, and morning business count postcloture.

Before the Chair rules, I want everyone who is watching these proceedings tonight to understand again what the Republicans are doing. We just passed badly needed legislation to help 2.5 million unemployed people. To show the lack of understanding and feeling and compassion of the Republicans, they are making us waste 30 hours. There are people who are desperate for this money—desperate—and they are making us wait because that is what the rule of the Senate is.

I hope the American people understand how callous this is. People are desperate. They can't make house payments or car payments. They can't pay for their kids' food, and they are having us wait for 30 hours. Cloture has been invoked. We only need a simple majority to pass this bill now, but they are making us wait. I can't articulate in strong enough feelings how unfair this is to 2.5 million people.

So would the Chair rule on my unanimous consent request.

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

PROGRAM

Mr. REID. Mr. President, earlier today the Senate invoked cloture on the legislation to extend unemployment insurance benefits. As a result, debate on the measure is limited to 30 hours. We can finish this 30 hours after this passes, sometime around 9 o'clock tomorrow night. If that gives these people over here some feeling that 2.5 million people deserve this, then let them do it. I hope we come in, in the morning, and get this thing done so this bill can go on to the House—the House has to pass it—and then to the President. Every hour that is delayed is more misery for 2.5 million people.

The debate over whether it is paid for is over. It is clear; all experts say this money that is spent will return to us—CBO says twofold. JOHN MCCAIN's chief economic adviser says $1.61 will come back for every $1 we spend. So if they think they are getting even—with whom, 2.5 million people—because it passed?

So I hope we reach an agreement to yield back some of the postcloture time so we can complete action on this bill at a reasonable time tomorrow.

Upon disposition of unemployment insurance legislation, the Senate will resume consideration of the small business jobs bill, which is also a job-creating bill we would like to get to.

I want everyone to understand. The Republicans better be ready tomorrow to defend their position because we are going to have people come during this 30 hours and show how ridiculous it is that we are having to wait for 30 hours. No amendments can be offered. Nothing can be done during that 30 hours except speeches. So I alert my friends: Come and explain to the American people how this 30 hours has helped the American people.

There will be rollcall votes possibly throughout the day tomorrow.

ADJOURNMENT

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate adjourn under the previous order.

There being no objection, the Senate, at 6:57 p.m., adjourned until Wednesday, July 21, 2010, at 9:30 a.m.