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# Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, SECOND SESSION

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# House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, September 14, 2010, at 2 p.m.

# Senate

MONDAY, SEPTEMBER 13, 2010

The Senate met at 2:30 p.m. and was called to order by the Honorable JEFF MERKLEY, a Senator from the State of Oregon.

## PRAYER

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

Let us pray.

You reign, O God, over the nations of our turbulent world. You alone subdue the winds and the rain with a word from Your mouth. As we return from recess and open this session with prayer, we are reminded that life on Earth is a gift that allows us to live for Your glory. Lord, we are humbled by the manifold blessings You pour out in this Nation and are grateful for Your protection and provision. Speak Your dreams into our hearts and unite us by the power of Your spirit.

Give our Senators the wisdom needed to enact laws that keep America great. As they begin the hard work of implementing past decisions, grant them patience, endurance, energy, and unity. Help them, Lord, to grow in their respect and esteem for one another and for all who belong to this large Senate family.

We pray in Your great Name. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable JEFF MERKLEY led the Pledge of Allegiance, as follows:

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

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, September 13, 2010.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEFF MERKLEY, a Senator from the State of Oregon, to perform the duties of the Chair.

DANIEL K. INOUYE,
*President pro tempore.*

Mr. MERKLEY thereupon assumed the chair as Acting President pro tempore.

## RECOGNITION OF THE MAJORITY LEADER

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

## SCHEDULE

Mr. REID. Mr. President, I welcome you and all of our colleagues and all the staff back from our 5-week work period at home.

We have a lot of work to do. Following any leader remarks, there will be a period of morning business until 3:30 p.m., with Senators allowed to speak for up to 10 minutes each. Following morning business, the Senate will proceed to executive session to consider the nomination of Jane Stranch to be a circuit court judge for the Sixth Circuit. There will be up to 2 hours for debate equally divided and controlled between Senators LEAHY and SESSIONS or their designees. At 5:30 p.m., we will proceed to vote on confirmation of the Stranch nomination.

As a reminder to Senators, before the recess, cloture was filed on the small business jobs bill. The filing deadline for first-degree amendments to the substitute and the bill is 3 p.m. today. At 11 a.m. tomorrow, there will be up to three cloture votes relating to the small business jobs bill. The cloture votes will be on the Johanns amendment No. 4596, the Nelson of Florida amendment No. 4595—both relating to 1099 forms—and on the substitute amendment to H.R. 5297.

## SEPTEMBER WORK PERIOD

Mr. REID. Mr. President, as I said, I welcome back all my colleagues from all corners of the country. I am sure every Senator enjoyed spending time with their constituents as much as I did. I am sure all are eager to get back to the business of legislating.

The work period we begin today is an important one. Like every work period, it represents a new opportunity to move past the partisan stalemates of recent months and find common ground on our most pressing priority: putting people back to work. I hope the weeks between now and Columbus Day will be productive weeks. There really is no reason they should not be. The issues we will be dealing with are not partisan or ideological. They have the

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



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support of Democratic, Republican, and Independent Senators. They have the support of Democratic, Republican, and Independent constituents. All of us have a common obligation and a shared interest in doing all we can to get our economy moving again.

If we were to adopt a slogan to guide us in the coming weeks, I would nominate something a colleague of ours said just a few days ago. The senior Senator from Ohio, Mr. GEORGE VOINOVICH, a Republican, was talking last week about the standoffs that have stalled the Senate—gridlock that has kept us in recent months from realizing our ability and fulfilling our responsibility to help small businesses. He said:

> We don't have time for messaging. We don't have time anymore. This country is really hurting.

Senator VOINOVICH is right. Small businesses across Nevada are hurting. Small businesses across my friend's State of Ohio are hurting. Small businesses across the State of Oregon are hurting. All over this country, they are hurt, from coast to coast, because credit and capital are too hard to come by. The owners of these businesses are not interested in partisan rhetoric, and neither are the people they have had to lay off or the unemployed they have had to turn away. People in Nevada and throughout the Nation are too busy keeping track of their business's books or their family budgets to keep track of who is scoring political points. They are not interested in any of that. They are simply desperate for us to do our jobs, and that is to help create jobs.

That is what the first vote Senators will cast tomorrow is all about. Tomorrow, we will decide whether to move ahead with a bill that helps more small businesses be the engine that runs our economy. When most Americans go to work in the morning—or whenever they go to work during the day—they do not go to big corporations with famous names. They go to work at small businesses. But those businesses are also the ones that have paid the highest price in Wall Street's recession. Two out of every three jobs we have lost came from small businesses.

Our bill is not a new one, and tomorrow will not be the first time we voted on it. But to refresh my colleagues' memories, let me briefly remind everyone what is in it.

One, it cuts small business taxes so they can hire and grow.

Two, it increases Small Business Administration loan limits, which gets money flowing to the entrepreneurs who create jobs.

Three, it makes it easier for small businesses to export what they make.

Four, among other things, it creates a new lending fund that will give small banks, community banks—and, by extension, small businesses—more capital to invest.

Most importantly, this bill will create jobs, up to 500,000—half a million jobs. But every day we delay, the opposite happens. Small businesses are holding off hiring while they wait for us to act. Banks large and small are holding on to their capital while they are waiting for us to act. And half a million Americans who want to work, people who are ready to get off unemployment and get back to jobs they so desperately need, are desperate for us to get our act together.

We need to go to work. As the Republican Senator from Florida, Mr. LEMIEUX, said when we last debated this bill—remember, Senator LEMIEUX is a Republican. He said it should get the support of more than 80 Senators. As my friend the Republican Senator from Ohio said: We do not have time anymore for political games. Our citizens are hurting too much.

I yield the floor.

## RECOGNITION OF THE MINORITY LEADER

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

## THE ECONOMY

Mr. MCCONNELL. Mr. President, for the last 19 months, the American people have waited patiently for the Obama administration and Democrats in Congress to help them turn the economy around. And time and time again, the administration and its allies in Congress have turned a deaf ear. Rather than implement the policies that would free up capital, lead to investment, and create good, lasting, private sector jobs, Democrats in Congress have passed one sweeping government-driven scheme after another and then asked taxpayers to put it on their tab.

A stimulus bill that was supposed to be timely, targeted, and temporary turned out to be a liberal wish list instead. Instead of stimulating the economy and keeping unemployment below 8 percent, as promised, we stand here today with nearly 10 percent unemployment nationwide and many more Americans struggling to find full-time work. A health care bill that was supposed to lower costs is doing the opposite. As I have repeatedly said in the past and as a new government report confirmed just last week, the President's health care plan will bend the cost curve up, not down. A financial regulatory bill that was supposed to protect Main Street is being embraced by some of the biggest players on Wall Street, while smalltown bankers and retailers brace themselves for the costly and burdensome rules and regulations it will impose on them. Every one of these bills came at a steep price to the taxpayer, and until now, Democrats have been content to borrow the money, to simply pile it onto the debt.

Now comes the second half of the story, the final piece of their agenda—the part where they point to all that spending and demand payment for it, where they try to make it all permanent. Democrats spent the last 2 years putting government in charge of health care, the financial sector, car companies, insurance companies, student loans—you name it. Now they want the tax hike to pay for it all. Americans asked the administration to fix the sink, and they remodeled the house instead. Now they are sending us the bill.

That was the plan all along: force these massive programs through, drive up the debt, call it a crisis, and then demand that people pay their ''fair share'' to dig us out. It starts with small business owners, but I assure you it will not stop there because if Democrats spend this much money in the middle of a recession, they will borrow and spend even more once we are out of it. The President admitted as much just last week on national television when he said the tax hike he is asking for will not be used to pay for any of the things he has already done. He will use the money from these tax hikes to spend on other things, on ''better things,'' as he put it. We have seen the so-called better things Democrats want to spend tax money on—a stimulus bill that is funding research on interpretive dance and monkeys, a health care bill that cut Medicare and increased premiums, and a financial regulatory bill that hires more of the same kinds of Washington bureaucrats who missed the last crisis. Americans have had it. They are tired of Democratic leaders in Washington pursuing the same government-driven programs that have done nothing but add to the debt and the burden of government.

We cannot allow this administration to demand that small business owners in this country pay for its own fiscal recklessness. That is why I am introducing legislation today that ensures no one in this country will pay higher income taxes next year than they are right now. We cannot let the people who have been hit the hardest by this recession and who need to create the jobs that will get us out of it foot the bill for the Democrats' 2-year adventure in expanded government. We can't allow America's job creators to pay for Democrats' out-of-control spending over the past 2 years any more than we can allow Main Street to pay for the greed of Wall Street. Wall Street should pay for its own excesses. So should the administration and Democratic leaders in Washington.

The good news is there is a growing chorus of Democrats, at least five right here in the Senate, who are coming around on this issue. They oppose the tax hikes the administration is proposing. As Senator LIEBERMAN put it earlier today:

> I don't think it makes sense to raise any Federal taxes during the uncertain economy we are struggling through. The more money we leave in private hands, the quicker our economic recovery will be.

That was Senator LIEBERMAN today. I couldn't agree more. Only in Washington could someone propose a tax hike as an antidote to a recession.

This is no small tax hike. The tax hike the administration is proposing, according to the IRS, would apply to half of all small business income in this country. An analysis by the National Federation of Independent Business shows that businesses that employ 20 to 250 people would be the hardest hit. All told, according to the nonpartisan Joint Committee on Taxation, right at 750,000 small businesses would be impacted by this tax increase.

Here is the bottom line: No recovery will take place until the government stops overspending. No recovery will take place until government stops imposing new regulations and costs on business. No recovery will take place if we impose new taxes on the people we need to create jobs. Democratic leaders need to listen to what the American people have been shouting at us for the last 19 months: The reckless spending has to stop. So far, they have made no concrete concessions, but now it is time they join Republicans, stand up to the administration, and declare that the spending spree is over. That is the first step on the road to recovery.

As for the next step, Republicans stood together before the August recess and put together a plan that would save taxpayers $300 billion over the next 10 years. That is a good place to start.

So Democrats have a choice. They can stand with us on this proposal and show they finally realize we cannot spend our way out of the recession or they can continue to stand with an administration whose policies—real and threatened—represent the greatest obstacle to our Nation's economic recovery.

Let's face it. The Democratic agenda has been disastrous for the economy: 2½ million jobs lost, $2.5 trillion more in debt, more job-stifling regulations, mandates, and redtape, and now they want to drive another nail in the coffin—a massive tax hike on the very people who will dig us out of this recession by expanding their businesses and creating jobs.

Republicans are offering a choice: more of the same or the new direction the American people are asking for.

I yield the floor.

## RESERVATION OF LEADER TIME

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

## MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business until 3:30 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Pennsylvania is recognized.

(The remarks of Mr. SPECTER and Mr. DURBIN pertaining to the introduction of S. 3766 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

## REPUBLICAN GOALS

Mr. DURBIN. Mr. President, I listened carefully when the Republican leader from Kentucky, Senator MCCONNELL, came to the floor. This is the key time, before an election campaign, when parties announce their goals, their strategy, their message to the voters.

So I listened carefully as the Republican Senate leader came to the floor for the first time in this 3-week period, to spell out what his goals would be in terms of where the country has been coming from and where it will go. It struck my as strange. Because, at this time of year, we are used to new shows coming on television, new seasons beginning, being introduced to new plot lines and new stars and new ideas and broadcasts, but we do not expect reruns. To get reruns being announced on television at this time of year would be defeating the purpose of attracting an audience interested in what is new.

I listened to Senator MCCONNELL's speech, and it was a Republican rerun, things they have been saying for the last year and a half, in fact for many years, still the message of the Republican Party. What they say and what Senator MCCONNELL said today is: Elect us to lead the Senate and we will give you more of the same. We will return you to the Bush economic policies.

I listened carefully as he criticized President Obama. I have heard him before. Senator MCCONNELL has come to the floor and criticized President Obama for intervening to try to save the automobile companies across the United States. Many of us supported the President. I think the President was right. He did not run for office to become a major leader in saving American automobile companies.

This was a challenge thrust on him. Yet he accepted it and realized if we started closing down automobile plants across Illinois and across America, thousands of people would be out of work. He did not want to see that happen. So the government did intervene.

I have heard the Senator from Kentucky come to the floor before, as he did this afternoon, and criticize the President for his intervention in the automobile companies. Well, during the course of our August break, many of us were busy doing a lot of things. It is possible that Senator MCCONNELL missed the good news, the good news in the New York Times on Friday August 13 and Saturday August 14.

On Friday, August 13, headline: ''Profit Strong, G.M. Names a New Chief.'' Then, on August 14: ''Detroit Goes From Gloom to Economic Bright Spot. Optimism is Rising With Sales, Profits and Hiring—Economy Still a Threat.''

Here is what the article said:

After a dismal period of huge losses and deep cuts that culminated in the Obama administration's bailout of General Motors and Chrysler, the gloom over the American auto industry is starting to lift. Jobs are growing. Factory workers are anticipating their first healthy profit-sharing check in years. Sales are rebounding, with the Commerce Department reporting Friday that automobiles were a bright spot in July's mostly disappointing retail sales.

The Senator from Kentucky must have missed it. The very action he criticized, of the Obama administration intervening with the automobile companies, has been a success. Mr. Whitacre is stepping aside. GM is picking its own chief. They are off on their own now, in a profitable way, to keep jobs in the United States and not ship them overseas. All the criticism of what President Obama did notwithstanding, this worked. This was a success. This saved jobs.

But, again, the litany of grievances from the Republican side included that the President did something to help GM and Chrysler. Thank goodness he did for the thousands of workers in my home State of Illinois and across the United States of America.

I heard the Senator from Kentucky criticize the President's attempt to reduce the cost of health insurance for Americans; the President's attempt to give senior citizens on Medicare a helping hand to pay for their prescription drugs. I wish the Senator from Kentucky could have been with me in Champaign, IL, when I met with a group of senior citizens who thanked us for the $250 of relief this year, which will grow every year, until we fill the doughnut hole in prescription Part D.

I wish the Senator from Kentucky could have been with me as I traveled around Illinois and had mothers come up to me and talk about 22-year-old sons with preexisting conditions who did not qualify for health insurance and thank me because the health care reform bill now says that son or daughter can stay under the family health insurance plan until they reach the age of 26.

If Senator MCCONNELL and others believe we should repeal this, that we should take away this protection for families on health insurance—$250 to help those under Medicare prescription Part D—or the strength that people will now have to fight off insurance companies that deny them coverage when they need it the most, if that is his position, so be it.

But it is not a new idea. It is a speech he has delivered on the floor over and over and over. So the Republican message for November is: Go back to the old days when you did not have a fighting chance against health insurance companies, when nobody would stand up to them. Go back to the old days when we would not put any money into the recession that is threatening our country.

The President did with the stimulus package, which is being ridiculed with some dance lessons or whatever he said. I wish Senator MCCONNELL would have come to see this President's stimulus package at work in Illinois. It

takes a lot longer to drive because we are building highways right and left and airports.

Downtown Normal, IL, has an intermodal center that is the centerpiece of revitalizing downtown; major contribution from the President's stimulus package, putting hundreds of people to work smack-dab in central Illinois, where those jobs count.

I heard the minority leader, the Senator from Kentucky, criticize the Wall Street reform bill. He criticized the Wall Street reform bill, after Bernie Madoff and the bailouts of the Bush Administration, after billions of dollars sent to Wall Street because of their failures, and they thanked us, sent us a little thank-you card and said: Oh, incidentally, we are giving one another bonuses with your bailout money.

Well, for some that was fine but not for President Obama, not for this Congress. We have real Wall Street reform, which will guarantee no more bailouts. That was Senator BOXER's amendment. No. 2, make certain Wall Street is regulated so it does not sink us in another recession, the way we are languishing now in one that is going to take a long time from which to recover.

The Senator from Kentucky believes that was a bad idea. He voted against it. I think it was a good idea to pass Wall Street reform. The final centerpiece of the Republican message for November is to return to the Bush tax cuts. President Obama has said, we should extend the tax cuts for married couples making under $250,000 and for individuals making under $200,000 but, he said: Let's not give them to the wealthiest Americans, the top 2 percent.

So if you happen to be among the fortunate few in America who make $1 million a year, what is the difference? Well, the difference is this: Under our plan of capping this tax cut at $250,000, the millionaire is only going to get $6,300 in a tax cut. I do not know if they will even notice it, $6,300.

But under Senator MCCONNELL's plan, the centerpiece of the Republican campaign strategy for November, he wants the millionaire to receive a $100,000 tax cut, a tax cut most have not asked for and many do not need. They do it in the name of helping small business.

Do you know how many small business owners are in that category? Three percent. It includes some doctors, some lawyers, and the like. So what we are saying is, let us do something to put money in the economy, tax cuts for those with $250,000 or less in income, let us help the middle class people in America who have been struggling with an economy that has not been very generous to them over the past decade or two.

Third, let's not ignore the deficit. Senator MCCONNELL's proposal for tax cuts for people making the highest levels of income in America will add $700 billion to the deficit over the next 10 years, $700 billion. So for the so-called deficit hawks on the other side, those hawks are circling, but they are blind to the fact that tax cuts to the wealthiest people in America plunges us more deeply into debt and makes it more difficult for future generations that will face this responsibility.

So I listened carefully as the Senator from Kentucky spelled out the Republican plan. We have heard this song before. We have seen this play. We watched all these reruns before. We do not need to see them again. We need to move forward as a nation. The first thing we have to do tomorrow is break the Republican filibuster on the small business bill, this bill supported by the Chamber of Commerce, by the National Federation of Independent Business, and small businesses across America. Tomorrow, with the help of at least one Republican Senator, we are finally going to break this Republican filibuster and we are going to finally send the credit that is needed to Main Street in America so small businesses have a fighting chance to put new people on their payroll and help bring us out of this recession. That is looking forward, not backward.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

## TAX INCREASES

Mr. KYL. Mr. President, I wish to also talk a bit today about why Republicans oppose raising taxes on anyone. President Obama and his supporters have repeatedly argued that tax increases will only affect a few of the wealthiest Americans, ''millionaires,'' the President claims, and people ''who can afford it,'' to use his words.

First of all, I do not think the President should be pitting Americans against each other. Class warfare has no place in our debates. Americans agree with President Kennedy's formulation that a rising tide lifts all boats. Americans believe—it is our basic idea of a country—that we want everyone here to succeed, to do well, and not to pit one group of us against another group.

We all aspire to be in the very top groups of whatever we are talking about, and because of the kind of country we have, we have that opportunity, and people do move from one income tax bracket up to the next one, for example, as we increase our incomes. So we do not want to punish anyone for being successful. That class warfare went out of style when the Cold War ended. I do not think it has a part in our debate.

Second, his assertions about who will pay are patently false. Small business will be among the hardest hit by these tax increases. Let me explain why this is true because, as you have just heard, some on the other side tend to poohpooh this idea. The reason is this. Under the Internal Revenue Code, many small businesses are organized as passthrough entities, meaning they pay taxes at the individual income tax marginal rates. So if you and your wife or you and your husband own a small business, and you are a passthrough entity, you pay your small business income taxes as individuals. That is how this happens. You are not a corporation, you are paying your taxes as people, as individuals, the same as anybody else pays as an individual.

Those who currently pay at either the 33 or 35 percent rate, which is the top two marginal rates, would, under the President's proposal, have their taxes increased so you would then be paying 36 or 39.9 percent, respectively, and if you add in the health care legislation-required taxes, it is closer to 42 percent. So you are going from 35 to 42 percent as an individual paying individual income taxes on the money you make through the small business you and your spouse own, for example.

My colleague from Illinois says: Well, that does not apply to very many people. How many people does it apply to? What is 3 percent of the people with this kind of income? Almost 750,000 people. Almost 750,000, according to the Joint Committee on Taxation—not my number—estimates that in 2011, next year, just about 750,000 taxpayers with net-positive business income will have marginal rates of 36 or 39.6 percent under the President's proposal.

That is 750,000 of the most productive small businesses in the country. The National Federation of Independent Business survey revealed that the businesses most likely to face a tax increase employ between 20 and 250 employees. So we are talking not about insignificant businesses but those that actually employ people. We also know that coming out of an economic downturn, the first jobs that are created are small business jobs.

According to U.S. Census numbers, businesses with between 20 and 299 workers employ more than 25 percent of the entire workforce. So when we talk about, well, it is only 3 percent. Well, the question is, 3 percent of what? How many does that actually amount to? How many of the employees in the entire country does that mean? Twenty-five percent of the employees in the country is, by any measure, a significant chunk of folks.

These are the people whom we want to raise taxes on? I do not think so. Some Democrats have been claiming these tax increases, as I said, would exempt 97 percent of small businesses. Well, let me shed a little bit of light on that number.

In a recent Wall Street Journal article entitled, ''The Small Business Tax Hike and the 97 Percent Fallacy,'' two economists, well respected, Kevin Hassett and Alan Viard, explained that anyone who reports business income on Schedule C of their tax return is counted as a small business.

So if someone makes a little money selling a product on eBay and reports that as business income, they are counted as a small business.

What is the result? Obviously, we have a lot of folks counted as small businesses who are not really the kind of small businesses we think of as employing folks, these companies that employ between 20 and 299 workers. The other group just reports schedule C income and are not the kind of small businesses creating jobs. This is a very important number to keep in mind.

According to the IRS, Hassett and Viard write, ''fully 48 percent of the net income of sole proprietorships, partnerships and S corporations reported on tax returns went to households with incomes above $200,000 in 2007. That's the number to look at.''

So when we talk about these small businesses, these corporations whose owners report their income as individual income, 48 percent of the net income of sole proprietorships, partnerships, and S corporations reported on tax returns went to people above the $200,000 mark. Those are the small businesses that are employing people. Those are the folks who will be hardest hit when this tax increase is put into effect. Frankly, it is many of these businesses that are the most profitable small businesses, and they are the ones that will be creating the new jobs to bring us out of the economic doldrums we are in. Americans know this. That is why I think the key to economic recovery being new jobs depends upon what we do to punish the people who create the new jobs. We don't need more government spending. That is the old plan of the Democrats. It has clearly failed. What we need is new jobs.

The President recently proposed a package of temporary tax credits that includes, among other things, a write-off for all business capital purchases in 2011. Obviously, this concedes the economic point that tax relief can spur job growth, but there is cognitive dissonance about what the rate increases will mean for small businesses.

I turn again to an op-ed in the Wall Street Journal by Michael Fleischer who is a small business owner in New Jersey. He wrote an op-ed entitled, ''Why I am Not Hiring.'' We want to know the answer to that, if we are going to figure out how to help him hire more people.

He added up all of the costs of government when he hires somebody new, particularly the tax cost. He also included regulatory costs and other mandates. His conclusion:

> A life in business is filled with uncertainties, but I can be quite sure that every time I hire someone my obligations to the government go up. From where I sit, the government's message is unmistakable: Creating a new job carries a punishing price.

What price is he talking about, looking at this potential tax increase I have been talking about? He estimates over $75,000 to hire somebody who makes $44,000. So I think his cost was close to $78,000. That is the punishing burden we put upon businessmen such as him just to hire more people. Some big businesses can stand that. The small businesses that would bear the brunt of this tax increase cannot. That is precisely why small businessmen such as Michael Fleischer are not hiring today.

Why would we increase the burden he bears in hiring more people? What we ought to be doing is ensuring that the tax rates that have been in effect now for 10 years can continue forward so people have certainty about what they will be paying, and those very small business folks who are hiring the people we want to go back to work would not have to pay an additional burden in the form of a higher income tax rate.

The President and some of our friends on the other side have argued that if taxes don't go up, those in the top brackets will just save more; that will do little for job creation and economic growth. This is the one that really bugs me. It is as if we can't appreciate what happens when somebody saves money. Do my colleagues know of anybody who buries money in their backyard? I don't. Any person who saves money either puts it in a bank where it is lent out to somebody, usually a business so it can hire more people or buy equipment, or they invest in a stock or a bond, equities usually. What is that investment? It is providing capital to business. What does business do with capital? It either hires people or buys equipment, which generally requires people to make it, and therefore they get hired as well.

The bottom line is, yes; it is fine for people who immediately go out and spend their money. That does have an indirect effect on job creation. If enough people spend enough money, somebody will have to go back to work to make the products. But the truth is, money that is saved has a direct impact on job creation because it directly provides capital to businesses so they can expand. Saving doesn't mean throwing one's money in a mattress or burying it in the backyard. It means investing it in our economy. If taxes go up, less money is available for those investments and for job creation.

A final note: Supporters of the pending tax hikes have frequently cited the booming economy of the 1990s to strengthen their case. They say if the economy performed so well under President Clinton, what is the big deal about returning to Clinton era income tax rates? First, they don't want to return to Clinton era income tax rates on anybody except millionaires, these people who make over $250,000 a year. But in any event, the argument misses the point. The question is not whether it is possible to have strong economic growth with higher income tax rates, though it is less likely that occurs. Rather, the question is whether we should be raising taxes in the aftermath of one of the worst recessions where some people are talking about having a double-dip recession, and it is clear we are not out of America's worst financial crisis and recession since World War II. I don't know of an economist who says that is a good idea.

Peter Orszag, the President's last OMB Director, just had a big op-ed in the New York Times in which he said this is not the time to raise taxes, when we still have these economic difficulties—on anybody. Indeed, the timing of President Obama's proposed tax increases could not be worse.

I just cite the example of Japan during the so-called lost decade. They suffered a massive financial collapse in the early 1990s. One of the responses was to actually reduce taxes and boost economic activity. And it did. They began to come back. Then for reasons that elude me, they decided in 1997 to raise taxes again and, sure enough, the economy fell back into recession. I should think Japan's experience provides a cautionary tail about the dangers of increasing taxes amid a very shaky economic recovery.

In their comprehensive survey of financial meltdowns across the globe, economists Carmen Reinhart and Kenneth Rogoff tell us that recoveries following such meltdowns are typically quite slow. The current U.S. recovery is no exception. America's unemployment rate has been above 9 percent for more than a year. Speaking to the Federal Reserve's annual symposium in Jackson Hole, Reinhart said that based on the history of past financial crises, it is conceivable that U.S. unemployment could stay at 8 or 9 percent for another 7 years.

If that is the case, why on Earth would anybody be talking about raising taxes on anyone, most especially the small business folks who will be the first to hire coming out of this economic downturn? It is beyond me.

Obviously, the way to avoid that bleak scenario is to reject the tax increases proposed by the President and some on the other side of the aisle.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

Mr. JOHANNS. Mr. President, never before in history has an administration claimed to have so much love for small businesses. In fact, the President recently stated:

> This is as American as apple pie. Small businesses are the backbone of the economy. They are central to our identity as a nation. They are going to lead this recovery.

It seems virtually every news story, every speech, every forum includes something about standing up for small business. Small business owners should love that; right? Yet they are up to their eyeballs with this administration. They are so darn angry they could spit fire. Why? Because they are tired of the President and others saying one thing and then doing another.

A perfect example, a prime example, is the 1099 paperwork mandate in the health care law. Why on Earth would the administration bury businesses in costly paperwork while claiming publicly to support them. I am talking about, of all things, section 9006 of the new health care law. It is buried in the health care bill at page 737. This provision illustrates this administration is

absolutely tone deaf to the plight of small businesses.

It says, if a business purchases more than $600 of goods or services from another business, they will be required to provide the business and the Internal Revenue Service with a 1099 tax form. The new mandate will affect all kinds of businesses, not to mention nonprofits, local governments, and State governments.

For example, I received a letter from the Society of American Florists asking for help. Here is how it will affect their daily business:

> Small retail florists . . . will have to issue 1099's to their wholesalers, landlords and gas stations. Wholesalers purchasing flowers and plants from growers will need to issue 1099's. Growers who send staff to trade shows will have to issue a 1099 to the hotel in which those staff members sleep.

Increased paperwork, of course, means increased costs. One small business owner in Nebraska said this will cost him $23,000 a year. That may not sound like much in Washington where we talk about trillions, but to a small business in Nebraska that is a lot of money. It would go a long way to hiring another person.

One would assume there is a great benefit that makes it worthwhile to bury our job creators in this paperwork. But, sadly, this is not even the case. A division of the IRS predicts there will be little benefit and big headaches. The IRS's National Taxpayer Advocate projects high costs to businesses and the IRS, along with a mess of erroneous tax penalties.

To my left is a quote from the IRS. This is what they say: The IRS ''will face challenges making productive use of this new volume of information.''

It goes on:

> . . . it is highly likely that the IRS will improperly assess penalties that it must abate later, after great expenditure of taxpayer and IRS time and effort.

Not even the IRS wants this information. Simply put, it is an expensive mess without a lot of tax dollars to show for it.

So we are going to stifle job creation. We are going to hammer businesses and ultimately increase incorrect tax penalties, according to the IRS. Now we begin to understand why business owners are spitting mad. It makes no sense whatsoever. That is why my amendment is so terribly important. It fully repeals this section of the law. It is paid for. Countless small businesses have advocated for a full repeal of this language.

According to the National Federation of Independent Business:

> It is clear there is bipartisan agreement that the 1099 provision contained in the health care law will have a direct negative impact on small businesses.

The House Democratic leadership recognized the job-stifling, job-killing provision and proposed a full repeal of this new 1099 requirement. Of 239 House Democrats, all those voting except one supported a full repeal of this portion of the new health care law. House Democrats recognize that the 1099 mandate is absolutely misguided and downright damaging to job creation.

Unfortunately, in the Senate, there is a Democratic-proposed alternative that only partially repeals the mandate, and all it does is add confusion to try to accomplish political cover. Instead of actually solving the problem, it picks winners and losers with thousands of businesses still subject to the job-killing mandate.

Businesses with 26 or more employees are still subject to the mandate—I might ask, what is the wisdom of 26? Why not 25, 24?—for transactions totaling $5,000 or more. So what does that mean? According to the Census Bureau, the Democratic amendment will still subject 415,391 businesses in the United States to a job-killing paperwork mandate that not even the IRS wants, and over 93 million workers are employed by these businesses.

Now, what does that mean to individual States?

Let's take a look. In the State of California, 18,960 businesses would still be subject to the mandate under the side-by-side amendment. Does anybody want to go to these businesses in California and say: We are burying you in paperwork for no useful purpose to try to pay for the health care bill? In Florida, more than 11,000 businesses have more than 25 employers; Texas, 14,208 businesses. I could go on and on. Furthermore, it will continue the paperwork nightmare.

Governments, nonprofits, and businesses will still have to track everything and collect the tax information from their vendors because they do not know if they have made the first purchase going to $5,000 or the last purchase that will not tangle them up in this requirement.

It will also discourage businesses from expanding and hiring. Why would we want to say to businesses: You are OK if you are at 25; but if you get to 26, we hammer you? It makes no sense whatsoever.

One of the most discouraging aspects of the alternative by my friends on the other side is that it favors Wall Street over Main Street. It exempts certain payments from big businesses that have fancy systems to comply with tax laws, but it severely hurts the mom-and-pop enterprises on Main Street.

Businesses that are not exempt will find ways to limit the number of 1099s. They might buy some supplies from the big box retailers and avoid the mom-and-pop retailer on Main Street to avoid the government-imposed 1099 mandate.

As our Chamber of Commerce said:

> Governments, nonprofits and businesses would have a choice, to buy supplies from Joe's Stationary and report to the IRS or buy from the national chain and not have to report at all . . . small businesses will become second class citizens since they will be the ones that will lose out.

You see, with all due respect to my colleague, this side-by-side amendment brings a patchwork of exemptions for businesses to sort through.

Under this amendment, property is exempted. Yet there is no definition of ''property.'' It leaves business owners in the lurch, crossing their fingers, hoping the IRS will exempt transactions. This is not certainty. It is utter confusion.

All businesses will have to track their transactions until the IRS figures out what ''property'' is. Even after ''property'' is defined, it will lead to a patchwork of exemptions. Every time a business owner wants to buy something, they have to call their accountant.

This amendment also claims to soften the blow by exempting credit card transactions.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. JOHANNS. Mr. President, I ask unanimous consent for another minute.

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

Mr. JOHANNS. But the truth is, the IRS has already announced steps to implement that exact same policy. The unfortunate thing about this exemption is that it will cause more problems, not fewer: pay by check, pay by credit card; property, nonproperty; 24 employees versus 26 employers; and on and on. It was all done to finance the health care bill on the backs of American businesses.

I ask my colleagues to support my effort to repeal this job-killing mandate in its entirety when we have an opportunity to vote tomorrow.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

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

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

## NEW START TREATY

Mr. CARDIN. Mr. President, I rise today to express my support for START, the nuclear arms reduction treaty pending before the Senate.

This week, the Senate Foreign Relations Committee, on which I have the privilege of serving, will convene to vote on this New START Treaty. Since the treaty was signed by the United States and Russia in April, both the Foreign Relations and the Armed Services Committees have conducted more than a dozen hearings, both open and classified, to examine the essential goal of this treaty: to advance the national security of the United States.

After hours of testimony from some of the most knowledgeable people in and out of government, as well as public statements of support from countless experts, we can say with great confidence that the Senate's ratification of the START Treaty is in our national interest.

Witnesses who testified before the committee come from wide backgrounds of the government, academia,

and private industry. Former government officials, both civilian and military, who have held positions of the highest responsibility for our national defense and nuclear security—including former Republican administration officials who had negotiated and implemented previous START treaties—were among those who testified and called for the treaty's speedy ratification.

All have been experts, with years, if not decades, of experience in the field of national security and arms control, and all have strongly endorsed ratification of the treaty.

In addition to its contribution to America's security, one of the most compelling reasons for the full Senate to ratify this treaty, and move quickly to do so, is to regain our insight into Russia's strategic offensive arms. Since START I expired last December, we have had no comprehensive verification regime in place to help us understand Russia's strategic nuclear forces.

We need the transparency to know what Russia is doing to provide confidence and stability, and we need that confidence and stability to contribute to a safer world. We will only regain that transparency by ratifying this treaty, and we are in dangerous territory without it.

Previous arms control treaties have been ratified with overwhelming bipartisan support. START I was passed 93 to 6 in 1994, and the Moscow Treaty passed 95 to 0 in 2003. Legislators recognized then that an arms control agreement between Russia and the United States is not just good for the security of our two nations but can lead the way for the rest of the world to reduce the proliferation of nuclear weapons. The ratification of this treaty reconfirms U.S. leadership on nuclear arms reduction and nonproliferation.

Over the past several months we have had ample time to review the documents and reports related to the treaty. I am sure my colleagues will join me in recognizing the necessity of ratifying New START. Not only will this treaty enhance the national security of the United States, it will serve as a significant step forward in our relationship with Russia, a key partner in the overall U.S. strategy to reduce the spread of nuclear weapons worldwide. I am glad to offer my support in the Foreign Relations Committee and look forward to the full Senate's ratification of this treaty as soon as possible.

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

## CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

## EXECUTIVE SESSION

## NOMINATION OF JANE BRANSTETTER STRANCH TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Jane Branstetter Stranch, of Tennessee, to be United States Circuit Judge for the Sixth Circuit.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 2 hours of debate with respect to the nomination, with the time equally divided between the Senator from Vermont and the Senator from Alabama or their designees.

The Senator from Vermont.

Mr. LEAHY. Mr. President, parliamentary inquiry: I think the leadership and others were expecting a vote at 5:30. If the Democratic and Republican sides yield back any time to bring the vote at 5:30, that would be permissible; would it not?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. LEAHY. I thank the distinguished Acting President pro tempore.

This afternoon, the Senate is going to finally consider and finally vote on the nomination of Jane Stranch of Tennessee to the Sixth Circuit. She is a native of Nashville, TN. She has practiced law in that community for 32 years. She has often appeared before the Sixth Circuit, the court to which she is now nominated. Ms. Stranch has decades of experience in labor and employment law. Actually, that is an expertise she made useful 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. She dedicates significant time to pro bono work, and that is something I always look for in a nominee. She dedicates significant time also to civic matters and her church. She has impressive academic credentials. She earned both her JD, Order of the Coif, and her BA, summa cum laude and Phi Beta Kappa, from Vanderbilt University.

Her nomination is supported by her home State Senators, both Republicans. Her nomination was reported by a bipartisan majority of the Judiciary Committee last November. That was nearly 10 months ago. Since then, every single Democratic Senator has said—actually they did right from the time she was reported—they were prepared to debate and vote on this nomination. I have spoken many times about the Democrats' willingness and the need to consider this nomination.

In mid-July, I came before the Senate to take the extraordinary step of propounding a unanimous consent request to consider this nomination because at that time we had waited months and months and months and months, and I felt she should be given a chance to have a vote.

The senior Senator from Tennessee, who I see on the floor now, supported that request. I made very clear at that time—and I will make very clear again today—that in no way do I fault the senior Senator from Tennessee for the delay. In fact, he has supported this nomination from the outset. He spoke to me in favor of the nomination at the time it came before the committee. He spoke to me in favor of the nomination when it was before the committee and immediately after it came out of the committee. He has been most supportive all the way through.

Indeed, I think this nomination is an example of how President Obama has reached out and worked with Senators from both sides of the aisle. But I made that request after she had been waiting 8 months for just a vote—for a vote up or down. But after being pending on the Executive Calendar for those 8 months, there was an objection to my request to at least let us go ahead and vote.

Now, I thank the Senate majority leader and the Republican leader for facilitating the agreement that finally allows her consideration this evening. I hope now the Senate will be allowed to turn to the other judicial nominations that have been stalled before the Senate.

One nomination is that of Albert Diaz from North Carolina to the Fourth Circuit, for example. It was reported unanimously by the Judiciary Committee, but it has been stalled since January—since the snows of January.

Others include Scott Matheson of Utah, nominated to the Tenth Circuit, and Janet Murguia of Arizona, nominated to the Ninth Circuit. I mention these because they are all supported by their Republican home State Senators, and they were reported by the Judiciary Committee unanimously, with no objections. It is hard to see how, when they are supported by Republicans in their State—the President has reached out to them, gotten their support—and they go out of the Judiciary Committee with no objections, they then sit here forever.

Another is Ray Lohier of New York, whose nomination to the Second Circuit was reported without objection. In addition, there are 12 district court nominations on the Senate Calendar that should be considered and confirmed without further delay. They were reported as long as 7 months ago.

A number of recent newspaper articles have discussed the judicial vacancy crisis that has been created by the Republican strategy of slow-walking the Senate's consideration of noncontroversial nominations. Remember,

these are all people who, when they finally get a vote after waiting months and months and months, usually get a unanimous vote. These include district court nominations, which are traditionally considered without delays, and they have never been targeted for obstruction by Democrats or Republicans when they have been supported by their home State Senators. Last year, the Senate was allowed to confirm only 12 Federal circuit and district court judges all year. That was the lowest total in more than 50 years. So far this year, we have confirmed only 28 more and achieved what one recent news story noted is the lowest number of confirmations in more than 40 years.

I took serious note of the remarks of Justice Anthony Kennedy—a Justice nominated by a Republican President—who spoke last month at the Ninth Circuit conference about the cost of skyrocketing judicial vacancies not only in California but throughout the country. He said:

> It's important for the public to understand that the excellence of the federal judiciary is at risk.

He further noted that:

> If judicial excellence is cast upon a sea of congressional indifference, the rule of law is imperiled.

I hope all Senators will heed Justice Kennedy's serious warning because he is absolutely correct. We should not let partisan calculations stand in the way of doing our job for the American people.

If, in fact, the action we are taking this evening represents a bipartisan willingness to return to the Senate's tradition of offering advice and consent without extensive delay, then I welcome it. Because in my 36 years in the Senate, I have never seen anything to match the delays we have seen over the last year and a half, under either Democratic or Republican Presidents. I hope we will promptly consider the other 63 nominations that remain on the Executive Calendar, which have already been considered and favorably reported by the Judiciary Committee.

I remember President Bush's first year in office. I became chairman of the Senate Judiciary Committee halfway through that year. Many said: Well, after Senate Republicans had pocket-filibustered more than 60 of President Clinton's judicial nominations, then we should do the same to President Bush. I said, No; I don't want that kind of tit for tat. Because of the 60 pocket filibusters by the Republicans of President Clinton's nominations, judicial vacancies skyrocketed to more than 110. So what I did, during the only 17 months as chairman of the committee during President Bush's first 3 years in office, is I worked hard and we proceeded in that 17 months to confirm 100 of his judicial nominations. I did that in 17 months. I contrast this to the first 2 years of President Obama's term. Senate Republicans have allowed only 40 Federal circuit and district court nominees to be considered by the Senate.

The history of the Sixth Circuit 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 of 2002. That was the first hearing for a Sixth Circuit nominee in 5 years. Republicans refused to hold any hearings for a Sixth Circuit nomination prior to that because they were made by a Democratic President, President Clinton. He nominated Judge Helene White, an experienced State court judge. They refused to hold a hearing. He nominated Kathleen McCree Lewis, an accomplished attorney and the daughter of former Solicitor General of the United States and former Sixth Circuit Judge Wade McCree. They refused. When the President nominated Kent Markus, a law professor and a former Justice Department official who had the support of his Republican home State Senator, they refused. By proceeding with President Bush's 2002 Sixth Circuit nomination of Judge Julia Gibbons of Tennessee and then his nomination of Judge Rogers of Kentucky, I wished to break that logjam and chose a better way of doing it.

When I resumed the chairmanship of the Judiciary Committee in 2007, 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. So after Republicans kept the Sixth Circuit vacant all those years by pocket-filibustering President Clinton's nominations, Democrats worked with a Republican President to bring it back to full. In fact, overall, judicial vacancies were reduced during the Bush years from more than 10 percent, caused by the pocket-filibustering of 60 of President Clinton's nominees, to less than 4 percent. But now, because of the blocking of President Obama's nominees, judicial vacancies are now again over 10 percent. Mind you, during the Clinton years, Federal Circuit vacancies doubled because of the pocket-filibustering by the Republicans. During the Bush years, the Federal circuit court vacancies reduced from a high of 32 down to single digits. We have not had the same cooperation on the Republican side with President Obama.

During the Bush years, Democrats enabled the reduction of vacancies in nine circuits. Since then, vacancies in six circuits have risen. During the first 2 years of the Bush administration, the 100 judges confirmed and considered by the Senate—and this is when I was chairman and President Bush was President, during his first 2 years—we considered these judges an average of 25 days after being reported by the Judiciary Committee. The average time for confirming circuit court nominees was 26 days. By contrast, the average time for the Federal circuit and district court judges confirmed since President Obama took office is 90 days after being reported. The average time for circuit nominees is 147 days. Contrast this with when it was not unusual during President Bush's time when we would report them out one day and had them confirmed within 2 or 3 days thereafter.

It would be one thing if he made nominations opposed by home State Senators. President Obama has not. Typically, he has reached out. He was worked with home State Senators in both parties. Likewise, I have respected the minority. I have not brought up people who did not have the support of their Republican home State Senators. We have tried to strengthen the cooperation between the parties and branches. Frankly, it is disappointing that the others take the opposite approach. Again, I have been here with half a dozen different Democratic leaders and Republican leaders and half a dozen different Presidents. I have never seen anything such as this.

There is no good reason to hold up consideration, for weeks and months, of nominees who have been reported unanimously from the Judiciary Committee, where every Republican, every Democrat reported them favorably. In fact, over the recent recess, tensions increased again when someone from the Republican side of the aisle anonymously—didn't even come forward and say who it was—anonymously objected to the standard practice of holding nominations in place during the August recess and insisted that five judicial nominees who had been reported favorably be returned to the President. Ironically, it was just days before that objection that the President and the Republican leader met and agreed to work together. I remember when Republicans used to contend that any nomination reported by the committee, whether unanimous or otherwise, was entitled to an up-or-down vote. That was then. I guess this is now. Indeed, 24 judicial nominations favorably reported by the Senate Judiciary Committee have not been acted upon by the Senate—24—because Republicans have objected.

We have fallen well off the pace we set for nominations in 2001 and 2002. When the Senate entered its August recess in 2002, we had confirmed 72 of President Bush's circuit and district court nominations, including our confirming 8 nominations by voice vote as the Senate wrapped up before the recess. I am rather proud of that because I had been chairman for barely 12 months when we did those 72. Only 6 nominations remained on the Executive Calendar, and all of them were later confirmed. No judicial nominations were returned to President Bush. By this date in 2002, we had already confirmed five more judicial nominations after the August recess, for a total of 77 of President Bush's district and circuit nominees confirmed by a Democratic Senate.

What has happened? What has happened? Democrats do not say we are

going to take revenge after what was done to President Clinton by a then Republican majority. We said we will move forward on these because the Federal judiciary should be separate from politics. They should be able to go forward. We can have elections and we can go and fight each other during elections and the voters will decide that one of us will get elected and one will not, but the Federal judiciary should be outside of that kind of politics.

So unlike those 77 of President Bush's district and circuit court nominees by this time, we have confirmed only 40 of President Obama's circuit and district court nominations. In fact, we were permitted only four noncontroversial nominations as we headed into recess. Five judicial nominations were sent back to the President. So as a result, 17 judicial nominations remain stalled on the Executive Calendar today. It has been different, I would say, in the Judiciary Committee itself, and I thank the ranking Republican, Senator SESSIONS. He has cooperated with me and worked with me during the whole process of hearings in considering nominations in the Judiciary Committee. He knows I have respected and protected every single Republican on that committee when they have asked for extra time or asked for extra information. But the bottom line is, the Senate has taken more than five times as long to consider President Obama's reported circuit court nominations than we did to consider President Bush's during his first 2 years in office. It is not fair to the Senate judiciary. It is not fair to the nominees. They can't go forward with their lives while this is pending. They have a law practice. Everything is on hold for month after month after month. As we know, there are people who have turned down nominations because they said: Why should we wait for a year or so, even though we are going to get confirmed unanimously after that time.

As I have said, if the consent to schedule this debate and vote today is a signal that other nominations reported favorably by the Judiciary Committee will also be scheduled for final consideration without further unnecessary delay, I will be encouraged. We can, and must, do a better job responding to the judicial vacancy crisis.

I spoke a little longer than I normally would, but I am going to be speaking to the judiciary conference tomorrow at the invitation of Chief Justice John Roberts. I know the concern from the judges is why these people get nominated and then they wait for months or never get confirmed. Again, I would say, in this regard, it has been a joy to work with the senior Senator from Tennessee, somebody I have known in his role as Governor and Cabinet member. I consider him a good friend. If it had been left to just the two of us, this would have been done months and months ago.

So I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER (Mr. BURRIS). The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I thank the Senator from Vermont for his remarks. It is my great pleasure today to recommend to the Senate Jane Branstetter Stranch, from Nashville. Jane has been nominated to be a judge on the U.S. Court of Appeals for the Sixth Circuit, as Senator LEAHY has said.

She has a distinguished academic background: summa cum laude with Phi Beta Kappa honors from Vanderbilt University, which is not easy to do; Vanderbilt School of Law, with top grades there. She has lots of practical experience, having taught labor law at Belmont College in Nashville.

Jane's law firm is a family affair. Her father, who I imagine is watching today, is one of Nashville's best known and most respected attorneys, Cecil Branstetter. As a member of the Tennessee legislature during the 1950s he introduced legislation to allow women to serve on juries, so I know he has some special pride today to see the Senate considering the nomination of his daughter to be a federal judge.

Maybe more important than any of these other things, Ms. Stranch has been very active in her PTA, in her church, and in the Nashville community.

I was Governor of Tennessee for 8 years. As Governor, I appointed about 50 judges. I didn't ask them their politics. I didn't ask them how they felt about the issues. I tried to determine if they had the character and the intelligence and the temperament to be a judge, whether they would treat people before the bench with courtesy and, most important, whether they were determined to be impartial to litigants before the court. I am convinced that Jane Stranch will be that kind of judge. For that reason I am pleased to recommend her to my colleagues in the Senate.

I thank Senator LEAHY, the chairman of the Judiciary Committee, and Senator REID, the majority leader, and Senator MCCONNELL, the Republican leader, for agreeing to schedule this vote today. All three have been instrumental in this in what is always a crowded Senate schedule. I also want to thank Senator SESSIONS, the ranking member of the Judiciary Committee, for his support of this nomination in committee.

I listened carefully to the Judiciary Committee chairman's remarks. I have no intention of getting into a historical debate with him about whether Republicans or Democrats are more guilty of holding up Presidential nominees. Of course, Members of the Senate have a constitutional right to advise and consent on Presidential nominations. I know a little bit about that myself. President George H. W. Bush nominated me to be the U.S. Education Secretary. As soon as I came to a hearing on my nomination, one Senator said: Well, Governor ALEXANDER, I have heard a number of things about you that disturb me. I was held up anonymously by the other side of the aisle. Then, late one night, I was mysteriously confirmed. I went to see a Senator at that time, whose name was Warren Rudman, one of the most distinguished Members of our Senate. I said: What can I do about these Senators who are holding up my nomination? He said: Keep your mouth shut; you have no cards to play. Let me tell you a story. So Senator Rudman told me he had been nominated by President Ford in the 1970s to, I think, the Interstate Commerce Commission, and the incumbent Democratic Senator from New Hampshire had held up his nomination and never would say why. It became so embarrassing that Rudman finally asked President Ford to withdraw the nomination, because he was then Attorney General of New Hampshire and people were beginning to wonder what was wrong with him. I said: Is that the end of the story? He said: No, I ran against the so-and-so in the next election and beat him. That is how Warren Rudman became a Senator.

Senator SESSIONS, the ranking Republican on the Judiciary Committee, was defeated when he was nominated to be a Federal judge by Senators who didn't like his point of view. They voted him down in committee and didn't let his nomination come before the full Senate. Now, ironically, not only is he a Senator, he is the ranking Republican on the committee concerning judges.

I am sure there may have been times when Republican Members have gone overboard in the exercise of their constitutional prerogative to advise and consent. But as I said, without getting into a tit-for-tat on who did what to whom, I can vividly remember when I came to the Senate in 2003—having appointed nearly 50 judges when I was Governor, as I said, in many cases without regard to party—how shocked I was at the treatment President Bush's judicial nominees were receiving. This included nominees who I knew were perfectly qualified to be members of U.S. Courts of Appeals.

There was Miguel Estrada, against whom Democrats got together and said ''we are going to filibuster him,'' and they blocked him permanently, even though the new Supreme Court Justice, Elena Kagan, said he would be well qualified to be a member of the Supreme Court.

Charles Pickering was made out to be somehow unacceptable in the civil rights movement when, in fact, he was a pioneer in that movement in Mississippi in the 1950s and 1960s, when a lot of people were not.

There was also William Pryor, from Alabama, who was enormously well qualified, and he was blocked by a filibuster on the Democratic side for two

years, even though he could have had a majority of the votes. I knew of William Pryor because he and I had both been law clerks to Judge John Minor Wisdom of New Orleans, one of the finest judges who had ever served on the court of appeals—the man whose court ordered that James Meredith be admitted to Ole Miss.

I was offended by the treatment of Miguel Estrada, Charles Pickering, William Pryor, and others. So I said at the time that while I am a Senator, my view is going to be that any Presidential nominee to the judiciary deserves an up-or-down vote. We had a debate about that and a discussion about that in the Senate. Some may remember the Gang of 14 who came together, Senators on both sides, and they came to an agreement to which I subscribe, which is that a President's nominee to a judicial position deserves an up-or-down vote within a reasonable period of time, except under extraordinary circumstances.

That is my view today, and I hope the Senate will come back to that view, whether we have a Republican President or Democratic President. On our side, many are still offended by the treatment of President Bush's nominees in 2003, 2004, and 2005. On the other side, as you heard Senator LEAHY say, there are some charges about Republican offenses. I think we should look to the future and recognize that Presidents are entitled to respect. They are elected by the people. The Constitution gives them the power to nominate and gives us the power to say yes or no. We should say yes or no in a reasonable period of time and reserve to ourselves the right to say no, as I do, to a nomination, or even to filibuster a nomination in an exceptional case—but only in an exceptional case.

In this case, I am glad to support Jane Stranch. She is from Tennessee and she is well qualified. I thank the Republican leader, the Democratic leader, and the chairman of the Judiciary Committee for scheduling this vote this afternoon. I urge my colleagues to vote ''aye.''

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

PREVENTION AND PUBLIC HEALTH FUND

Mr. HARKIN. Mr. President, I come to the floor today to discuss an amendment that Senator JOHANNS, from Nebraska, will be offering to the Small Business Jobs and Credit Act. The amendment to be offered by the Senator from Nebraska—a good friend of mine and a former Secretary of Agriculture—however, would effectively kill the prevention and public health fund that is in the Health Care Act. That would be a grave mistake.

The prevention and public health fund was created by the Affordable Care Act that we passed earlier this year. On March 23, when President Obama signed that historic bill into law, our Nation made two giant strides forward. We ensured that all Americans, regardless of means, will have access to quality and affordable health care. We committed ourselves to transforming America's current ''sick care'' system into a true health care system. I have been saying for years that what we have in America is not a health care system, we have a ''sick care'' system. Once you get sick, you get care one way or the other—emergency room, Medicare, Medicaid, health insurance, whatever. But that is always the most expensive—waiting until someone gets sick, and then you help them. So I have often said that we have a sick care system. A true health care system would put emphasis on keeping someone healthy and out of the hospital in the first place.

One of the most important elements of this transformational bill we passed this year—the health care reform bill—was the creation of the prevention and public health fund. For the first time in history, we have decided not just to pay lip service to wellness and prevention but to invest in prevention and wellness in a very robust way.

We cannot wait any longer to make these investments. By dedicating resources to preventing obesity, diabetes, heart disease, and other very costly conditions and diseases, we have a tremendous opportunity to both improve the health of the American people and to restrain health care spending.

As we can see from the chart I have here, prior to this prevention fund, for every dollar spent on health care, 75 cents went to treating patients with chronic diseases. During 2005, the United States spent almost $2 trillion on health care. For every $1 spent, 75 cents went toward ''sick care,'' treating people with chronic diseases. Only 4 pennies went for prevention.

This underinvestment in prevention has had devastating consequences. Chronic diseases are one of the main reasons health care costs have increased so dramatically over the past several decades.

This chart shows what has happened since 1987. From 1987 to today, U.S. health spending has gone up to $628 billion. But of that increase, two-thirds of the increase, $211 billion, is due to chronic diseases—two-thirds of the increase. That is an increase of $211 billion since 1987 because of chronic diseases, most of which are preventable. Our investment in wellness and prevention can save millions of Americans needless suffering and early death. It can save countless billions of dollars in health care costs. Again, let's have a couple of examples here that I have on these charts.

What is our return on investment? For every dollar spent on childhood immunizations, we save $16.50. For every dollar we spend on smoking cessation for pregnant women, we save $6. Overall, the return on chronic disease prevention, on community-based prevention interventions is basically about 5.6 to 1 to 6.2 to 1. These are community-based interventions.

I will say it once and I will keep saying it: Not every preventive and wellness measure takes place in a doctor's office. Sometimes they take place in other places—where we work, where we go to school, where we live. We know now, based on the Trust for America's Health, that the return on total savings we would get after 5 years would be $16.5 billion and 10 to 20 years, $18.5 billion, or a return on investment of 5.6 dollars for every dollar we put in or 6.2 dollars over 10 to 20 years.

That is why funding these types of programs is crucial if we hope to slow the growth of health care costs in our country. We will not be able to accomplish this if we do not increase our investment in the programs that prevent the development of these costly chronic diseases. To this end, the new health reform law makes significant new investments in wellness, prevention, and public health. For example, it requires insurance companies to cover recommended preventive services with no copayments or deductibles. Think about that. You now go in, get recommended preventive services, no copayments, no deductibles. It also ensures seniors have access to free annual wellness visits and a free personalized prevention plan under Medicare.

A critical feature of the new law we passed that I think is essential to a sustainable push for wellness is the new Prevention and Public Health Fund. As I said earlier, bear in mind that maintaining good health is much more than just visits to the doctor's office. Where Americans live, go to work, and go to school also has a profound impact on our health. That is why, among other things, the fund provides for community transformation grants to enable localities to tailor wellness and prevention programs to their specific needs and environment. In addition, it invests heavily in strengthening the primary care infrastructure, including training for physician assistants and nurse practitioners, who typically practice in small clinics. That is why for fiscal year 2010 the prevention fund dedicated $64 million to State public health departments to implement evidence-based prevention services.

This is what we did. There is $64 million just for community and State prevention. We can see the others: primary care and public health workforce, $273 million; infrastructure, $70 million; obesity prevention, $16 million; tobacco prevention, and on and on. That is what we did in 2010. It also allocated, as I mentioned, $16 million for obesity prevention activities and $15 million for tobacco control programs. We also invested $70 million in our public health infrastructure.

For fiscal year 2011, let's see where we go. For fiscal year 2011, here is where the public health fund has gone under the Senate Appropriations Committee: for community prevention, $270 million; chronic disease State grants, $140 million; tobacco prevention and

cessation, $100 million; public health infrastructure for disease surveillance, $84 million; prevention research, $50 million; community health worker demonstration project, $30 million. That is just to name a few of the investments.

Given all the evidence we have—and we have a ton of evidence—prevention saves us money in the long run, not to mention saving us from needless suffering and chronic diseases. Why now would we want to gut all of this? Why would we want to take all that away when we are trying to save money and keep people healthy? Why would we want to take all of that out? But that is exactly what the Johanns amendment does. The Johanns amendment would wipe all of that out—wipe it all out. It would deny any funding at all for prevention and wellness until 2018. For example, it takes away funding that keeps teens from starting smoking and all of the obesity avoidance and reduction programs we have. We know one of the biggest chronic illnesses facing us is the increasing rate of obesity among our young people. We know how to get a handle on that. We have good programs and evidence-based interventions to keep kids from getting obese or by getting them on track to reduce obesity. To gut all these programs is the same old penny wise, pound foolish, sick care system we have been laboring under for so many years. I thought we were going to move away from that. In fact, the prevention and wellness provisions of the health care bill we passed were some of the provisions that got strong support on both sides of the aisle.

I know a lot of my Republican friends did not support the final bill. I understand that. But as we developed the bill in the HELP Committee and on the floor, the Prevention and Public Health Fund was widely supported. No one came after it. There were no amendments to gut it at that time. I think people on both sides of the aisle saw the wisdom, regardless of how one may have felt about other aspects of the health reform bill—I think every one agreed we have to do more in prevention and wellness and public health. For this reason, I say to my colleagues: Do not turn around now after we have done all this and gut the money to prevent chronic illnesses and diseases and keep people healthy. Do not gut that to put the money in the Johanns amendment.

I am not alone in understanding the importance of this fund. Mr. President, I ask unanimous consent to have printed in the RECORD letters from a number of groups—everything from the American Association of People with Disabilities to the American Cancer Society, the American Heart Association, the Campaign for Tobacco-Free Kids, the National Association of Local Boards of Health, and the YMCA. More than 200 organizations signed a letter to us stating that the 241 undersigned organizations ''strongly urge you to oppose the use of the Prevention and Public Health Fund from the Affordable Care Act as an offset for an amendment offered by Senator JOHANNS. Such an action would virtually eliminate the Fund, and mark a severe blow to this monumental commitment to prevention and public health under the Act. . . .The Fund is a unique opportunity to truly bend the cost curve on health care spending. . . .We must ensure that we capitalize on the unprecedented opportunity to transform our public health system by investing in prevention and public health. We urge you to vote no on the prevention fund offset within the Johanns amendment, or any other such legislative vehicles.''

I ask unanimous consent to have these letters printed in the RECORD.

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

PARTNERSHIP TO FIGHT CHRONIC DISEASE,
*September 13, 2010.*

Hon. HARRY REID,
*Senate Majority Leader, U.S. Senate, Washington, DC.*

Hon. TOM HARKIN,
*Chair, Senate Health, Education, Labor and Pensions Committee, U.S. Senate, Washington, DC.*

DEAR SENATORS REID AND HARKIN: Good health is more than a result of good medical care. Improvements in primary, secondary, and tertiary prevention in settings outside the medical system—at home, at work, at school, and in the community—are essential to improving health in America and lowering costs. The Affordable Care Act recognizes this and created the Prevention and Public Health Fund (the Fund), which is a key part of our national commitment to creating a healthy America.

Accordingly, we urge you to oppose any legislative proposals that take money from the Fund to pay for the proposal. Regardless of the merit of such proposals, the Fund, its resources, and the commitment to health they represent must remain inviolate.

Chronic diseases—often preventable and highly manageable—drive health care spending and economic losses. Just the top seven chronic conditions cost the U.S. $1.3 trillion each year. Recently in Health Affairs, Harvard professor David Williams, former CMS Director Mark McClellan, and former CBO Director Alice Rivlin opined that creating a healthy America is attainable. We share their view that attainment requires a ''national commitment to the health and wellness of all Americans.''

The Partnership to Fight Chronic Disease is a national coalition of more than 100 partner organizations committed to supporting reforms to better prevent, detect, and manage the nation's number one cause of death, disability and rising health costs: chronic disease.

Preventing and managing chronic diseases effectively depends upon people engaging in healthy behaviors and having access to preventive health care services, diagnostic services that detect chronic disease early, and coordinated care to manage chronic illness once detected. Assuring that all Americans are empowered to make the changes needed to improve their health—to avoid tobacco use, eat nutritiously, engage in physical activity, get screened and seek care as recommended, and follow through to manage and reduce health risks—requires dedicated efforts.

Unfortunately, we are trending in the other direction. Among adults, one in three is obese. Obesity rates continue to rise among young people, leading many to predict that the next generation of Americans is likely to live shorter lives than their parents. Obesity also drives up costs: the doubling of obesity in the United States since 1987 accounts for nearly 30 percent of the increase in health care spending.

The Fund also presents a tremendous opportunity to reduce health disparities. Not everyone in America has an equal likelihood of living a long and healthy life. Health status varies by geographic location, gender, race/ethnicity, education and income, and disability, among other factors. Disparities are common, and among Americans with chronic diseases, minorities are more likely to suffer poor health outcomes. Disparities exist across the continuum of health status—from preserving health by making healthy behavioral choices to detecting and addressing health risks to managing chronic conditions to avoid costly complications and disability. The annual price tag of racial and ethnic disparities in health alone is an estimated $309 billion.

The potential returns on health improvement efforts supported by the Fund are substantial. For example, the Robert Wood Johnson Foundation estimates that if all Americans enjoyed the same level of health as college graduates, the benefit would amount to $1 trillion a year. A model estimating the impact of a modest health status improvement among Medicare beneficiaries projected a savings of $65.2 billion a year or $652 billion of over 10 years. Similarly, a study released by Trust for America's Health, investments in effective community-focused programs to increase physical activity, improve nutrition, and prevent tobacco use have been estimated to generate a return of more than $5 for each $1 invested—for an overall savings of $16 billion a year within five years.

The Fund stands both as means to achieve a healthy America and a symbol of the commitment to do so. We urge you to preserve the resources allocated to the Fund by the Affordable Care Act and oppose any legislative proposals relying on resources from the Fund as pay-fors.

Sincerely the undersigned PFCD partners and other interested organizations:

Alzheimer's Foundation of America, American Academy of Nursing, American Association of Cardiovascular and Pulmonary Rehabilitation, American College of Preventive Medicine, American Dietetic Association, American Sleep Apnea Association, Association of Maternal & Child Health Programs, Cleveland Clinic, Dialysis Patient Citizens, DMAA: The Care Continuum Alliance, Easter Seals, GlaxoSmithKline, HealthCare Institute of New Jersey, Healthcare Leadership Council, Healthways, Life Science Vendors Alliance, The Milken Institute, National Association of School Nurses, National Association of Chronic Disease Directors, National Business Coalition on Health, National Health Council, National Hispanic Council on Aging, National Hispanic Medical Association, National Latina Health Network, National Patient Advocate Foundation, National Recreation and Park Association, Partnership for Prevention, Prevent Blindness America, South Jersey Pharmaceutical and Medical Technology Industry Alliance, XLHealth, YMCA of the USA.

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SEPTEMBER 2, 2010.

DEAR SENATOR: As the Senate considers the Small Business Jobs and Credit Act (H.R. 5297), the 232 undersigned organizations listed below strongly urge you to oppose the use of the Prevention and Public Health Fund

from the Affordable Care Act (ACA) as an offset for an amendment offered by Senator Johanns (No. 4596). Such an action would virtually eliminate the Fund, and mark a severe blow to this monumental commitment to prevention and public health under the Act. We will also oppose any other such efforts to use the Fund as an offset.

ACA included historic reforms that have the potential to transform our health system. For too long, we have focused spending on treating people once they are sick rather than preventing illness in the first place. The Prevention and Public Health Fund (Fund) is urgently needed to address the many emerging health threats our country faces and the persistent chronic disease rates that we must begin to control. The Fund is intended to ensure a coordinated, comprehensive, sustainable, and accountable approach to improving our country's health outcomes through the most effective prevention and public health programs.

ACA clearly states that the money be used ''for programs authorized by the Public Health Service Act, for prevention, wellness, and public health activities.'' The money would be strategically used to support disease prevention by promoting access to vaccines, building the public health workforce, and investing in community-based prevention. Furthermore, the Act specifically states that community-based prevention funding must only support evidence-based prevention programs which have been shown through scientific research to reduce chronic disease, including behavioral health conditions, and address health disparities. Research has shown that effective community level prevention activities focusing on nutrition, physical activity and smoking cessation can reduce chronic disease rates and have a significant return on investment.

Already in Fiscal Year 2010, we have seen these funds invested for programs to promote tobacco control and implement tobacco cessation services and campaigns, as well as obesity prevention, better nutrition and physical activity. The fund has been invested to support state, local and tribal public health efforts to advance health promotion and disease prevention, and to build state and local capacity to prevent, detect and respond to infectious disease outbreaks. The funds are also being used to support the training of current and next generation public health professionals.

The Fund is a unique opportunity to truly bend the cost curve on health care spending. Seventy-five percent of all health care costs in our country are spent on the treatment of chronic diseases, many of which could be prevented. Further, in a public opinion survey conducted just prior to the passage of the Act, Trust for America's Health and the Robert Wood Johnson Foundation (RWJF) found that 71 percent of Americans favored an increased investment in disease prevention and that disease prevention was one of the most popular components of health reform.

We must ensure that we capitalize on the unprecedented opportunity to transform our public health system by investing in prevention and public health. We urge you to vote NO on the prevention fund offset within the Johanns amendment, or on any other such legislative vehicles.

Sincerely,

AARP; ACCESS Women's Health Justice; Advocates for Better Children's Diets; AIDS Action; AIDS Alabama; All Saints Home Care; American Academy of Pediatrics; American Academy of Physician Assistants; American Association for International Aging; American Association of Colleges of Nursing; American Association of Colleges of Osteopathic Medicine; American Association of Colleges of Pharmacy; American Association of People With Disabilities; American Cancer Society Cancer Action Network; American College of Clinical Pharmacy; American College of Gastroenterology; American Congress of Obstetricians and Gynecologists; American College of Occupational and Environmental Medicine; American College of Preventive Medicine; American Counseling Association.

American Dental Education Association; American Diabetes Association; American Federation of State, County and Municipal Employees; American Foundation for Suicide Prevention; American Heart Association; American Lung Association; American Medical Student Association; American Nurses Association; American Psychological Association; American Public Health Association; American Social Health Association; American Society for Gastrointestinal Endoscopy; American Thoracic Society; Applied Research Center; Arthritis Foundation; Asian and Pacific Islander American Health Forum; Association of American Medical Colleges; Association of Maternal & Child Health Programs; Association for Prevention Teaching and Research; Association of Public Health Laboratories; Association of Schools of Public Health.

Association of State and Territorial Dental Directors; Association of State and Territorial Directors of Nursing; Association of State and Territorial Health Officials; Association of Women's Health, Obstetric and Neonatal Nurses; Atlanta Regional Health Forum; A World Fit for Kids!; Bazelon Center for Mental Health Law; Boston Public Health Commission; Building Healthier America; C3: Colorectal Cancer Coalition; California Association of Alcohol and Drug Abuse Counselors; California Center for Public Health Advocacy; California Conference of Local Health Department Nursing Directors; California Food Policy Advocates; California Foundation for the Advancement of Addiction Professionals; California Immigrant Policy Center; California Pan-Ethnic Health Network; California Partnership; California School Health Centers Association; Campaign for Community Change; Campaign for Public Health.

Campaign for Tobacco-Free Kids; CASA de Maryland; C-Change; Center for Biosecurity, University of Pittsburgh Medical Center; Center for Health Improvement; Center for Science in the Public Interest; Cerebral Palsy Association of Ohio; Children and Adults with Attention-Deficit/Hyperactivity Disorder; Children Now; Children's Dental Health Project; City of Philadelphia Department of Public Health; Coalition for Health Services Research; Coalition for Humane Immigrant Rights of LA; Colon Cancer Alliance; Colorado Progressive Coalition; Commissioned Officers Association of the U.S. Public Health Service; CommonHealth ACTION; Community Action Partnership; Community Catalyst; Community Health Councils.

Community Health Partnership: Oregon's Public Health Institute; Comprehensive Health Education Foundation; Connecticut Certification Board; Connecticut Citizen Action Group; Council of State and Territorial Epidemiologists; County Health Executives Association of California; Crohn's and Colitis Foundation of America; Defeat Diabetes Fund; Digestive Disease National Coalition; Faith Action for Community Equity; Family Voices; Federation of Associations in Behavioral & Brain Sciences; First Five; Friends of AHRQ; Friends of NCHS; Friends of SAMHSA; Georgia AIDS Coalition; Granite State Organizing Project; Grassroots Organizing; Harlem United Community AIDS Center, Inc.

Having Our Say Coalition; Health Care for America Now; Health Law Advocates of Louisiana, Inc.; Health Promotion Advocates; Health Rights Organizing Project; Hepatitis Foundation International; HIV Medicine Association; Home Safety Council; Idaho Community Action Network; Indian People's Action; Infectious Diseases Society of America; Institute for Health and Productivity Studies; Rollins School of Public Health, Emory University; Institute for Public Health Innovation; International Certification and Reciprocity Consortium (IC&RC); International Health, Racquet & Sportsclub Association; Interstitial Cystitis Association; ISAIAH; JWCH Institute, Inc.; Korean Resource Center; Libreria del Pueblo Inc.

Louisiana Public Health Institute; Mahoning Valley Organizing Collaborative; Main Street Alliance; Maine People's Alliance; Make the Road New York; March of Dimes Foundation; Maricopa County Dept. of Public Health; Media Policy Center; Mental Health America; Michigan Association for Local Public Health; Montana Organizing Project; National Alliance of State and Territorial AIDS Directors; National Assembly on School-Based Health Care; National Association for Public Health Statistics and Information Systems; National Association of Chain Drug Stores; National Association of Children's Hospitals; National Association of Chronic Disease Directors; National Association of Community Health Centers; National Association of Counties; National Association of County & City Health Officials.

National Association of Local Boards of Health; National Association of Public Hospitals and Health Systems; National Association of School Nurses; National Association of State Alcohol and Drug Abuse Directors; National Association of State Mental Health Program Directors; National Business Coalition on Health; National Coalition for LGBT Health; National Coalition of STD Directors; National Council of Asian Pacific Islander Physicians; National Council of Jewish Women; National Council of La Raza; National Education Association; National Environmental Health Association; National Family Planning & Reproductive Health Association; National Federation of Families for Children's Mental Health; National Forum for Heart Disease and Stroke Prevention; National Health Council; National Indian Project Center; Northeast Ohio Alliance for Hope; National Korean American Service and Education Consortium.

National Network of Public Health Institutes; National Nursing Centers Consortium; National Recreation and Park Association; National Rural Health Association; National WIC Association; Nebraska Appleseed; Nebraska Urban Indian Health Coalition Nemours; New Hampshire Public Health Association; NYC Department of Health and Mental Hygiene; New York Immigration Coalition; New York Society for Gastrointestinal Endoscopy; North Carolina Fair Share; Northern Illinois Public Health Consortium; Northwest Federation of Community Organizations; Novo Nordisk; NYU Langone Medical Center; Ocean State Action; Ohio Alliance for Retired Americans; Oregon Action.

Out of Many, One; Papa Ola Lokahi; Partners for a Healthy Nevada; Partnership for Prevention; Physician Assistant Education Association; Planned Parenthood Federation of America; Prevention Institute; Progress Ohio; Progressive Leadership Association of Nevada; Project Inform; Public Health Association of Nebraska; Public Health Foundation; Public Health Institute; Public Health Law and Policy; Public Health-Monroe County (MI); Public Health—Seattle and King County; Public Health Solutions; Pulmonary Hypertension Association; Rails-to-Trails Conservancy; REACH U.S. SouthEastern African American Center of Excellence for Elimination of Disparities (REACH U.S. SEA-CEED).

RiverStone Health; Safe States Alliance; Service Employees International Union; Sexuality Information and Education Council of the U.S.; Society for Adolescent Health and Medicine; Society for Healthcare Epidemiology of America; Society for Public Health Education; South Carolina Fair Share; Summit Health Institute for Research and Education, Inc.; TakeAction Minnesota; Tenants and Workers United; Thai Health and Information Services, Inc.; The AIDS Institute; The Amos Project; The Community Heart Health Coalition of Ulster County; The Greenlining Institute; The MetroHealth System; The National Alliance to Advance Adolescent Health; Toledo Area Jobs with Justice; Trust for America's Health.

UHCAN Ohio; United Action Connecticut; United Ostomy Associations of America; Urban Coalition for HIV/AIDS Prevention Services; U.S. PIRG; Virginia Organizing Project; Washington Health Foundation; West South Dakota Native American Organizing Project; WomenHeart: The National Coalition for Women with Heart Disease; YMCA of the USA.

Mr. HARKIN. Mr. President, I am sympathetic, I must admit, to the broader aims of the Johanns amendment. On a bipartisan basis, Senators want to change the information reporting rules for small businesses under the health reform law. But the $19.2 billion cost of the Johanns amendment is excessive. Moreover, to pay for it by slashing funds from wellness and prevention, by gutting this whole program until 2018, is deeply misguided. It perpetuates the disastrous notion that we can neglect and defund prevention efforts without paying huge long-term costs in terms of unnecessary chronic disease and disability and skyrocketing health insurance premiums.

The purpose of the reporting requirement Senator JOHANNS is going after is to prevent fraud where many businesses may lie about the income they receive, thereby not paying their taxes. What does that mean? It just shifts taxes to the people who are honest and the businesses that are honest. Where the IRS has complete information on incomes such as salaries, which are covered by W–2 reports, compliance is 99 percent. But where there is no reporting, we see the reporting of income fall in half in some of the business categories.

I support the alternative amendment offered by Senator BILL NELSON. It provides a balance regarding the reporting requirement. His amendment completely eliminates any reporting burden on the great majority of small businesses—those with fewer than 25 employees at any given point in a year. But the most important point is that the Nelson amendment does not take money away from the Prevention and Public Health Fund.

While I appreciate the need to keep paperwork down, I also appreciate the need to prevent tax fraud which results in everyone else paying for the lost tax dollars. The Nelson amendment does preserve the reporting requirement for transactions over $5,000 for larger companies. I think very sensibly, the Nelson amendment pays for this lost revenue from less rigorous reporting requirements by repealing completely unnecessary tax breaks for the largest five oil companies—much better there than taking the money out of the Prevention and Public Health Fund.

A long time ago, Ben Franklin taught us that an ounce of prevention is worth a pound of cure. The Johanns amendment is an attack on that principle, an attack to turn the clock back to say we are going to continue a sick care system in America rather than truly transforming our system to a health care system.

I ask my colleagues to vote down the Johanns amendment and to vote for the Nelson amendment which accomplishes basically the same thing in a more balanced way. But the Nelson amendment does not do anything to gut the Prevention and Public Health Fund which we labored so hard to put in the health reform bill and which, as I said before, has been so supported on both sides of the aisle.

Mr. President, I yield the floor, and 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. HARKIN. 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. HARKIN. Mr. President, I ask unanimous consent that any time used on the Senate floor during quorum calls be divided equally between both sides.

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

Mr. HARKIN. 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. KYL. 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. KYL. Mr. President, I want to speak on the nomination of Jane Stranch—a vote we will be taking here in about 45 minutes—nominated to the Sixth Circuit Court of Appeals.

It is always with a great deal of reluctance that I oppose a nominee for the bench. Most of the people who are nominated are nominally qualified, in that they have records as attorneys or sometimes as judges in lower courts, have recommendations from bar associations and the like. But occasionally it is necessary to oppose a nominee. And while I certainly acknowledge that Jane Stranch has the qualifications one would expect of a nominee for a court of this significance, I oppose her nomination because of a very troubling development that I see in several nominations.

At some point I think it is important to draw the line and say that the President has got to be very careful not to nominate people who have—and in this case who have not—taken, in my view, a strong enough position against applying foreign law to interpret the American Constitution or to interpret American laws that apply to cases before them. We have seen this before in nominees, in then-Judge Sonia Sotomayor. When she had her Supreme Court hearing, several of us on this side of the aisle raised the question with respect to her position on foreign law. In many respects she said: Don't worry, I won't apply foreign law. Then in one of the cases in her first term as a Supreme Court Justice she did exactly that.

We have raised the same question with regard to people such as Harold Koh and others. I want to quote one statement Ms. Stranch made to illustrate the point I am trying to make. At some point, unless Members vote against nominees who appear to take these positions, I suspect the President will keep on nominating people with these views and then wonder why we oppose them. So I am going to be clear about why I oppose this nominee, even though I am sure many of her other qualifications are fine. She said this regarding cases where foreign law was used:

> In these few cases, references to foreign law were made for such purposes as extrapolating on societal norms and standards of decency, refuting contrary assertions, or confirming American views. Roper [a Supreme Court case] specifically noted that the foreign law references were ''not controlling'' and were presented for the purpose of confirmation of the Court's conclusions.

The problem with that statement—and while I appreciate the fact that she says foreign law is not controlling—is that the reality is foreign law has no place in the interpretation of the American Constitution and yet the Court continues to do that, with Justices continually saying it isn't controlling. If it is not controlling, why do it? Courts are supposed to look at precedent. What is precedent? Precedent is law that controls the case. There is no point in going outside of that and bringing in extraneous material. If it is not controlling, it is extraneous. If it is extraneous, it is redundant. Why bring it in?

I appreciate her recognition that foreign law is not controlling, but interpreting the Constitution doesn't require the application of foreign law to develop material on societal norms or standards of decency or to refute contrary assertions, and it doesn't have any relevance in even confirming American views, as she said in her statement. If the American view of the Constitution is X, let's say, then it is X. That is the American view. And if it is agreed to by other countries, that is fine. If it is not, it is not the judge's business to inquire into it and wonder why it does agree or does not agree with the American view.

I think that until enough of us register the view that we are not going to vote for judges who subscribe to the

views Jane Stranch has articulated, as I said, I suspect the President will simply continue to nominate those individuals, and that is something I think the majority of us—certainly the majority of Americans—would object to.

Again, I regret having to express my opposition to this nominee, but in order to render my objection to the kind of jurisprudence they mentioned, the only way I can do that, I gather, is to vote no, which is what I intend to do.

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.

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

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

Mrs. HUTCHISON. I thank the Chair.

(The remarks of Mrs. HUTCHISON pertaining to the introduction of S. 3768 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mrs. HUTCHISON. 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. LEAHY. 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. CORNYN. Mr. President, I will vote against the nomination of Jane Stranch to the Sixth Circuit Court of Appeals. While several aspects of Ms. Stranch's record concern me, I will be voting no primarily because of Ms. Stranch's responses during her nomination process that demonstrate that it is proper for American judges to rely on contemporary foreign or international law in interpreting the U.S. Constitution.

Reliance on contemporary foreign law to interpret our Constitution undermines democracy, American sovereignty, and the rule of law. In American democracy, the people are sovereign. The Constitution was ''ordained and established'' by ''We the People of the United States.'' As Chief Justice Marshall explained in McCulloch v. Maryland, ''[t]he government proceeds directly from the people'' and is established ''in the name of the people.'' When judges look to foreign nations to find new limitations on what laws the American people can enact through their elected representatives, they undermine democracy and make the will of the American people subservient to the opinions of foreign judges. Furthermore, because there are so many sources of foreign law available in the world, judges often pick and choose foreign citations that correspond with their own personal politics, preferences, and feelings in an effort to create the illusion that the judges' personal political agenda are somehow mandated by law.

Under our Constitution, the people's right to govern themselves and make laws through their elected representatives is limited only by the Constitution itself, not by the opinions of foreign judges. In recent years, however, some judges have looked to foreign nations to strike down democratically enacted laws. For example, in Roper v. Simmons, the Supreme Court ruled that legislatures cannot impose capital punishment for heinous crimes committed by individuals under the age of 18. Justice Kennedy's majority opinion emphasized the ''weight of international opinion'' and cited the United Nations Convention on the Rights of the Child, among other sources. Just this year, in Graham v. Florida, the Supreme Court relied on ''the overwhelming weight of international opinion'' to find that life sentences are unconstitutional for juvenile criminals who commit crimes other than homicide.

This trend of American judges overruling the will of the American people in favor of the opinions of foreign judges is worrisome. I was therefore disappointed in Ms. Stranch's statements to the Judiciary Committee that seem to endorse this practice. Specifically, Ms. Stranch took the position that American judges may use foreign law in their opinions ''for such purposes as extrapolating on societal norms and standards of decency, refuting contrary assertions or confirming American views.'' She actually praised the Supreme Court for what she called its ''restraint'' in citing foreign law, and argued that the Supreme Court's recent use of foreign law in cases such as Roper and Graham should be a ''model for the lower courts.'' This is a very troubling view.

The Supreme Court's increasing reliance on the opinions of contemporary foreign judges has not been restrained, and should not be a model for American judges. Rather, American judges interpreting the U.S. Constitution should constrain themselves to interpreting the text and meaning of that document alone. Because Ms. Stranch's answers indicate that she will rely on foreign law as a pretense for imposing her personal political beliefs on the American people, and because reliance on contemporary foreign law in interpreting the U.S. Constitution threatens democracy, American sovereignty, and the rule of law, I will vote no on this nomination.

Mr. LEAHY. Mr. President, at most there is only a minute remaining so I yield back all time.

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

Mr. LEAHY. Mr. President, I ask for the yeas and nays on the nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Jane Branstetter Stranch, of Tennessee, to be United States Circuit Judge for the Sixth Circuit?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from Indiana ( Mr. BAYH), the Senator from Maryland (Ms. MIKULSKI), and the Senator from Colorado (Mr. UDALL) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Wyoming (Mr. ENZI), the Senator from New Hampshire (Mr. GREGG), and the Senator from Alaska (Ms. MURKOWSKI).

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

The result was announced—yeas 71, nays 21, as follows:

[Rollcall Vote No. 230 Ex.]

YEAS—71

| | | |
|---|---|---|
| Akaka | Gillibrand | Merkley |
| Alexander | Goodwin | Murray |
| Begich | Graham | Nelson (NE) |
| Bennet | Hagan | Nelson (FL) |
| Bennett | Harkin | Pryor |
| Bingaman | Hatch | Reed |
| Boxer | Inouye | Reid |
| Brown (MA) | Johanns | Rockefeller |
| Brown (OH) | Johnson | Sanders |
| Burris | Kaufman | Schumer |
| Cantwell | Kerry | Sessions |
| Cardin | Klobuchar | Shaheen |
| Carper | Kohl | Shelby |
| Casey | Landrieu | Snowe |
| Cochran | Lautenberg | Specter |
| Collins | Leahy | Stabenow |
| Conrad | LeMieux | Tester |
| Corker | Levin | Udall (NM) |
| Dodd | Lieberman | Voinovich |
| Dorgan | Lincoln | Warner |
| Durbin | Lugar | Webb |
| Feingold | McCain | Whitehouse |
| Feinstein | McCaskill | Wyden |
| Franken | Menendez | |

NAYS—21

| | | |
|---|---|---|
| Barrasso | Crapo | Kyl |
| Bond | DeMint | McConnell |
| Bunning | Ensign | Risch |
| Burr | Grassley | Roberts |
| Chambliss | Hutchison | Thune |
| Coburn | Inhofe | Vitter |
| Cornyn | Isakson | Wicker |

NOT VOTING—8

| | | |
|---|---|---|
| Baucus | Enzi | Murkowski |
| Bayh | Gregg | Udall (CO) |
| Brownback | Mikulski | |

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table. The President will be immediately notified of the Senate's action, and the Senate will resume legislative session.

VOTE EXPLANATION

• Mr. BAUCUS. Madam President, I was necessarily absent from the Senate on Monday, September 13, 2010, because I was holding the Montana Economic Development Summit in Butte, MT. Had I been present, I would have voted yes on the nomination of Jane Stranch, of Tennessee, to be U.S. Circuit Judge for the Sixth Circuit.•

Mr. UDALL of Colorado. Madam President, due to ongoing efforts to address the impacts of one of the most destructive Colorado fires in decades, I was unable to cast a vote for rollcall No. 230, the nomination of Jane Branstetter Stranch to be United States Circuit Judge for the United States Court of Appeals for the Sixth Circuit. Had I been present, I would have voted ''yea'' to confirm the nominee.

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

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

## JOB CREATION

Mr. BROWN of Ohio. Madam President, last Wednesday, September 8, was a great day for Youngstown, OH, for my State, and for our country. On that day, the Chevy Cruze, a new car by General Motors—a high-mileage, medium-priced, lower priced car from Chevrolet—came off the line at the General Motors plant in Lordstown, OH.

To understand the significance of that and to understand how the news is so good, in spite of what the naysayers have said, let's turn the calendar back a little more than a year. Auto sales were down, about a year and a half ago, 40 percent. One million jobs were at risk of being lost on top of the 8 million jobs that had already been lost before President Obama took office. We remember that we were losing 800,000 jobs a month when President Obama took office. The auto industry was similar to the financial industry—about to collapse, including GM, Chrysler especially, and Ford was in some trouble. General Motors and Chrysler were especially in trouble.

Conservative politicians—many in this body and many in the House—said: Let the market work. Let the free marketplace work. If General Motors and Chrysler declare bankruptcy and go under, so be it—so be it for the car dealerships in North Dakota, Louisiana, Washington, Nevada, and Ohio; so be it for all the supply chain that feeds into the auto industry throughout the Midwest and the South and all over the country; and so be it for GM, Ford, and Chrysler and the hundreds of thousands of people who work for those companies—not to mention the retirees who depended on the viability of these companies.

In spite of the naysayers, the conservative politicians who said just let it collapse, let the market work, and let the auto industry collapse, President Obama and the Democrats in the House and Senate stood firm and invested billions of dollars in Chrysler and General Motors and some into the tier 1, the top suppliers—the level 1 suppliers that supply these industries.

Look what happened last Tuesday. Last Wednesday, on September 8, in Lordstown, OH, some 1,300 people were hired for the third shift. They are now working three shifts. Auto plants and the component manufacturers all over the Midwest are now beginning to hire and beginning to put people back to work.

If we were to let this industry collapse, if we didn't do the right thing and help and invest in these companies, we would have been in a depression. I don't think any serious economist would dispute that. Because we did the right thing—the government—GM is starting to pay back the government for the investment so taxpayers will get most or all of their money back. People are going back to work, retirees are getting mostly what they are entitled to, and the suppliers at tier 1, 2, and others are being made whole.

The week before I was at the Chrysler plant in Toledo. Jeep Wranglers were coming off the line. Jeep Wranglers, 2 years ago, were only 65 percent domestic content. That meant only 65 percent of the components in the Jeep Wrangler were American made. Today, 79 percent—almost four-fifths—of Jeep Wranglers assembled in Toledo are coming from U.S.-made auto parts. That is what our recommitment to manufacturing means.

Thirty years ago, 30 percent of our GDP was in manufacturing, and only 11 percent in financial services. Today, that is almost flipped. We know what that led to—the financial collapse. Senator DORGAN has been on the Senate floor warning us about it for 10 years. It meant a decline in the middle class and in wages because manufacturing creates wealth, and manufacturing pays better wages. When we make the contrast on policies where we care about manufacturing and policies where we care about the middle class versus policies where we simply give tax cuts to the wealthy, we know what happens.

In the 8 years of President Clinton's Presidency, 22 million jobs were created—new jobs—and incomes went up. We had the largest surplus in the history of our country at the end of the Clinton Presidency.

President Bush left us, in 2009, with the largest budget deficit in American history. Some in this body say let the auto industry die and let the market work. Let's give more tax cuts to the wealthy and go back to the Bush philosophy, which got us into this situation.

In closing, I will read two letters from people in that part of Ohio. Brandon, from Poland, OH, wrote:

> I am one of hundreds of thousands of autoworkers. But there are millions more Americans among suppliers, dealers, retirees and communities that depend on my industry for their livelihood and well-being.
>
> Our industry is the real economy that runs through Main Street. When we emerged stronger and more competitive, we will have a stronger economy and a more competitive America.

We stood up for Randall, from Warren, OH, who wrote when Congress and the administration were first considering how to save the auto industry:

> I have been employed at General Motors Lordstown for over 31 years. My father, brothers, brother in law and father in law have all been employed by General Motors. My son is pursuing a degree in engineering partly financed by GM.
>
> So many lost jobs would be a huge drain on the resources of government agencies, not to mention how bad it will make our country look in the eyes of the rest of the world.

Randall wrote this while the naysayers were saying let the market work and let GM and Ford collapse. He said:

> My father said 30 years ago that ''if GM ever goes under, America goes under.'' My greatest fear is that I will see this come true. Please support the auto industry. Our future [the future of our workers] is in your hands.

It is easy to say no, let the market work and don't do anything. When the cost of inaction is even more job losses than was brought on by the years of deregulation of Wall Street and cutting taxes for the rich and not paying for any of this—a political strategy built on saying no is more than just unproductive, it is unconscionable and simply wrong.

Mr. DORGAN. Will the Senator yield for a question?

Mr. BROWN of Ohio. Yes.

Mr. DORGAN. It is interesting to me that nobody—or very few—would know the statistics and the new jobs that the Senator from Ohio has described, largely because of the old adage that bad news travels halfway around the world before good news gets its shoes on. Nobody talks about the jobs being created, but the Senator from Ohio talks about the consequences of a country that would have lost its automobile industry.

I ask this question: Does anybody here believe we will long remain a world economic power without world-class manufacturing? Isn't that what the Senator is talking about when he talks about the tough decision to try to save this auto industry, when a number of people here said let them go, we don't need them, it is fine if they go under. Does the Senator believe—and I think I know the answer—that we would remain a world economic power if we decided that we didn't need an auto manufacturing capability in America?

Mr. BROWN of Ohio. There is no question if the auto industry had failed and gone under—and it was close to that happening, as we all know—and if the conservative politicians in this body and down the hall had their way, it would have collapsed and it would have meant disaster to our future way of life in terms of manufacturing.

Manufacturing creates wealth more than any other segment of our economy. It is the $20- and $30-an-hour jobs. It is the supply component, the suppliers and all the people who serve the industries, including the restaurants and the hardware stores around these companies. It is the truckers bringing

materials in and taking materials out. It is the building trade—the carpenters, pipe fitters, plumbers, and sheet metal workers who modernize the plant and get it ready for a new line of production. It is all of those things. All of that would have suffered job loss if we had followed the naysayers who said just let the market work.

Mr. DORGAN. Isn't it interesting, when the Senator talks about a plant that is hiring new people that will produce a new automobile, which is putting people back to work, there is no social work in this country as a good job that pays well. That makes everything else possible. That is good news, but I haven't heard it. I haven't heard about the new plant in Ohio.

What have I heard in the last week or two? About some nut in Florida wanting to burn the Koran. All the news organizations in America decided that is the big news—a minister with a congregation of 50 who decides he wants to burn the Koran. That is bad news, I guess, but it is sensational news of dysfunctional behavior. If you hold it up to the light, would you say this is ugly? Yes, but it is not America; it is just a nut.

The good news somehow never gets covered. When a new plant is created to produce an automobile in this country from a company that probably would not exist today unless the people had the courage to say we need it, it seems to me that is good news. We seldom ever see it covered.

I thank the Senator from Ohio. We have both written books about trade and are trying to stop the movement of jobs overseas and trying to invest in and create good jobs at home, make things that say ''made in America'' on the label.

I appreciate the Senator from Ohio talking today about some progress and some good news because not enough people have decided good news is worth trumpeting.

Mr. BROWN of Ohio. Madam President, I thank the Senator from North Dakota.

I will close. I wish Senator DORGAN had said there would have been more attention to the fact that the Lordstown plant, which has been there for 30 years, has added a shift of more than 1,000 workers and all that means for the supply chain and all the other jobs created.

But I wish more than that they could have heard the stories of individual workers and what it meant to be called back to work, what it meant to get this new job, what it meant so their house would not be foreclosed on, that they now have health insurance, that they now are able to send their kid to college. Those are the stories that matter—1,100 people in good-paying industrial jobs, plus thousands of other supporting jobs, and those peoples' lives are a whole lot better because people in this body had courage to stand up to the naysayers and say: We need to invest in this industry, invest in American manufacturing and make this country strong.

I thank the Presiding Officer. I thank especially Senator LANDRIEU, who will take the floor in a moment, for her leadership on this small business bill. We know that two out of three jobs are created by small business. No one has worked harder on that than the senior Senator from Louisiana, Ms. LANDRIEU.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Madam President, I thank both Senators from Ohio and from North Dakota who have been two of the most effective and passionate leaders for ending this recession, creating jobs for the middle class, jobs focused on Main Street as opposed to Wall Street, and because of their leadership, it is starting to happen.

The Senator from North Dakota is so right. I do not know what it takes to get some of this good news being heralded by either news reporters or through the many channels open on the Internet for people to understand that actions taken by this Congress, led by Democrats but joined by a few—not many, only a few—Republicans helped to save the domestic auto industry.

While those are big businesses—and I am going to talk about small businesses in a minute—the Senator from Ohio is exactly correct when he says the help to save the domestic auto industry was not just about saving big auto, it was about saving the thousands of small suppliers and small businesses that are part of this manufacturing chain. That would have been lost.

Everything we have tried has not worked as well, but the things we have put into place are starting to have some benefit and some evidence-based data to support the efforts that have been made.

The Senator from Ohio raises one very good example. I would like to talk about something complementary to this issue today.

Access to capital equals job creation. The Democratic Congress is leading the effort to pass a bill targeted to the small businesses of America that are truly the engines of economic growth. We know big companies supply many jobs around the world and in our country, whether it is big oil, big insurance, big finance or big auto.

Right beneath that surface of all those big names we hear all the time, whether it is General Motors or Goldman Sachs, ExxonMobil, there are millions of small businesses. To be exact, 27 million small businesses in America; 20 million people are self-employed and 7 to 8 million small businesses that hire fewer than 500 people, many of them hiring less than 250 and the majority of them hiring less than 50.

Madam President, you are on the Small Business Committee. We do not hear those names the way we should, whether it is Casey Tubing or whether it is Big Al's Sandwich Shop or whether it is Mandina's restaurant in New Orleans, where I just ate last week. That is one of the best restaurants in the world, and I had the privilege of eating there in my hometown. Whether it is the restaurants, small manufacturers or entrepreneurs building different technologies to support the big businesses of the world, now is the time to focus on them.

We have done some things—tax cuts, tax credits, and support—over the last year and a half, but the small business bill that is on the floor today, tomorrow, and this week, will, if we can get 60 votes to pass this bill, send a real shot of hope and optimism across the country to build on the successes of the strengthening of the auto industry, to build on the successes of the stabilization of the financial markets, if we can take that next step—investment in infrastructure from the stimulus fund—and now take the next step to provide access to capital, through a very strategic, well-thought-out, and fully funded bill, I might add—which equals job creation.

The Members have heard me speak about a particular business. I continue to speak about them because they are a great example of what we are talking about when we say that small businesses with great promise, a great product, and very strong leadership are having difficulty getting access to the capital they need to hire workers and expand.

I again use the example of Georgetown Cupcake. I should have brought a box with me to the floor because they are very recognizable. Not only is this a growing, popular, exciting business in the DC area, it also has its own reality television show called DC Cupcakes. The real name of the business is Georgetown Cupcake.

It was founded by two sisters who leveraged their entire savings, borrowed here and there to try to start a very interesting and counterintuitive concept to start a cupcake company in the middle of a recession. Who would think it would work? Lines out the door early in the morning, late at night in the sticky heat or the cold of winter. You can go by Georgetown Cupcake and there is a long line. One of the more popular gifts to give when you go to a dinner party now or when you want to acknowledge the good work of a friend is to send them a dozen cupcakes from Georgetown Cupcake.

Do you know they went to bank after bank—with lines out the door, with a product that was obviously popular to even the casual observer—and they were turned down until finally a community bank, Eagle Bank, one of the largest lenders to small business in this region, stepped up and said yes. We need others to start saying yes to small business and that is what our bill does.

We need to start saying yes to Main Street. We have done enough saying yes to Wall Street. That is what our

bill does. It says yes to Main Street. This bill establishes a $30 billion strategic partnership with healthy community banks, not troubled banks. This bill is not for banks. It is for small businesses. But this bill, in its principle, trusts community banks with their know-how and their understanding of their neighborhoods. This bill recognizes rural communities in America that are starving for capital and says: We want to work in partnership with you. We think that $30 billion, according to the experts who have looked at this bill, will leverage $300 billion in affordable loans and credit to businesses just like Georgetown Cupcake.

Today they are hiring—not just the two owners who started it—125 people now work for Georgetown Cupcake, from 2 to 125, with a future without limit based on the product and their model of service.

I know in Louisiana and Texas and Mississippi, along the gulf coast, in New Hampshire, North Dakota, and Ohio, there are thousands of small businesses that with just the right partnership with a community bank to get more capital out to Main Street—not Wall Street—combined with $12 billion of tax cuts in this bill—not for big business, not for businesses that take their jobs and their products overseas but for small businesses right here on the main streets in our communities, $12 billion of targeted tax cuts, and, in addition, some strengthening of the core SBA programs that eliminate borrower's fees, increase the guarantee from 75 percent to 95 percent, and also strengthens some of the export provisions, both in the SBA and in the Commerce Department, so we can encourage our small businesses to look other places for their markets, not just in the United States, not just down the street or downtown but look to Beijing, look to other countries around the world for markets.

I just had a life-altering trip to Ethiopia, one of the poorer countries in the world, and spent time in the capital and a small town, Batu. Their future also lies in their ability to create the beautiful products we saw and their ability to export to other parts of the world.

There are beautiful products and services produced right here in America that could be absolutely used around the world. The opportunity for trade builds friendship but also builds prosperity. It is very difficult for small businesses to go through all the maturations and gyrations of figuring out how to trade in some of these markets. But the Commerce Department and many States have set up technical centers for consultation to small businesses at many of our universities. Our bill funds and supports those efforts. I am very excited about that.

I wish to show the export chart. This is where we have the potential for growth. If a consultant came in and looked at America, where are our weak points and where are our strong points, I promise this would be a strength, this would be growth potential. Less than 1 percent of small businesses are exporting. The market is overseas. Yes, we have a strong market in America, but the majority of the market of the world, the purchasing power is not in America, it is outside America.

A lot of small businesses want to grow. They not only have to sell their products around their neighborhoods, cities, and in our country, but they have to export. Our bill lays down a marker for exporting.

Overall, I have to say it is quite a balanced, well-put-together, well-thought-through bill that has been built with excellent contributions from Republican Senators and from Democratic Senators. We tried to take a lot of people's views as we have shaped this bill. We are now this week very close to passage.

Over the break, there were a lot of wonderful articles and editorials written about the bill. I wish to add to the RECORD an updated letter, dated September 13, from the Independent Community Bankers of America, to say again to the leadership:

> On behalf of the nearly 5,000 members of the Independent Community Bankers of America, I write to express our strong support for the Small Business Jobs Act (H.R. 5297). . . .

And the addition of the small business lending fund in the Senate.

I have a list of additional endorsers. One can see, it is hundreds and hundreds of very powerful organizations that absolutely know this is the step we must take now if we want this recovery to reach Main Street, if we want this recovery to be about jobs—which is the whole point. That is why I am so proud of the Senator from Ohio. All you have to do is look into the face of someone who has been offered a job where they know they can save their home, they can send their children to college, they do not have to literally go live with a relative or inquire about a homeless shelter. Middle-class families are shocked with some of the options that are presented to them when they have no hope for a job.

A job, that is what the Democratic leadership has been focused on—jobs for middle-class Americans, jobs for Main Street. We are making our way slowly but surely, and this bill will move us a great distance down that road.

I ask unanimous consent to have printed in the RECORD the list of endorsers and the updated letter from the Independent Community Bankers of America. Also, I have another endorsement letter from the executive vice president of congressional relations and public policy for the American Bankers Association, another strong organization. They wanted to reiterate that while many of them cannot support TARP—this organization did not support TARP—they do support this because this is a program for healthy banks, not for troubled banks. This is a strategic partnership with community bankers who know the businesses in their community.

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

LIST OF ENDORSERS

Agricultural Retailers Association (as part of the Small Business Coalition for Affordable Healthcare); American Apparel & Footwear Association; American Bankers Association

American Farm Bureau Federation (as part of the Small Business Coalition for Affordable Healthcare); American Foundry Society—California Chapter; American Hotel & Lodging Association (as part of the Small Business Coalition for Affordable Healthcare); American Institute of Architects (as part of the Small Business Coalition for Affordable Healthcare); American International Automobile Dealers Association; American Veterinary Medical Association (as part of the Small Business Coalition for Affordable Healthcare); Arkansas Community Bankers; Associated Builders & Contractors California; Associated Builders and Contractors (as part of the Small Business Coalition for Affordable Healthcare); Associated General Contractors; Association of Ship Brokers & Agents (as part of the Small Business Coalition for Affordable Healthcare); Association of Small Business Development Centers; Association of Women's Business Centers; Automotive Aftermarket Industry Association; Automotive Recyclers Association (as part of the Small Business Coalition for Affordable Healthcare); Bowling Proprietors' Association of America (as part of the Small Business Coalition for Affordable Healthcare); California Association for Micro Enterprise Opportunity.

California Association of Competitive Telecommunications Companies; California Bankers Association; California Cast Metals Association; California Chapter of the American Fence Contractors Association; California Employers Association; California Fence Contractors Association; California Hispanic Chamber of Commerce; California Independent Bankers; California Metals Coalition; California Public Arts Association, Inc.; Commercial Photographers International (as part of the Small Business Coalition for Affordable Healthcare); Communicating for America Inc.; Community Bankers Association of Alabama; Community Bankers Association of Georgia; Community Bankers Association of Illinois; Community Bankers Association of Kansas; Community Bankers Association of Ohio; Community Bankers of Iowa; Community Bankers of Washington.

Community Bankers of West Virginia; Community Bankers of Wisconsin; Conference of State Bank Supervisors; Consumer Bankers Association; Council of Smaller Enterprises (Ohio); CTIA-The Wireless Association; Engineering Contractors Association; Entrepreneurs Organization Los Angeles; Fashion Accessories Shippers Association; Flasher/Barricade Association; Florida Bankers Association; Florida Minority Community Reinvestment Coalition; Florida Small Business Development Centers; Golden Gate Restaurant Association; Greater Providence (RI) Chamber of Commerce; Healthcare Leadership Council; Heating, Airconditioning & Refrigeration Distributors International; Heavy Duty Manufacturers Association; Hispanic Bankers Association of Texas; Independent Bankers Association of Texas.

Independent Bankers of Colorado; Independent Community Bankers Association of

New Mexico; Independent Community Bankers of America; Independent Community Bankers of Minnesota; Independent Community Bankers of South Dakota; Independent Electrical Contractors, Inc (as part of the Small Business Coalition for Affordable Healthcare); Independent Waste Oil Collectors and Transporters; Indiana Bankers Association; International Council of Shopping Centers; International Franchise Association; International Housewares Association (as part of the Small Business Coalition for Affordable Healthcare); International Sign Association; Kansas Bankers Association; Kitchen Cabinet Manufacturers Association; Louisiana Bankers Association; Louisiana Marine and Motorcycle Trade Association; Main Street Alliance; Maine Association of Community Banks; Marin Builders' Association; Marine Retailers Association of America; Maryland Bankers Association.

Massachusetts Bankers Association; Michigan Association of Community Bankers; Missouri Independent Bankers Association; Montana Bankers Association; Monterey County Business Council; Motor & Equipment Manufacturers Association; Napa Chamber of Commerce; National Association for the Self-Employed; National Association of Development Companies; National Association of Federal Credit Unions; National Association of Government Guaranteed Lenders; National Association of Health Underwriters; National Association of Manufacturers; National Association of REALTORS; National Association of Theatre Owners (as part of the Small Business Coalition for Affordable Healthcare); National Association of Wholesaler-Distributors (as part of the Small Business; Coalition for Affordable Healthcare); National Association of Women Business Owners—Inland Empire; National Association of Women Business Owners—Los Angeles.

National Automobile Dealers Association; National Bankers Association; National Community Pharmacists Association (as part of the Small Business; Coalition for Affordable Healthcare); National Congress of American Indians; National Cooperative Business Association; National Council of Chain Restaurants; National Council of Textile Organizations; National Federation of Filipino American Associations; National Federation of Independent Business; National Gay & Lesbian Chamber of Commerce; National Marine Manufacturers Association; National Ready Mixed Concrete Association; National Restaurant Association; National Retail Federation (as part of the Small Business Coalition for Affordable Healthcare); National Roofing Contractors Association (as part of the Small Business Coalition for Affordable Healthcare); National Small Business Association; National Tooling and Machining Association (as part of the Small Business; Coalition for Affordable Healthcare).

Nebraska Independent Community Bankers; Nevada Bankers Association; New Jersey Bankers Association; North American Die Casting Association—California Chapter; North Carolina Bankers Association; Northeastern Retail Lumber Association (as part of the Small Business Coalition for Affordable Healthcare); Northern California Independent Booksellers Association; Northern Rhode Island Chamber of Commerce; NPES—The Association for Suppliers of Printing, Publishing and Converting Technologies; Oakland Metropolitan Chamber of Commerce; Oregon Small Business for Responsible Leadership; Original Equipment Suppliers Association; Peninsula Builders Exchange of California; Pennsylvania Association of Community Bankers; Plumbing-Heating-Cooling Contractors of California; Precision Machined Products Association (as part of the Small Business Coalition for Affordable Healthcare); Precision Metalforming Association (as part of the Small Business Coalition for Affordable Healthcare).

Printing Industries of America (as part of the Small Business Coalition for Affordable Healthcare); Professional Golfers Association of America (as part of the Small Business Coalition for Affordable Healthcare); Professional Photographers of America; Publishing and Converting Technologies; Recreation Vehicle Industry Association; Recreational Vehicle Dealers Association; Rhode Island Small Business Summit Committee; Sacramento Asian Chamber of Commerce; San Francisco Builders Exchange; San Francisco Chamber of Commerce; San Francisco Small Business Advocates; San Francisco Small Business Network; Service Station Dealers of America and Allied Trades (as part of the Small Business Coalition for Affordable Healthcare); Small Business and Entrepreneurship Council (as part of the Small Business Coalition for Affordable Healthcare); Small Business Association of Michigan (SBAM); Small Business Association of New England (SBANE); Small Business California.

Small Business Majority; Small Manufacturers Association of California; Society of American Florists; Society of Sport and Event Photographers (as part of the Small Business Coalition for Affordable Healthcare); South Carolina Small Business Chamber; Spa and Pool Industry Education Council of California; Specialty Equipment Market Association (as part of the Small Business Coalition for Affordable Healthcare); SPI: The Plastics Industry Trade Association; Stock Artists Alliance (as part of the Small Business Coalition for Affordable Healthcare); Tennessee Bankers Association; The Financial Services Roundtable; The Hosiery Association; Tire Industry Association (as part of the Small Business Coalition for Affordable Healthcare); Travel Goods Association; Tree Care Industry Association Urban Solutions—San Francisco; U.S. Chamber of Commerce; U.S. Conference of Mayors; U.S. Hispanic Chamber of Commerce.

Virginia Association of Community Banks; Western Growers Association (as part of the Small Business Coalition for Affordable Healthcare); Women Impacting Public Policy; Wyoming Bankers Association; Bankers Association for Finance and Trade; Chamber Southwest Louisiana; City of New Orleans; Council of State Governments; Greater New Orleans Inc.; Lafayette Economic Development Authority; Louisiana Business Incubation Association; Louisiana Small Business Development Centers; Small Business Exporters Association; State International Development Organization Mid Tier Alliance; National Associations of Small Disadvantaged Businesses; National Center for American Indian Enterprise Development; The ARC of Northern Virginia; United States Black Chamber of Commerce.

Association for Enterprise Opportunity; Associated Builders and Contractors; Business and Professional Women's Foundation; El Paso Hispanic Chamber of Commerce; Latin American Management Association; Minority Business RoundTable; Morris County Hispanic Chamber of Commerce; National Association of Hispanic Contractors; National Association of Small Business Contractors; National Black Chamber of Commerce; Native American Contractors Association; Small Business & Entrepreneurship Council; Small Business Legislative Council; Small Business Television; U.S. Pan Asian American Chamber of Commerce; U.S. Women's Chamber of Commerce; Women Presidents' Organization; Women's Business Enterprise National Council.

INDEPENDENT COMMUNITY BANKERS OF AMERICA®,
*Washington, DC, September 13, 2010.*

Hon. HARRY REID,
*Senate Majority Leader, U.S. Senate, Washington, DC.*

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

Hon. MARY L. LANDRIEU,
*Chairwoman, Committee on Small Business and and Entrepreneurship, U.S. Senate, Washington, DC.*

Hon. OLYMPIA J. SNOWE,
*Ranking Minority Member, Committee on Small Business and Entrepreneurship, U.S. Senate, Washington, DC.*

DEAR MAJORITY LEADER REID, MINORITY LEADER MCCONNELL, CHAIRWOMAN LANDRIEU, AND RANKING MEMBER SNOWE: On behalf of the nearly 5,000 members of the Independent Community Bankers of America, I write to express our strong support for the Small Business Jobs Act (HR 5297), and its core component, the Small Business Lending Fund (SBLF). ICBA believes that the SBLF will spur the flow of additional small business credit. The Tier I capital banks receive can be leveraged to provide as much as $300 billion of new credit to small business. The legislation's Small Business Administration loan program incentives will also allow community banks to expand lending to deserving small business borrowers.

The nation's nearly 8,000 community banks are prolific small business lenders with the community contacts and underwriting expertise to get credit flowing to the small business sector. The SBLF is a bold, fresh proposal that would provide another option for community banks to leverage capital and expand small business credit.

Thank you for your consideration.

Sincerely,

CAMDEN R. FINE,
*President and CEO.*

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SEPTEMBER 13, 2010.

To: Members of the United States Senate.

From: Floyd E. Stoner, Executive Vice President, Congressional Relations & Public Policy.

Re H.R. 5297, the Small Business Lending Fund Act

On behalf of the members of the American Bankers Association (ABA), I am writing to express our support for H.R. 5297, the Small Business Lending Fund Act As proposed, Treasury would invest in community banks through a new program that would be separate and apart from the Troubled Assets Relief Program (TARP). This legislation would authorize another tool for community banks to meet the needs of small businesses in their communities, and we urge the Senate to pass this legislation.

There are many areas of the United States that struggle under the weight of the severe downturn the economy has experienced. Since banks are a reflection of their communities, they are suffering with the communities they serve. Yet even in areas beset by poor economic conditions there are strong borrowers.

Meeting the needs of these borrowers has been made more difficult as regulators pressure many banks to increase their capital-to-asset ratios. Given the slow recovery and the severity of the downturn, it is difficult if not impossible for community banks to find new sources of capital. Thus, the only option for many banks is to shrink, which can mean making fewer loans. H.R. 5297 provides an option for banks to avoid that result and continue meeting the needs of their communities. With an improving economy and public investments, such as those proposed in H.R. 5297, lending can increase faster in some

of the hardest hit areas of the country. Community banks, which are the life blood of many communities, can provide the needed capital.

ABA also supports language in the Senate bill that would increase the maximum loan sizes for the 7(a) small business loan program from $2 million to $5 million, with a temporary 90-percent guarantee through December 31, 2010. The 7(a) program has historically been a critical lending tool for traditional banks to help meet the credit needs of small businesses. The enhancements provided in this legislation are critically important and will help lenders provide loans so that small businesses can create jobs in their communities.

We encourage the Senate to support community banks by supporting H.R. 5297.

Ms. LANDRIEU. Let me respond to one point. I realize that part of the problem is the way the regulators are coming down a little harder than they probably need to in some instances with our community banks in an effort to prevent the banking system from reaching the excesses reached to cause all of us very serious financial loss and worldwide financial panic. I realize there have to be some adjustments to those regulations. This bill recognizes that. It doesn't address it because we don't have the jurisdiction in our Small Business Committee. That comes out of the Banking Committee. But I believe the members of our committee will very soon send to the Banking Committee a very strongly worded letter based on some of the testimony we have received—and the Presiding Officer has been in many of those meetings—from our bankers, who want to do more, who want to lend to credible, reputable businesspeople, but they say the regulators are coming down too hard on them. So we have to fix that.

We also have to focus on the balloon notes coming due on commercial real estate lending in this country, because we have to handle that very deftly or we could see a setback. This bill will not solve all problems, but I promise it will get us on the right road and headed in the right direction. Then with some appropriate modifications on the regulatory side for the community banks, to make sure they are operating with full integrity but that they are also being given the latitude to do what they are supposed to be doing, which is lending affordable credit to businesses, and with some additional other steps, I believe we can have this recession on the run. That is my goal, and I know that is a goal that is shared not only by the President of the United States but by Members of Congress as well, and I hope of many people in the world. We are all working on that as hard as we can.

I know some of my other colleagues are going to come and speak about this bill. We will be taking up one amendment on this bill, and it is a very important amendment that needs to get a resolution on the 1099 section of the small business reporting obligations. We need to have some significant changes. I hope we can get that done this week. There are plans underway to have it addressed, and we will be debating that this week on the floor. But whatever the outcome of the arguments about that amendment—because that provision doesn't go into effect until 2012, and it is September 2010 right now—we have some time to work that out. We may work it out this week. We may get the 60 votes on either the Nelson or the Johanns amendment, and the issue will be addressed either completely or partially. But if not, we have time to work that out, and the business community has my commitment to do so.

It is very important that this bill be passed this week. I see Senator MERKLEY and Senator CANTWELL on the floor, and I am going to yield time to both of them. They have been leaders on this issue. I will mention that Senator BOXER talked to me a minute ago on the floor. She said to me: Senator, please, let people know that as I traveled through California that was the main topic of conversation; and that she herself went to 15 or 20 small businesses that couldn't wait for this bill to pass because they know there is real help for them.

This bill was built for them. It wasn't built for business and small businesses just to get the crumbs that fall from the table. This bill has been built with them in mind. We know they are the engines to get this economy started again. We can't wait to get it passed. We can't wait to get it to the President's desk. We believe it will have an immediate and substantial impact on their ability to hire new workers and to create the kind of economic activity that will lead this country and, frankly, the world out of this very troubling economic time.

I yield for the Senator from Oregon, who has not only been a lead supporter but a designer of many of the pieces of this bill, and I can't thank him enough for his tireless efforts on behalf of small business, not just in Oregon but around the country.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. I thank Senator LANDRIEU very much for her leadership as chair of the Small Business Committee. She has put in countless hours working with the national small business community and asking what the key obstacles are and how can we help to address them. The result is a list of endorsements from I would say about every organization in the United States.

This list has grown as we have been debating this bill. This list has grown while we were out talking to our small businesses back home. I was astounded when my staff put it into my hands today because it is no longer one page, as it was earlier in our conversations, it is no longer two pages, but page after page of fine print of every organization from the U.S. Chamber of Commerce, the U.S. Women's Chamber of Commerce, the American Bankers Association, the Hotel and Lodging Association, the American Farm Bureau, the National Association of Realtors, the National Federation of Independent Business, the National Restaurant Association, to the Independent Community Bankers of America. If you know of an organization that works with small businesses in America, it is on this list. It is phenomenal.

Why have all these groups—more than I have ever seen on any bill—said they support this small business jobs bill? Well, I will tell you why. Because this bill is targeted at putting small business back in gear as the job factories of America.

I was just back home, and I completed my annual set of townhalls in 36 counties, so I have been all over the State of Oregon. I have heard from independent businesses, small businesses on the coast, I have heard from businesses in central Oregon and southern Oregon and the valley, and everywhere people said: We need access to credit. We can't seize a business opportunity that is right in front of us because we can't get the credit necessary to seize that opportunity. And they want to know what is going on.

In some cases, perhaps a bank is a little bit nervous, having gone through and weathered this national economic meltdown. But in many cases our Main Street banks are at the limit they are allowed to lend based on their current capitalization, and so they will say: Well, the FDIC is enforcing the rules on leverage and we can't do additional lending.

Well, this bill addresses that. This bill, through the Small Business Lending Fund, increases the capitalization of Main Street banks. Those are healthy Main Street banks. It allows them to basically increase lending to small business on a 10-to-1 ratio. So that means that $30 billion in recapitalization for Main Street America can climb to $300 billion of lending to small businesses and they can then seize those opportunities and put America back to work. That is the power of the Small Business Lending Fund that is in this bill.

But that is not all that is in this bill. There is in this bill the ability to have 100 percent of capital gains written off so you can basically move your assets to seize another opportunity without having to pay a tax on the sale of the assets you have right now. This has a 5-year carryback on business credit so that if you can't use those credits this year because your business is down, you can use them against earlier profits, and that means a reduced tax bill. This has an extension of bonus depreciation, which is very helpful. This bill has the Jumpstart Act, which says if you are a small business, just getting started, then your original startup cost deduction is doubled.

Taken together, this bill is about putting small business to work in America. I can't imagine why we wouldn't have 100 votes on the floor of this Chamber, 100 votes to put small

business back on track. Sometimes legislation is regional—we will do a little bit that affects an industry in the Northwest or in the South or maybe it is for the west coast—but there is nothing regional about this bill. Last I checked, small businesses are the heart of every town, city, and rural area of the United States. So this puts people back to work and strengthens the economy in every part of America. That is why the list of endorsements goes on page after page after page.

My colleague from Washington State is going to continue to share her observations, so I will yield, but I want to conclude by saying this is the type of problem-solving legislation that is needed in America, where rather than looking to an election down the road and political positioning, we do the hard work of investigating the obstacles and then we proceed to design legislation to remove those obstacles, and that puts a job back in every community in America. That puts a lot of jobs back in every community in America, and every job is the foundation for a family.

I can tell you that the unemployment rate in Oregon is absolutely unacceptable. Families are hurting, with the loss of a job on top of a loss to the value of their house and often the loss of their retirement savings. This starts to turn America around. It is time to pass this act, and I encourage all my colleagues to vote early, vote yes, and let's put America back to work.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Madam President, I rise to join my colleague, the Senator from Louisiana, the Chair of the Small Business Committee, and my colleague from Oregon, Senator MERKLEY, to talk about the very important issue that, frankly, you could say you probably heard a lot about from us before we left. But along with my colleague, Senator MURRAY, and I am sure others, such as Senator BOXER, we all went home and heard from our constituents about this issue and we heard about how critical it is that we pass this legislation.

I find it interesting that the pundits are all debating whether this will have a political effect on the election. I can guarantee you the focus of this legislation has not been, for any of us, about the election but about helping small business. When Wall Street imploded nearly 2 years ago—2 years ago—is when small business needed our help and support, and many of us have been arguing literally this entire legislative calendar year to pass this legislation, only to have hurdle after hurdle put in front of us or naysayers who say it can't be done. So I truly hope we are on the precipice of passing this legislation because it is so critical for job creation in America.

I know my colleagues have gone over these numbers, but to be specific about it again one more time, because this is from the Department of Commerce, small businesses account for 60 to 75 percent of new job creation. So we can talk about all the ideas we want to have about how to get out of this economic nightmare, and we can talk about various policies that are going to help us stimulate the economy, but the bottom line is that job growth by the private sector is going to help our economy, and that has to have a focus on small business.

What has happened to us instead, as you can see by this chart, which shows small business lending basically from 2008 to 2009, is that we had an economic crisis. We know that lending in general went down, but we see that small business lending went down even more dramatically. The consequence of that has been our engine of economic growth for job creation—small business—has been cut off. We have seen lending from large banks to large institutions, and some of those institutions are doing the hiring, but they are not the basic driver of job growth in America. So this is what we are trying to right. We are trying to correct the fact that these small businesses have not had access to capital.

I know my colleague Senator MURRAY and I went to a restaurant in Seattle, a pizzeria that is very popular, and met with many small business people there. But this particular owner, Joe Fugere, who has a wonderful business, basically had opened four restaurants and then went to get more capital during this downturn and basically was told no, it is too big of a risk. He said:

> Honestly, I was shocked and deeply offended. I had a healthy profitable business, a blemish-free history of paying all my loans on time, in full. And now I was being told that I was risky. . . .

After the decisions that were made on Wall Street and their risky activity.

In the end, Joe did everything he could with personal appeals. He worked with community bankers, and finally got his loan and then opened his new restaurant which now employs 75 people.

Joe was not the risk. Joe did not participate in risky derivative activities on Wall Street. He did not cook up this scheme. Yet here we are, 2 years later, finally coming to the aid and support of small businesses.

I heard many stories of this when I was at home, many small businesses that basically said I hope people on the other side of the aisle can set aside their differences and help get this legislation passed; that we need to do more. I know many of you may have seen today the report that was put out by the Joint Economic Committee, ''Small Business Employment: Bank Lending Restrains Job Creation.'' Basically the summation of this, and I will read from the report, is that it found that as a result of ''tight lending standards facing small businesses, hiring at small firms continued to decline in 2009 and the early part of 2010, while hiring by largest establishments, which had wider access to credit, began to pick up. . . .''

It is clear that small business hiring still remains flat. The question is what are we going to do about it? It is not about November 2, it is about whether you support giving access to capital to small businesses that had capital choked off from them because of the activities of Wall Street.

I clearly support and respect the engine of our economy that small businesses represent. I hope people will put their differences aside. I appreciate my colleague from Ohio, Senator VOINOVICH, for his leadership, for his advocacy, for listening to the facts on this issue and understanding that these are the people who will help us out of this situation and certainly were not the ones who got us into it.

I hope we will move forward on this legislation and this week we will pass it. I do not expect things to change overnight but I do expect this: for this Congress—for the Senate, for the House—to say where our priorities are and to say where leveraged access to capital can stimulate job growth in our economy.

I yield the floor. 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. INOUYE. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

## CONFIRMATION OF ELENA KAGAN

Mr. INOUYE. Madam President, I rise to speak in support of Solicitor General Elena Kagan.

Solicitor General Elena Kagan is widely regarded as one of the Nation's leading legal scholars. Her public service and legal experience, work as a teacher, service as a White House and Senate aide, and representing the government as the Nation's Solicitor General, have contributed to Ms. Kagan's intellect, judgment, and independence.

As the first woman to serve as dean at Harvard Law School, Ms. Kagan was highly respected for her ability to build consensus among diverse groups. She diversified the political discourse on campus by hiring professors from a wide political spectrum. While working as a White House aide, Ms. Kagan was known to reach across the aisle to work with both Democrats and Republicans on issues like restricting tobacco companies from targeting ads at children. As the daughter of a public school teacher and a housing lawyer, Ms. Kagan understands that decisions made by the Supreme Court have an impact on the lives of Americans. As Solicitor General, she has argued cases to protect consumers, prevent elections from being taken over by special interests, and protect our national security. Ms. Kagan recognizes the extraordinary role of the Supreme Court to

uphold the law and enable all Americans to receive a fair hearing and an equal chance at justice.

Solicitor General Kagan has my full support in her nomination to the U.S. Supreme Court.

## PRESCRIPTION DRUG ABUSE

Mr. INOUYE. Madam President, I rise to speak on a matter of great importance to me. Recently, I met with Gil Kerlikowske, Director of National Drug Control Policy and his Deputy Director for Demand Reduction, David Mineta. In that meeting, they shared alarming information with me about the rates of prescription drug abuse among veterans and active duty military personnel. The Office of National Drug Control Policy, ONDCP, and the Centers for Disease Control have characterized the rate of prescription drug abuse in our country as an epidemic, with rates of unintentional drug overdose deaths having increased fivefold since 1990.

Our active duty military forces and veterans are not immune from this disturbing trend. In the 2008 Department of Defense Survey of Health Related Behaviors among Active Duty Military Personnel, prescription drug misuse was reported by one in nine personnel in the past month and nearly one in five in the past year. Further, the percentage of men and women reporting prescription drug misuse in all military services combined—11.5 percent—was more than twice that of the civilian population in the age group 18–64—4.4 percent.

Unfortunately, substance abuse remains a problem for newly returning veterans as well.

Data collected between 2002 and 2008 indicate that across all medical conditions of returning veterans, mental health disorders are the second most common—40 percent—with both post traumatic stress and substance use disorders among the highest within this category.

Aggregated data from the Substance Abuse and Mental Health Services Administration's annual household survey reveals that from 2004 to 2006, 7.1 percent of veterans—an estimated 1.8 million persons 18 or older—met criteria for a past-year substance use disorder.

The Army recently released a study highlighting the importance of suicide prevention. The Army experienced 239 suicide deaths across the total Army, including the active reserve members, in fiscal year 2009. This number does not include 74 drug overdoses in the same year. As the Army stated in its recently released report, ''Health Promotion, Risk Reduction, Suicide Prevention,'' this is an issue that cannot be ignored. I urge ONDCP to pursue solutions, along with the Veterans Affairs and Department of Defense, to address the serious issue of prescription drug abuse in both the active duty military and among veterans of all service, including the Reserve Component.

## 50TH ANNIVERSARY OF REAL ESTATE INVESTMENT TRUSTS

Mr. HATCH. Madam President, I rise today to recognize the 50th anniversary of the enactment of legislation that created real estate investment trusts, REITs. The development of real estate investment trusts is among the true success stories of American business. Moreover, REITs legislation enacted over the past 50 years presents a remarkable example of how Congress can create the legal framework to liberate entrepreneurs, small investors, and men and women across the country to do what they do best—create wealth and, more importantly, build thriving communities.

When REITs were first created in 1960, small investors had almost no role in commercial real estate ventures. At that time, private partnerships and other groups closed to ordinary investors directed real estate investments, typically using debt, not equity, to finance their ventures. That model not only served small investors poorly, it resulted in the misallocation of capital, and contributed to significant market volatility.

Since that time, REITs have permitted small investors to participate in one of our country's greatest generators of wealth—income-producing real estate—and REITs have greatly improved real estate markets by promoting transparency, liquidity, and stability. The growth in REITs has been particularly dramatic and beneficial in the past 15 years, as capital markets responded to a series of changes in the tax rules that modernized the original 1960 REIT legislation to adjust it to new realities of the marketplace.

Equity REITs have outperformed the major U.S. equity market benchmarks for all multi-year periods over the past 35 years, as well as over the entire 38-year period since the inception of the U.S. REIT indexes.

I am proud of my role in sponsoring legislation that included many of these changes that modernized the REIT rules, and I remain committed to making every effort to ensure that the people of Utah and across our Nation continue to benefit from a dynamic and innovative REIT sector.

I have seen firsthand what REITs have done for communities across my State of Utah. It is very much in Utah's interests, and in our country's interests, to make sure that REITs continue to work effectively and efficiently to carry out the mission which Congress intended.

## NATIONAL POLYCYSTIC KIDNEY DISEASE AWARENESS WEEK

Mr. HATCH. Madam President, I speak today, along with my colleague, Senator BOB BENNETT, in recognition of ''National Polycystic Kidney Disease Awareness Week''. Senator HERB KOHL and I introduced S. Res. 592 on July 22 to designate September 13–19, 2010, as the National PKD Awareness Week for 2010, and Senator BENNETT was a cosponsor of the resolution. S. Res. 592 passed the Senate by unanimous consent on July 29, 2010. I thank my colleagues for their support.

Polycystic kidney disease, also known as PKD, is a life-threatening, genetic disease affecting more than 600,000 adults and children in the United States and 12.5 million people worldwide. In fact, PKD is one of the top three most prevalent life-threatening genetic diseases in the world. It is, in fact, one of the most deadly diseases of which you have likely never heard. To help put it into perspective, more people have been diagnosed with PKD than have been diagnosed with cystic fibrosis, sickle cell anemia, hemophilia, muscular dystrophy, Down's syndrome, and Huntington's disease combined. However, these diseases are much more well-known than PKD. I take particular interest in PKD because so many Utahns suffer from the disease. According to the PKD Foundation, approximately 5,000 Utahns have been diagnosed with PKD and end stage renal disease—ESRD—instances in Utah are almost three times the national average.

Polycystic kidney disease often goes unnoticed due to the fact there are no telltale symptoms in the early stages of the disease. Many people who have PKD are not diagnosed until the disease has already affected other organs. More than half of individuals diagnosed will reach end-stage renal failure and require dialysis or a kidney transplant in order to survive. When a kidney has been affected by PKD, fluid-filled cysts develop on the kidney. These cysts can range in size from that of a pinhead to the size of a grapefruit. The size and weight of each cystic kidney can grow to that of a football or basketball and weigh as much as 38 pounds. Other diseases and symptoms may show up as the disease progresses and, unfortunately, this is often how PKD is diagnosed. Examples of such symptoms are urinary tract infections, hypertension, kidney stones, high blood pressure, potentially fatal heart diseases, and aneurysms.

There are two forms of polycystic kidney disease: autosomal dominant PKD and autosomal recessive PKD. Autosomal dominant PKD is more serious and it affects one in every 500 people and is commonly diagnosed in adulthood. Every child born to an affected parent has a 50 percent chance of inheriting the disease themselves. The other form, autosomal recessive PKD, also called ARPKD, is diagnosed in children. Approximately 30 percent of the infants diagnosed with ARPKD will die within the first month of life; and of the 70 percent who survive infancy, one-third will require a kidney transplant by the very young age of 10.

As of today, there is no cure or treatment for PKD. There are ways to alleviate pain, and a healthy lifestyle

can delay kidney failure; however, the only way to effectively stop the symptoms is by kidney transplant. Unfortunately, many who are waiting for a transplant will not survive long enough to receive it.

Aside from the debilitating nature of the disease, the costs associated with PKD are staggering. The current estimation of what PKD costs Federal health care programs annually is at least $2 billion. This can be broken down as: $78,000 per year, per patient, for dialysis; $100,000–$150,000 per kidney transplant; and $15,000–$20,000 per year, per patient, for post-transplant immunosuppressive drugs.

It is clear that PKD is a very serious disease that should be receiving more attention. As we increase our understanding and awareness of PKD, we also increase our ability to find treatments and eventually, a cure for this disease; and that is why I am proud to have helped designate this week as ''National Polycystic Kidney Disease Awareness Week''.

## REMEMBERING VENTURE SMITH

Mr. DODD. Madam President, today I wish to commemorate the life of Venture Smith, who passed away nearly 205 years ago on September 19, 1805. A Connecticut man who lived not far from where my home in East Haddam currently stands, Venture Smith's life is one of the best documented of the millions of Africans who were kidnapped from their homes and brought to the Americas as part of the transatlantic slave trade. A remarkable individual of uncommon strength and valor, Venture Smith's compelling story of perseverance in the face of seemingly insurmountable odds still serves as a potent source of inspiration and hope more than two centuries after it happened.

Originally born Broteer Furro in 1728—the first son of a West African king—Venture's childhood was cruelly interrupted at the tender age of ten, when he was captured by slave traders, forced to board a crowded slave ship destined for the New World, and sold to Robinson Mumford of Long Island for four barrels of rum and a piece of calico. After more than a decade in the Mumford household, Venture was sold twice more, finally ending up with Colonel Oliver Smith of Stonington, CT, in 1760.

In 1798, by that time an elderly man, Venture dictated his life story to Elisha Niles, a Connecticut schoolteacher, who had it published that same year in New London. One of perhaps only a dozen firsthand accounts of that period in our Nation's history by enslaved Africans, Venture Smith's narrative is a seminal work of early American literature that traces many of the defining moments of his life, beginning with his childhood in Africa.

And while many of the experiences related in Venture's autobiography would be heartbreakingly familiar to anyone who has studied this dark chapter in our Nation's history, Venture's life breaks the mold in one crucial respect. In spite of the tremendous challenges that he faced at nearly every turn Venture was able to win back his freedom through hard work, courage, and an unbreakable spirit.

By the time he was sold to his third and final owner, Colonel Smith, Venture had already spent the vast majority of his formative years in slavery. Having struck a deal with this new owner that would allow him to work for his freedom, Venture labored with incredible determination—fishing and growing food for sale, cutting and cording wood, and hiring himself out during seasonal hiatuses from his duties as Colonel Smith's slave—to acquire the 85 pounds and ten shillings needed to purchase his freedom. Such a sum was considered quite steep by the standards of 18th century colonial America, and even more so for an individual of Venture's means. But in spite of the tremendous hurdles that stood in his path, Venture successfully earned that money and bought his freedom in just over 5 years.

But Venture's story of hard work and dogged persistence in the face of unending challenges did not end there. During the four decades that followed, Venture fought tirelessly to free his wife Meg and three children, who were also enslaved in Connecticut, as well as to build a new life for himself as a free man. Harnessing those same unshakeable qualities of dedication, resourcefulness, and frugality that allowed him to secure his own freedom, Venture not only earned enough money to liberate his entire family from bondage, but also three men he barely even knew.

And if that wasn't remarkable enough, Venture Smith accomplished yet another feat that—in light of the serious financial and legal constraints that existed at the time—was exceedingly rare for a freed slave in colonial Connecticut: become a landowner. In 1775, just 1 year before the Thirteen American colonies declared independence from Great Britain, Venture purchased the first of what would become a nearly 130-acre farm on Haddam Neck, right at the mouth of the Salmon River. And it was there, in 1805, that Venture Smith ultimately died at the ripe old age of 77, having amassed a considerable fortune from his involvement in an array of commercial activities, from fishing and farming to the commodities trade.

Madam President, there are a significant number of historical lessons that can be gained from the life of this remarkable man—from firsthand insights into the evils perpetrated by the institution of slavery in this country, to a more complete understanding of the unique challenges faced by slaves who were able to gain their own freedom. But perhaps just as important are those lessons that transcend the period in which Venture Smith himself lived.

For, after losing almost everything—including that most fundamental of human rights, his freedom—Venture Smith set about tearing down the seemingly impenetrable barriers erected by slavery and racism that kept him from enjoying the same privileges as his White neighbors. And while his journey from slave to wealthy Connecticut landowner was long and arduous, filled with its share of disappointments and setbacks, Venture Smith never lost sight of his goals, ultimately achieving them through nothing more than grit, intelligence, and determination.

In this way, Venture Smith is much more than a mere historical figure. Rather, Venture's life is a testament to the sheer strength of the human spirit. It is a symbol of how a single individual can challenge societal norms and impact history. Perhaps most importantly, it is the embodiment of the principle that, even in the most dire and seemingly hopeless of circumstances, human beings are still capable of truly extraordinary achievements.

As we approach the 205th anniversary of his death, I would like to thank the Documenting Venture Smith Project for all of the wonderful work they have done over the past 5 years to help improve our understanding of this incredible individual. It is my hope that with continuing academic interest in Venture's life, new generations of Americans will be inspired by this timeless story of triumph in the face of adversity for years to come.

## HONORING OUR ARMED FORCES

### SERGEANT MARTIN ANTHONY LUGO

Mr. McCAIN. Madam President, I would like to take a moment today to recognize an extraordinary soldier and son of Arizona who made the ultimate sacrifice in the service of our Nation. SGT Martin Anthony Lugo selflessly gave his life on the battlefield in Afghanistan on August 19, 2010, while serving his sixth, yes his sixth, deployment in the war on terror. Sergeant Lugo was killed while leading his Rangers in a fierce firefight that also claimed the lives of over a dozen Taliban fighters.

Sergeant Lugo's service to his country began after his graduation from high school in Tucson, AZ. He soon found himself in the Army recruiter's office and enlisted as an infantryman in September 2004. After distinguishing himself throughout basic training and the basic airborne course, he was assigned to the Ranger Selection and Training Program at Fort Benning, GA. Upon graduation in April 2005, he was assigned to Company C, 1st Battalion, 75th Ranger Regiment. Over the next 5 years, he would serve as an ammunition handler, automatic rifleman, team leader, and squad leader. During this time, he would deploy twice to Iraq and four times to Afghanistan.

In addition to graduating from the U.S. Army Ranger course and earning

his Ranger Tab, Sergeant Lugo was also a graduate of the warrior leader course and the reconnaissance and surveillance leader course. He has been honored with the Army Commendation Medal and the Army Good Conduct Medal, in addition to various unit and campaign awards. Sadly, he was posthumously awarded the Bronze Star, Meritorious Service Medal, and Purple Heart.

''Rangers Lead the Way!'' has long been the motto of the Army Rangers, and Sergeant Lugo clearly took this to heart. The fact that this exceptional Ranger spent his best years constantly deployed to a combat zone should serve as an example to all Americans of the selflessness and dedication of our young men and women in uniform. Words can do little to recognize the true sacrifice required of a young man in his prime to answer the call when asked to deploy six times in 6 years.

I am truly saddened that the lives of men like Martin Lugo are too often honored only in their deaths. Nonetheless, it is a far greater sin to fail to recognize them at all. I call on my colleagues to join me today in honoring the life and service of Sergeant Lugo, and in expressing my sincerest condolences to his mother Maria Marin; his father Martin Lugo; his stepfather Esteban Oropeza; his sister Leslie Bencic; and his brother-in-law Christopher Bencic.

## SEPTEMBER 11, 2001

Ms. SNOWE. Madam President, I rise today with the heaviest of hearts to observe the ninth anniversary of the terrible tragedy that befell our country on September 11, 2001, and changed America—and Americans—forever. We remember those whom we lost that terrible day, but also celebrate the freedoms we cherish and which make our nation the greatest in the world.

On this September 11, as on all that have preceded it, we mourned the loss of those eight individuals from Maine who were taken from us all too soon—Anna Allison, Carol Flyzik, Robert Jalbert, Jacqueline Norton, Robert Norton, James Roux, Robert Schlegel, and Stephen Ward. We remember the heroic acts of valor that will always distinguish the thousands of men and women who went to work that day, or boarded a plane, or rushed to the aid of strangers whose lives they believed were as vital as their own. Indeed, if 9/11 was a snapshot of horror, it also became a portrait of consummate humanity. If it laid bare the unimaginable cruelties of which humankind is capable, it also imbued forever within our minds the heights to which the human spirit can rise—even and especially in the face of mortality.

And nowhere was that more evident than with the first responders who, in the face of unspeakable adversity and peril, heroically ran toward the very dangers others were desperately trying to escape, placing their lives in harm's way in the most courageous and valiant of endeavors to save others without regard for their own safety. Their service and sacrifice are also a vivid reminder of the exceptional men and women who have donned our country's uniform to safeguard and defend our Nation. Whether on our shores or soil here at home or around the globe, their steadfast sense of duty and love of country are an inspiration to us all, their commitment fortifies our determination, and their professionalism steadies our hands in an uncertain world.

I will always remember here in Maine, firefighters from throughout the State rushed to aid in the rescue and recovery efforts, the Portland Symphony Orchestra gave an inspiring ''Concert of Remembrance and Healing,'' dedicated to those with close ties to Maine who lost their lives, and the 554 employees of a pulp and paper mill in Baileyville who donated more than $6,000 to help people whom the workers had never met, in places many of them had never visited. One employee contributed his entire $600 tax-relief refund to the cause, saying it was the least he could do to help. That is the America our enemies could never understand—and never will.

How clear it is then that, out of the rubble rose our resolve, out of despair grew our determination, and out of the hate that was perpetrated upon us proudly stood our humanity. It was an unmistakable message to the world that we would never be deterred—that our freedoms could never be crushed by the blunt and tortuous instruments of terror that are no match against a resilient people certain in the knowledge that good ultimately triumphs over evil.

## TRIBUTE TO CONNIE VEILLETTE

Mr. LUGAR. Madam President, I ask unanimous consent that the following letter be printed in the RECORD.

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

AUGUST 5, 2010.

Hon. RICHARD G. LUGAR,
*U.S. Senator,*
*Washington, DC.*

DEAR SENATOR LUGAR: On behalf of the Modernizing Foreign Assistance Network, a broad and diverse coalition of international development and foreign policy practitioners, policy experts, and private-sector organizations committed to strengthening development as a key component of U.S. foreign policy, we are writing to express our sincere appreciation for the exceptional work of Ms. Connie Veillette, Senior Professional Staff Member for the Senate Committee on Foreign Relations, as she prepares for retirement.

Connie has truly been a pleasure to work with on a variety of issues that are vital to the global development agenda—from comprehensive foreign assistance reform, to global food security and agricultural development, to funding of key U.S. government programs that contribute to the success of our nation's development efforts abroad. We would like to especially recognize her tireless efforts on S. 1524, the Kerry-Lugar Foreign Assistance Revitalization and Accountability Act, and S. 384, the Lugar-Casey Global Food Security Act—both of which were successfully passed out of committee this Congress.

She has consistently kept an ''open door'' to our network's members and staff, providing valuable insight, guidance, and support on policy matters of critical importance to making U.S. development activities more effective and efficient. In more ways than one, she is a reflection of your longstanding and continuing leadership on these issues, and we are grateful for your collective elevation of development as a pillar of our foreign policy approach.

While we are saddened to see her leave the Committee, we know that the development community will always have a friend and champion in Connie, wherever she may be.

We respectfully request that this letter be entered into the Congressional Record as deserving recognition of Connie's service to you, the United States Senate, and our country.

With warm regards,

DAVID BECKMANN,
*MFAN Co-Chair,*
*President, Bread for the World.*

GEORGE INGRAM,
*MFAN Co-Chair, Vice President,*
*Academy for Educational Development.*

## REAL AND WANTED CHANGE

Mr. BUNNING. Madam President, during the August recess, I am sure we all have met with people who expressed frustration with how things are going in Washington. Very recently, a poem, written by Norman Klopp of Cleveland, OH, was given to me. I think it represents what many people across the country are feeling about their government. I ask unanimous consent that it be printed in the RECORD.

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

THE REASON

(By Norm Klopp, Sept. 10, 2010)

There's a rising in our nation
It is sensed both far and wide
It's a movement based on common sense
And deep and personal pride.

In cities, town and villages
As families faced what's real
They make the tough decisions
To make family finance heal.

They cut back here and cut back there.
They do things they never tried
To balance personal family books.
It's common sense and pride.

And is it any wonder
As they struggle to do right
That they're appalled at Washington
With no discipline in sight.

There is a rising in our nation
And the reason's very clear
There's a discontent with Washington
That's fed people's fear.

And politicians wonder
Why we don't understand
They know what's best for all of us
Across this mighty land.

But we still have our common sense
We know it is true fact
You cannot spend and grow the debt
With no thought to pay it back.

Nor will the people silent stand
As politicians threat
To shove the country further left

And magnify the debt.

The people don't want all that help
So politicians stand aside
We have and will take care ourselves
It is our personal pride

And rest assured incumbents all
There's a rising in the land
And real and wanted change will come
Our future is at hand!

## TRIBUTE TO KRISTAPS J. KEGGI, M.D.

Mr. BARRASSO. Madam President, today I share with the Senate a remarkable story, a story about a man, who, simply by living and cherishing his American dream, inspired hundreds—if not thousands—to pursue their own.

Dr. Kristaps J. Keggi came to New York in 1949 with his parents and three brothers. They were all refugees fleeing a Communist regime controlling their native Latvia. Dr. Keggi's father, a general surgeon, courageously packed up his family and left for Germany when Kris was only 10 years old. Five years later, sponsored by a church in Brooklyn, NY, the family arrived in the United States—with only one dollar between them all.

Dr. Keggi, then 15, almost immediately started work as an usher at Brooklyn's St. George Hotel. After working and completing high school at the Brunswick School in Greenwich, CT, Dr. Keggi attended Yale College. As an undergrad, Dr. Keggi joined the Yale fencing team. It is no surprise that he was named team captain! Hard work, dedication, and a commitment to excellence earned Dr. Keggi his bachelor's degree in 1955—and a coveted slot in the Yale School of Medicine's class of 1959.

After graduating from Yale Medical School, Dr. Kristaps Keggi spent 2 years completing a general surgery residency at Roosevelt Hospital in New York City. He then went on to finish his orthopaedic training at Yale. A few years earlier, in 1957, Dr. Keggi accepted his commission as a second lieutenant in the Army Reserve. After completing his residency training in 1964, Dr. Keggi served on active duty for 2 years—one of them in Vietnam. He was the chief of orthopaedic surgery with the 3rd Surgical Hospital north of Saigon and on the Cambodian border of the Central Highlands. The facility was a mobile Army surgical hospital—more commonly known as a helicopter transport ''MASH'' unit.

During his service in Vietnam, Dr. Keggi expanded his acute surgical and trauma management skills. He also worked closely with Army corpsmen and helicopter personnel to improve the care and outcomes for injured soldiers. I applaud and admire not only his service to a very grateful nation, but also the care, compassion, and devotion he showed each and every American soldier he treated—men who endured the unimaginable, bled, and paid the ultimate price to keep us safe and free. Our country is a better place because of him.

After completing his Vietnam service, Dr. Keggi returned to Yale in 1966 as an assistant professor. He worked, primarily, in orthopaedic trauma surgery and emergency care. Dr. Keggi immediately saw the need to create staged medical care and advanced trauma management systems. This way, the hospital could provide improved acute medical services to injured patients in New Haven—and all across the country. Dr. Keggi soon obtained a $20,000 grant to develop a trauma program at Yale. His subsequent studies on trauma registries, emergency care of trauma patients, and published scholarly works proved groundbreaking. It was not long before the Robert Wood Johnson Foundation awarded Dr. Keggi another major institutional grant to construct the Surgical Research Building at Yale. The Robert Wood Johnson Foundation dollars also helped start the Yale University School of Medicine Physician Associate Program. Over time, the Yale physicians assistant program grew to be one of the very best in the country. Today approximately 900 physician assistants have received their degrees from Yale. This achievement is, without a doubt, thanks, in part, to Dr. Keggi's vision and relentless commitment to help change the field of medicine for the better.

A turning point came in 1986 when Dr. Keggi decided to take a trip to Moscow and watch his daughter Mara row for the United States of America at the first Goodwill games. It was at the games where Dr. Keggi met a group of Latvian surgeons who encouraged him to visit his place of birth—Riga. He agreed. That trip convinced Dr. Keggi it was time to start an exchange program dedicated to orthopaedic teaching and research.

In 1988, Dr. Keggi established the non-profit Keggi Orthopaedic Foundation which funds medical exchange fellowship training programs for orthopaedic surgeons in the United States, Russia, the Baltic nations, and Vietnam. Foreign doctors come to the United States to observe state-of-the-art medical procedures conducted in Dr. Keggi's Waterbury facility. Upon returning to their home countries, those doctors can implement proven techniques in their own practices—helping alleviate patient pain and suffering. That is Dr. Keggi's vision: helping the orthopaedic community worldwide to offer the highest quality patient care. Each and every day he lives out the foundation's mission to be a dedicated, professional, caring, and compassionate team player seeking only to improve patient quality of life. It is clear these young, foreign doctors appreciate Dr. Keggi's wisdom and experience. He is a seasoned teacher who wants his students' careers to shine—but not for their own personal glory. Instead, his goal is to show the world that each of his students can and will perform at exceptional levels—delivering the very best medical care possible. That is his legacy.

Dr. Keggi has made, and will continue to make, an indelible mark on our profession. His ambition helps him to achieve his own goals and dreams—at the same time his example encourages other medical professionals to strive to achieve theirs. In 2008, Dr. Keggi returned to the Yale Medical School faculty as a full time professor. And so, it is only fitting that on September 23, 2010, his beloved alma mater will name him the inaugural Elihu Professor of Orthopaedics and Rehabilitation. Yale University established this professorship through a combination of private donors to pay tribute to Dr. Keggi. The position will serve as the cornerstone of a joint reconstruction program at the Yale School of Medicine—a center of excellence in clinical care, research, medical education, and training. It is important to know that Yale has already announced its intention to rename the professorship in Dr. Keggi's honor when he decides to leave the teaching post.

Dr. Keggi's medical and managerial skills have been tested time and time again—from prestigious hospitals to the battlefields of Vietnam. His life's work has brought hope and healing to the physically and emotionally broken. But it is because of his strong family values and devotion to community service that this award is so meaningful to Dr. Keggi. The award shows him exactly how grateful, how proud, and how honored the New Haven community is for his leadership. I am sure Dr. Keggi would tell you that much of his life's success is due, in large part, to the strength of his family. He was blessed to have the love and support of his parents. It was also Dr. Keggi's good fortune that his wife Julia accepted his proposal for marriage. Over the years, Julia has been Dr. Keggi's rock. He regularly says he would not have accomplished his goals without Julia and their three beautiful and talented daughters—Caroline, Catherine, and Mara—by his side.

I am eternally grateful and proud to call Dr. Kristaps Keggi my friend. He is a respected mentor and adviser. I did my orthopaedic training under Dr. Keggi's watchful eye—assisting him in close to 100 operations. It was my great privilege and incredible fortune to work side-by-side with the man who pioneered the anterior approach to total hip replacements. As an internationally renowned expert in hip and knee replacement surgery, it is quite fitting that the Yale School of Medicine has named him the Elihu Professor of Orthopaedics and Rehabilition. I ask that my colleagues join me in sending our warmest congratulations to Dr. Keggi and his family for this well-deserved honor.

## ADDITIONAL STATEMENTS

### 100TH ANNIVERSARY OF THE PENDLETON ROUND-UP

• Mr. MERKLEY. Madam President, today I honor the centennial of the Pendleton Round-Up. Throughout its history, the Pendleton Round-Up has been a spectacular celebration of Oregon's Western heritage.

The rodeo has been a world-class event since its inception in 1910. The inaugural Round-Up drew 7,000 spectators to a town of only 4,500. Over time, crowds have ballooned to 50,000, and while cowboys and broncos still take center stage, a host of other activities engage families at the 4-day event.

To the people of Oregon, the Pendleton Round-Up reflects our great sense of civic pride, love of the outdoors and appreciation of our State's history. I have experienced firsthand the excitement the event brings to Pendleton, and the attention the town brings not only to the competition, but to honoring Oregon's Native American past.

A 100-year anniversary is a considerable achievement, and yet the Pendleton Round-Up shows no signs of aging. It remains one of the largest rodeos in the world and its success is a major boon to Oregon's economy.

The Pendleton Round-Up is truly unique, and its storied history has woven itself into the fabric of eastern Oregon. I wish the Round-Up and the entire town of Pendleton a happy centennial and continued success for years to come.

Let'er Buck!•

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 3772. A bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 3773. A bill to permanently extend the 2001 and 2003 tax relief provisions and to provide permanent AMT relief and estate tax relief, and for other purposes.

## EXECUTIVE AND OTHER COMMUNICATIONS

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

EC–7057. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Prohydrojasmon, propyl-3-oxo-2-pentylcyclo-pentylacetate; Temporary Exemption from the Requirement of a Tolerance'' (FRL No. 8839–4) received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7058. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''N-alkyl (C8-C18) Primary Amines and Acetate Salts; Exemption from the Requirement of a Tolerance'' (FRL No. 8836–4) received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7059. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Diethylene Glycol (DEG); Exemption from the Requirement of a Tolerance'' (FRL No. 8838–4) received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7060. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''2-(2′-hydroxy-3′, 5′-di-tert-amylphenyl) benzotriazole and Phenol, 2-(2H-benzotriazole-2-yl)-6-dodecyl-4-methyl; Exemption from the Requirement of a Tolerance'' (FRL No. 8836–3) received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7061. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''2-propenoic acid, 2-methyl, C12-16-alkyl esters . . . ; Tolerance Exemptions'' (FRL No. 8837–5) received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7062. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Acetic Acid Ethenyl Ester, Polymer with Oxirane; Tolerance Exemption'' (FRL No. 8841–2) received during adjournment of the Senate in the Office of the President of the Senate on August 24, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7063. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Apricots Grown in Designated Counties in Washington; Increased Assessment Rate'' (Docket No. AMS–FV–10–0050; FV10–922–1 FR) received during adjournment of the Senate in the Office of the President of the Senate on August 27, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7064. A communication from the Director of the Regulatory Review Group, Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Cotton Program Changes for Upland Cotton, Adjusted World Price, and Active Shipping Orders'' (RIN0560–AH81) received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7065. A communication from the Administrator, Risk Management Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Common Crop Insurance Regulations; Stonefruit Crop Insurance Provisions'' (RIN0563–AC21) received during adjournment of the Senate in the Office of the President of the Senate on August 11, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7066. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Operation, in the Ordinary Course, of a Commodity Broker in Bankruptcy'' ((17 CFR Part 190)(RIN3038–AC90)) received in the Office of the President of the Senate on August 12, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7067. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Cold Treatment Regulations'' (Docket No. APHIS–2006–0050) received during adjournment of the Senate in the Office of the President of the Senate on August 27, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7068. A communication from the Administrator, Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Guarantees for Bonds and Notes Issued for Electrification or Telephone Purposes'' ((7 CFR Part 1720)(RIN0572–ZA06)) received during adjournment of the Senate in the Office of the President of the Senate on August 9, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7069. A communication from the Administrator, Agricultural Research Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''General Administrative Policy for Non-Assistance Cooperative Agreements'' ((7 CFR Part 550)(RIN0518–AA03)) received in the Office of the President of the Senate on August 12, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7070. A communication from the Budget Coordinator, Office of Research, Education, and Economics, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''United States Department of Agriculture Research Misconduct Regulations for Extramural Research'' ((7 CFR Part 3022) (RIN0524–AA34)) received during adjournment of the Senate in the Office of the President of the Senate on August 30, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7071. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the first quarter report for calendar year 2010 of the Joint Improvised Explosive Device Defeat Organization; to the Committee on Armed Services.

EC–7072. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; Additional Requirements Applicable to Multiyear Contracts'' (DFARS Case 2008–D023) received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2010; to the Committee on Armed Services.

EC–7073. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; Acquisition Strategies to Ensure Competition throughout the Life Cycle of Major Defense Acquisition Programs'' (DFARS Case 2009–D014) received during adjournment of the Senate in the Office of the President of the Senate on August 24, 2010; to the Committee on Armed Services.

EC–7074. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; Management of Unpriced Change Orders'' (DFARS Case 2008–D034) received during adjournment of the Senate in the Office of the President of the Senate on August 9, 2010; to the Committee on Armed Services.

EC–7075. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; Transportation'' (DFARS Case 2003–D028) received during adjournment of the Senate in the Office of the President of the Senate on August 18, 2010; to the Committee on Armed Services.

EC–7076. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; Acquisition of Commercial Items'' (DFARS Case 2008–D011) received during adjournment of the Senate in the Office of the President of the Senate on August 18, 2010; to the Committee on Armed Services.

EC–7077. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; Guidance on Personal Services'' (DFARS Case 2009–D028) received during adjournment of the Senate in the Office of the President of the Senate on August 25, 2010; to the Committee on Armed Services.

EC–7078. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; Payment of Costs Prior to Definitization—Definition of Contract Action'' (DFARS Case 2009–D035) received during adjournment of the Senate in the Office of the President of the Senate on August 25, 2010; to the Committee on Armed Services.

EC–7079. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; Government Rights in the Design of Department of Defense Vessels'' (DFARS Case 2008–D039) received during adjournment of the Senate in the Office of the President of the Senate on August 25, 2010; to the Committee on Armed Services.

EC–7080. A communication from the Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''TRICARE; Diabetic Education'' (RIN0720–AB32) received during adjournment of the Senate in the Office of the President of the Senate on August 17, 2010; to the Committee on Armed Services.

EC–7081. A communication from the Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''TRICARE; Elimination of Voluntary Disenrollment Lock-Out'' (RIN0720–AB35) received during adjournment of the Senate in the Office of the President of the Senate on August 17, 2010; to the Committee on Armed Services.

EC–7082. A communication from the Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''TRICARE; Changes Included in the National Defense Authorization Act for Fiscal Year 2007; Improvements to Descriptions of Cancer Screening for Women'' (RIN0720–AB20) received during adjournment of the Senate in the Office of the President of the Senate on August 17, 2010; to the Committee on Armed Services.

EC–7083. A communication from the Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''TRICARE; Rare Diseases Definition'' (RIN0720–AB26) received during adjournment of the Senate in the Office of the President of the Senate on August 17, 2010; to the Committee on Armed Services.

EC–7084. A communication from the Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); TRICARE Retired Reserve for Members of the Retired Reserve'' (RIN0720–AB39) received during adjournment of the Senate in the Office of the President of the Senate on August 17, 2010; to the Committee on Armed Services.

EC–7085. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Keith W. Dayton, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–7086. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of General Kevin P. Chilton, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC–7087. A communication from the Assistant Secretary of the Navy (Research, Development and Acquisition), transmitting, pursuant to law, a report relative to the procurement of twenty-one (21) new Mi–17 variant multi-purpose transport helicopters, initial spares and tool kits; to the Committee on Armed Services.

EC–7088. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, four Selected Acquisition Reports (SARs) for the quarter ending June 30, 2010; to the Committee on Armed Services.

EC–7089. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the Program Acquisition Unit Cost and the Average Procurement Unit Cost for the Chemical Demilitarization-Assembled Chemical Weapons Alternative (ACWA) Program exceeding the Acquisition Program Baseline values by more than 15 percent; to the Committee on Armed Services.

EC–7090. A communication from the Secretary of the Army, transmitting, pursuant to law, a report relative to the Program Acquisition Unit Cost and the Average Procurement Unit Cost for the Excalibur program exceeding the Acquisition Program Baseline values; to the Committee on Armed Services.

EC–7091. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the annual Developing Countries Combined Exercise Program report of expenditures for Fiscal Year 2009; to the Committee on Armed Services.

EC–7092. A communication from the President of the United States, transmitting, pursuant to law, the report of an Executive Order that expands the scope of Executive Order 13466, originally declared on June 26, 2008, with respect to North Korea; to the Committee on Banking, Housing, and Urban Affairs.

EC–7093. A communication from the President of the United States, transmitting, pursuant to law, a report on the continuation of a national emergency declared in Executive Order 13222 with respect to the lapse of the Export Administration Act of 1979; to the Committee on Banking, Housing, and Urban Affairs.

EC–7094. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency declared in Executive Order 13224 of September 23, 2001, with respect to persons who commit, threaten to commit, or support terrorism; to the Committee on Banking, Housing, and Urban Affairs.

EC–7095. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13396 with respect to Cote d'Ivoire Sanctions; to the Committee on Banking, Housing, and Urban Affairs.

EC–7096. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Panama; to the Committee on Banking, Housing, and Urban Affairs.

EC–7097. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC–7098. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC–7099. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC–7100. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC–7101. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Kuwait; to the Committee on Banking, Housing, and Urban Affairs.

EC–7102. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S.

exports to India; to the Committee on Banking, Housing, and Urban Affairs.

EC–7103. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Brazil; to the Committee on Banking, Housing, and Urban Affairs.

EC–7104. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Turkey; to the Committee on Banking, Housing, and Urban Affairs.

EC–7105. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to New Zealand; to the Committee on Banking, Housing, and Urban Affairs.

EC–7106. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Ireland; to the Committee on Banking, Housing, and Urban Affairs.

EC–7107. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled ''Registration of Residential Mortgage Loan Originators'' (Docket No. R–1357) received during adjournment of the Senate in the Office of the President of the Senate on August 6, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–7108. A communication from the Secretary, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Facilitating Shareholder Director Nominations'' (RIN3235–AK27) received during adjournment of the Senate in the Office of the President of the Senate on August 27, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–7109. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' ((44 CFR Part 64) (Docket No. FEMA–2010–0003) (Internal Docket No. FEMA–8141)) received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–7110. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' ((44 CFR Part 64) (Docket No. FEMA–2010–0003) (Internal Docket No. FEMA–8145)) received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–7111. A communication from the Deputy to the Chairman, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled ''Deposit Insurance Regulations; Permanent Increase in Standard Coverage Amount; Advertisement of Membership; International Banking; Foreign Banks'' (RIN3064–AD61) received during adjournment of the Senate in the Office of the President of the Senate on August 17, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–7112. A communication from the Deputy to the Chairman, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled ''Registration of Mortgage Loan Originators'' (RIN3064–AD43) received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–7113. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''Chartering and Field of Membership for Federal Credit Unions'' (RIN3133–AD65) received during adjournment of the Senate in the Office of the President of the Senate on August 6, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–7114. A communication from the Associate Director, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Final Rule Promulgating the Iranian Financial Sanctions Regulations'' (31 CFR Part 561) received during adjournment of the Senate in the Office of the President of the Senate on August 16, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–7115. A communication from the Administrator, Rural Housing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Guaranteed Single Family Housing Loans'' ((7 CFR Part 1980) (RIN0575–AC85)) received during adjournment of the Senate in the Office of the President of the Senate on August 25, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–7116. A communication from the Secretary, Division of Trading and Markets, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Temporary Registration of Municipal Advisors'' (RIN3235–AK69) received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–7117. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled ''Supplemental Standards of Ethical Conduct for Employees of the Federal Housing Finance Agency'' (RIN2590–AA02 and RIN3209–AA15) received during adjournment of the Senate in the Office of the President of the Senate on August 26, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–7118. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled ''2010–2011 Enterprise Housing Goals; Enterprise Book-entry Procedures'' (RIN2590–AA26) received during adjournment of the Senate in the Office of the President of the Senate on September 7, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–7119. A communication from the Associate General Counsel for Legislation and Regulations, Office of Housing—Federal Housing Commissioner, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Prohibition of the Escrowing of Tax Credit Equity'' (RIN2502–AI73) received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–7120. A communication from the Executive Director, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Update of the Federal Energy Regulatory Commission's Fees Schedule for Annual Charges for the Use of Government Lands'' (FERC Docket No. RM10–27–000) received during adjournment of the Senate in the Office of the President of the Senate on August 23, 2010; to the Committee on Energy and Natural Resources.

EC–7121. A communication from the Deputy Chief of the National Forest System, Department of Agriculture, transmitting, pursuant to law, a report relative to the detail boundary for the Black River in Michigan to be added to the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

EC–7122. A communication from the Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report relative to the Uranium Marketing Annual Report; to the Committee on Energy and Natural Resources.

EC–7123. A communication from the Assistant Secretary of Energy (Energy Efficiency and Renewable Energy), transmitting, pursuant to law, a report relative to the implementation of Energy Conservation Standards Activities; to the Committee on Energy and Natural Resources.

EC–7124. A communication from the Administrator of the Department of Energy, transmitting, pursuant to law, a report entitled ''International Energy Outlook 2010 (IEO21010)''; to the Committee on Energy and Natural Resources.

EC–7125. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans Georgia: State Implementation Plan Revision; Correction'' (FRL No. 9193–5) received during adjournment of the Senate in the Office of the President of the Senate on August 24, 2010; to the Committee on Environment and Public Works.

EC–7126. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Adequacy of New Hampshire Municipal Solid Waste Landfill Permit Program'' (FRL No. 9193–1) received during adjournment of the Senate in the Office of the President of the Senate on August 24, 2010; to the Committee on Environment and Public Works.

EC–7127. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans: Kentucky; Approval Section 110(a)(1) Maintenance Plan for the 1997 8-Hour Ozone Standard for the Paducah Area'' (FRL No. 9193–4) received during adjournment of the Senate in the Office of the President of the Senate on August 24, 2010; to the Committee on Environment and Public Works.

EC–7128. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Cooperative Agreements and Superfund State Contracts for Superfund Response Actions: Amendments'' (FRL No. 9189–1) received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2010; to the Committee on Environment and Public Works.

EC–7129. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Indiana; Transportation Conformity Consultation Requirement'' (FRL No. 9189–8) received during adjournment of the Senate in the Office of

the President of the Senate on August 10, 2010; to the Committee on Environment and Public Works.

EC–7130. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Final Determination to Approve Alternative Final Cover Request for the Lake County, Montana Landfill'' (FRL No. 9149–7) received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2010; to the Committee on Environment and Public Works.

EC–7131. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Oil and Hazardous Substance Pollution Contingency Plan National Priorities List: Deletion of the Rogers Road Municipal Landfill Superfund Site'' (FRL No. 9188–8) received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2010; to the Committee on Environment and Public Works.

EC–7132. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Designation of Areas for Air Quality Planning Purposes; State of California; PM–10; Redesignation of the Coso Junction Planning Area to Attainment; Approval of PM–10 Maintenance Plan for the Coso Junction Planning Area'' (FRL No. 9191–1) received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2010; to the Committee on Environment and Public Works.

EC–7133. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Ocean Dumping; Guam Ocean Dredged Material Disposal Site Designation'' (FRL No. 9197–6) received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2010; to the Committee on Environment and Public Works.

EC–7134. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Maryland; Withdrawal of Direct Final Rule'' (FRL No. 9197–5) received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2010; to the Committee on Environment and Public Works.

EC–7135. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Minnesota; Carbon Monoxide (CO) Limited Maintenance Plan for the Twin Cities Area'' (FRL No. 9197–9) received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2010; to the Committee on Environment and Public Works.

EC–7136. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Change of Address for Region 5 State and Local Agencies; Technical Correction'' (FRL No. 9198–2) received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2010; to the Committee on Environment and Public Works.

EC–7137. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Louisiana; Baton Rouge 8-Hour Ozone Nonattainment Area; Determination of Attainment of the 8-Hour Ozone Standard'' (FRL No. 9197–8) received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2010; to the Committee on Environment and Public Works.

EC–7138. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines'' (FRL No. 9190–3) received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2010; to the Committee on Environment and Public Works.

EC–7139. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry and Standards of Performance for Portland Cement Plants'' (FRL No. 9189–2) received during adjournment of the Senate in the Office of the President of the Senate on August 24, 2010; to the Committee on Environment and Public Works.

EC–7140. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Instrument Sensing Lines'' (Regulatory Guide 1.151, Revision 1) received during adjournment of the Senate in the Office of the President of the Senate on August 9, 2010; to the Committee on Environment and Public Works.

EC–7141. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Design, Construction, and Inspection of Embankment Retention Systems at Fuel Cycle Facilities'' (Regulatory Guide 3.13, Revision 1) received during adjournment of the Senate in the Office of the President of the Senate on August 9, 2010; to the Committee on Environment and Public Works.

EC–7142. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Containment Structural Integrity Evaluation for Internal Pressure Loadings Above Design-Basis Pressure'' (Regulatory Guide 1.216) received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2010; to the Committee on Environment and Public Works.

EC–7143. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, a report relative to the efforts of the Radiation Source Protection and Security Task Force; to the Committee on Environment and Public Works.

EC–7144. A communication from the Acting Chief of the Foreign Species Branch, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Listing Three Foreign Bird Species from Latin America and the Caribbean as Endangered Throughout Their Range'' (RIN1018–AV76) received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2010; to the Committee on Environment and Public Works.

EC–7145. A communication from the Acting Chief of the Recovery and Delisting Branch, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Threatened Status for Shovelnose Sturgeon under the Similarity of Appearance Provisions of the Endangered Species Act'' (RIN1018–AW27) received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2010; to the Committee on Environment and Public Works.

EC–7146. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Planned Special Exposure'' (Regulatory Guide 8.35, Revision 1) received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2010; to the Committee on Environment and Public Works.

EC–7147. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Information Reporting for Payments Made in Settlement of Payment Card and Third Party Network Transactions'' (RIN1545–BI51) received during adjournment of the Senate in the Office of the President of the Senate on August 24, 2010; to the Committee on Finance.

EC–7148. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Revenue Procedure: Examination of Returns and Claims for Refund, Credit, or Abatement; Determination of Tax Liability'' (Rev. Proc. 2010–29) received during adjournment of the Senate in the Office of the President of the Senate on August 24, 2010; to the Committee on Finance.

EC–7149. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''LMSB Industry Director Directive on the Planning and Examination of IRC Section 263A Issues in the Auto Dealership Industry No. 2'' (LMSB–4–0810–021) received during adjournment of the Senate in the Office of the President of the Senate on August 24, 2010; to the Committee on Finance.

EC–7150. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Application of Section 108(i) to Partnerships and S Corporations'' (RIN1545–BJ00) received during adjournment of the Senate in the Office of the President of the Senate on August 24, 2010; to the Committee on Finance.

EC–7151. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Guidance Regarding Deferred Discharge of Indebtedness Income of Corporations and Deferred Original Issue Discount Deductions'' (RIN1545–BI97) received during adjournment of the Senate in the Office of the President of the Senate on August 24, 2010; to the Committee on Finance.

EC–7152. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Alternative Amortization Schedule for Single-Employer Plans under PRA 2010'' (Notice No. 2010–55) received during adjournment of the Senate in the Office of the President of the Senate on August 11, 2010; to the Committee on Finance.

EC–7153. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Xilinx, Inc. v. Commissioner, 598 F. 3d 1191 (9th Cir, 2010), aff'g 125 T.C. 37 (2005)'' (AOD 2010–33) received during adjournment of the Senate in the Office of the President of the Senate on August 11, 2010; to the Committee on Finance.

EC–7154. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Notice and Request for Comments Regarding Implementation of New Chapter 4 of the Code'' (Notice No. 2010–60) received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2010; to the Committee on Finance.

EC–7155. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Disclosures of Return Information Reflected on Returns to Officers and Employees of the Department of Commerce for Certain Statistical Purposes and Related Activities'' (RIN1545–BJ47) received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2010; to the Committee on Finance.

EC–7156. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Application of Sections 7702 and 7702A to Life Insurance Contracts that Mature after Age 100'' (Rev. Proc. 2010–28) received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2010; to the Committee on Finance.

EC–7157. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Clarification of Section 6411 Regulations'' (RIN1545–BF65) received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2010; to the Committee on Finance.

EC–7158. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Examination of Returns and Claims for Refund, Credit or Abatement; Determination of Correct Tax Liability'' (Rev. Proc. 2010–30) received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2010; to the Committee on Finance.

EC–7159. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Customs Broker License Examination Individual Eligibility Requirements'' ((CBP Dec. 10–28)(RIN1651–AA74)) received during adjournment of the Senate in the Office of the President of the Senate on August 27, 2010; to the Committee on Finance.

EC–7160. A communication from the Chief of the Border Securities Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Electronic System for Travel Authorization (ESTA): Travel Promotion Fee and Fee for Use of the System'' ((CBP Dec. 10–25)(RIN1651–AA83)) received during adjournment of the Senate in the Office of the President of the Senate on August 11, 2010; to the Committee on Finance.

EC–7161. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Dominican Republic—Central America—United States Free Trade Agreement'' ((CBP Dec. 10–26)(RIN1515–AD60)) received during adjournment of the Senate in the Office of the President of the Senate on August 17, 2010; to the Committee on Finance.

EC–7162. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Increase in Tax Rates on Tobacco Products and Cigarette Papers and Tubes . . . and Changes to Basis for Denial, Suspension, or Revocation of Permits'' (RIN1513–AB63) received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2010; to the Committee on Finance.

EC–7163. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Establishing Additional Medicare Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS) Supplier Enrollment Safeguards'' (RIN0938–AO90) received during adjournment of the Senate in the Office of the President of the Senate on August 30, 2010; to the Committee on Finance.

EC–7164. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicaid Program and Children's Health Insurance Program (CHIP): Revisions to the Medicaid Eligibility Quality Control and Payment Error Rate Measurement Programs'' (RIN0938–AP69) received in the Office of the President of the Senate on August 12, 2010; to the Committee on Finance.

EC–7165. A communication from the Director of Regulations, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Entitlement and Termination Requirements for Stepchildren'' (RIN0960–AF78) received during adjournment of the Senate in the Office of the President of the Senate on August 24, 2010; to the Committee on Finance.

EC–7166. A communication from the Commissioner of the Social Security Administration, transmitting, pursuant to law, the Administration's 2010 Annual Report on the Supplemental Security Income Program; to the Committee on Finance.

EC–7167. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Evaluation of the Medical Adult Day Services Demonstration''; to the Committee on Finance.

EC–7168. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the activities of the Office of the Medicare Ombudsman; to the Committee on Finance.

EC–7169. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Analysis of the Classification Criteria for Inpatient Rehabilitation Facilities (IRFs)''; to the Committee on Finance.

EC–7170. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to U.S. military personnel and U.S. civilian contractors involved in the anti-narcotics campaign in Colombia; to the Committee on Foreign Relations.

EC–7171. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 10–057, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC–7172. A communication from the Acting Executive Secretary, Agency for International Development (USAID), (2) two reports relative to vacancies in the Agency for International Development (USAID), received during adjournment of the Senate in the Office of the President of the Senate on August 16, 2010; to the Committee on Foreign Relations.

EC–7173. A communication from the Assistant Secretary of the Department of the Treasury, transmitting, pursuant to law, a report relative to Executive Order 11269 and International Monetary and Financial Policies; to the Committee on Foreign Relations.

EC–7174. A communication from the Broadcasting Board of Governors, transmitting, pursuant to law, the Board's Annual Report for 2009; to the Committee on Foreign Relations.

EC–7175. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a certification regarding the proposed transfer of major defense equipment to Australia with an original acquisition value of more than $100,000,000; to the Committee on Foreign Relations.

EC–7176. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, including, technical data, and defense services to Taiwan for the Hughes Air Defense Radar and Air Defense System (HADAR) in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–7177. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to both a combined technical assistance agreement and manufacturing license agreement for the export of defense articles, including, technical data, and defense services to Taiwan for the GD–53 Multimode Radar on Taiwan's Indigenous Defense Fighter (IDF) Aircraft in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–7178. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the elimination of a Danger Pay Allowance for Cote d'Ivoire based on improved conditions; to the Committee on Foreign Relations.

EC–7179. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled ''Schedule of Fees for Consular Services, Department of State and Overseas Embassies and

Consulates'' ((22 CFR Part 22)(RIN1400–AC58)) received during adjournment of the Senate in the Office of the President of the Senate on August 11, 2010; to the Committee on Foreign Relations.

EC–7180. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, an annual report relative to the extent and disposition of United States contributions to international organizations; to the Committee on Foreign Relations.

EC–7181. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, a report relative to two (2) agreements to which the American Institute in Taiwan is a party; to the Committee on Foreign Relations.

EC–7182. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2010–0103—2010–0112); to the Committee on Foreign Relations.

EC–7183. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2010–0113—2010–0122); to the Committee on Foreign Relations.

EC–7184. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2010–0123—2010–0134); to the Committee on Foreign Relations.

EC–7185. A communication from the Director of Legislative and Regulatory Affairs, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans'' (29 CFR Part 4022) received during adjournment of the Senate in the Office of the President of the Senate on August 17, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC–7186. A communication from the Deputy Director of Policy and External Affairs, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' (29 CFR Part 4022) received during adjournment of the Senate in the Office of the President of the Senate on September 1, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC–7187. A communication from the Assistant General Counsel for Regulatory Services, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''National Institute on Disability and Rehabilitation Research (NIDRR)—Disability and Rehabilitation Research Projects and Centers Program—Rehabilitation Research and Training Centers (RRTCs)—Center on Employment Policy and Measurement'' (CFDA No. 84.133B–4) received during adjournment of the Senate in the Office of the President of the Senate on August 11, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC–7188. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the Requirements Applicable to Blood, Blood Components and Source Plasma'' (Docket No. FDA–2007N–02664) received during adjournment of the Senate in the Office of the President of the Senate on August 17, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC–7189. A communication from the Executive Analyst (Political), Department of Health and Human Services, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Secretary for Public Affairs in the Department of Health and Human Services, received during adjournment of the Senate in the Office of the President of the Senate on September 1, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC–7190. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from the Blockson Chemical Company, Joliet, Illinois, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–7191. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Food and Drug Administration's report ''Delays in Approvals of Applications Related to Citizen Petitions and Petitions for Stay of Agency Action for Fiscal Year 2009''; to the Committee on Health, Education, Labor, and Pensions.

EC–7192. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Fiscal Year 2009 Performance Report to Congress for the Medical Device User Fee Amendments of 2007''; to the Committee on Health, Education, Labor, and Pensions.

EC–7193. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Fiscal Year 2010–2015 Strategic Plan for the Department of Health and Human Services; to the Committee on Health, Education, Labor, and Pensions.

EC–7194. A communication from the Deputy Associate Administrator of Acquisition Policy and Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Definition of Cost or Pricing Data'' (RIN9000–AK74) received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–7195. A communication from the Deputy Associate Administrator of Acquisition Policy and Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; American Recovery and Reinvestment Act of 2009 (the Recovery Act)—Buy American Requirements for Construction Material'' (RIN9000–AL22) received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–7196. A communication from the Deputy Associate Administrator of Acquisition Policy and Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2005–45; Small Entity Compliance Guide'' (FAC 2005–45) received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–7197. A communication from the Deputy Associate Administrator of Acquisition Policy and Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2005–45; Introduction'' (FAC 2005–45) received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–7198. A communication from the Deputy Associate Administrator of Acquisition Policy and Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Inflation Adjustment of Acquisition-Related Thresholds'' (RIN9000–AL51) received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–7199. A communication from the Director, Employee Services, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Prevailing Rate Systems; Appendix D to Subpart B of Part 532 — Nonappropriated Fund Wage and Survey Areas'' (RIN3206–AM09) received during adjournment of the Senate in the Office of the President of the Senate on August 18, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–7200. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, a report relative to the activities performed by the agency that are not inherently governmental functions; to the Committee on Homeland Security and Governmental Affairs.

EC–7201. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Technical Corrections to Customs and Border Protection Regulations'' (CBP Dec. 10—29) received during adjournment of the Senate in the Office of the President of the Senate on August 27, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–7202. A communication from the Administrator of the National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, a report entitled ''Fiscal Year 2009 Annual Report on the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002''; to the Committee on Homeland Security and Governmental Affairs.

EC–7203. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18—491 ''Residential Parking Protection Pilot Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–7204. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18—492 ''Assistive Technology Device Warranty Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–7205. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18—493 ''Safe Children and Safe Neighborhoods Educational Neglect Mandatory Reporting Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–7206. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report

on D.C. Act 18—494 ''Mamie ''Peanut'' Johnson Field Designation Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–7207. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18—495 ''Duke Ellington Park Designation Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–7208. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18—496 ''Bishop William F. Hart, Jr. Way Designation Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–7209. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18—497 ''Ward 5 Neighborhood Investment Fund Boundary Expansion Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–7210. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18—498 ''Closing of Public Streets and a Public Alley, and the Dedication and Designation of Land for Street Purposes, in Squares 3765, 3767, 3768 and 3769, S.O. 09—11837, Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–7211. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18—499 ''PeterBug Matthews Way Designation Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–7212. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18—500 ''Dorothy Irene Height Memorial Library Designation Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–7213. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18—501 ''Frank Kameny Way Designation Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–7214. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18—502 ''Summer Pool Safety Temporary Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–7215. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18—523 ''Health Insurance for Dependents Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–7216. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18—524 ''Approval of the Transfer of Control of Starpower Communications, LLC, and its Cable Franchise and Cable System to Yankee Cable Acquisition, LLC Temporary Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–7217. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18—525 ''Not-for-Profit Hospital Corporation Establishment Temporary Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–7218. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18—526 ''Gun Offender Registration Temporary Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–7219. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18—527 ''Wastewater System Regulation Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–7220. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18—533 ''Redevelopment of the Center Leg Freeway (Interstate 395) Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–7221. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18—534 ''Transportation Infrastructure Temporary Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–7222. A communication from the Director of Legislative Affairs, Office of the Director of National Intelligence, transmitting, pursuant to law, a report relative to the vacancy in the position of Director of National Intelligence, received during adjournment of the Senate in the Office of the President of the Senate on August 12, 2010; to the Select Committee on Intelligence.

## REPORTS OF COMMITTEES DURING ADJOURNMENT

Under the authority of the order of the Senate of August 5, 2010, the following reports of Committees were submitted on September 2, 2010:

By Mr. AKAKA, from the Committee on Veterans' Affairs, without amendment:

S. 3765. An original bill to amend title 38, United States Code, to improve Servicemembers' Group Life Insurance and Veterans' Group Life Insurance and to modify the provision of compensation and pension to surviving spouses of veterans in months of the deaths of the veterans, and for other purposes (Rept. No. 111–282).

By Mrs. BOXER, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 3073. A bill to amend the Federal Water Pollution Control Act to protect and restore the Great Lakes (Rept. No. 111–283).

S. 3539. A bill to amend the Federal Water Pollution Control Act to establish a grant program to assist in the restoration of San Francisco Bay (Rept. No. 111–284).

By Mr. AKAKA, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute:

S. 3234. A bill to improve employment, training, and placement services furnished to veterans, especially those serving in Operation Iraqi Freedom and Operation Enduring Freedom, and for other purposes (Rept. No. 111–285).

By Mr. AKAKA, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 3325. A bill to amend title 38, United States Code, to authorize the waiver of the collection of copayments for telehealth and telemedicine visits of veterans, and for other purposes (Rept. No. 111–286).

By Mr. AKAKA, from the Committee on Veterans' Affairs, without amendment:

S. 3486. A bill to amend title 38, United States Code, to repeal the prohibition on collective bargaining with respect to matters and questions regarding compensation of employees of the Department of Veterans Affairs other than rates of basic pay, and for other purposes (Rept. No. 111–287).

S. 3609. A bill to extend the temporary authority for performance of medical disability examinations by contract physicians for the Department of Veterans Affairs (Rept. No. 111–288).

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 3084. A bill to increase the competitiveness of United States businesses, particularly small- and medium-sized manufacturing firms, in interstate and global commerce, foster job creation in the United States, and assist United States businesses in developing or expanding commercial activities in interstate and global commerce by expanding the ambit of the Hollings Manufacturing Extension Partnership program and the Technology Innovation Program to include projects that have potential for commercial exploitation in nondomestic markets, providing for an increase in related resources of the Department of Commerce, and for other purposes (Rept. No. 111—289).

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS DURING ADJOURNMENT

On September 2, 2010, under the authority of the order of the Senate of August 5, 2010, the following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. AKAKA:

S. 3765. An original bill to amend title 38, United States Code, to improve Servicemembers' Group Life Insurance and Veterans' Group Life Insurance and to modify the provision of compensation and pension to surviving spouses of veterans in months of the death of the veterans, and for other purposes; from the Committee on Veterans' Affairs; placed on the calendar.

## 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. SPECTER (for himself, Mrs. BOXER, and Mrs. FEINSTEIN):

S. 3766. A bill to amend the Public Health Service Act to provide for human stem cell research, including human embryonic stem cell research, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEAHY (for himself, Ms. KLOBUCHAR, and Mr. FRANKEN):

S. 3767. A bill to establish appropriate criminal penalties for certain knowing violations relating to food that is misbranded or adulterated; to the Committee on the Judiciary.

By Mrs. HUTCHISON (for herself and Mr. CORNYN):

S. 3768. A bill to eliminate certain provisions relating to Texas and the Education

Jobs Fund; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FEINGOLD:

S. 3769. A bill to amend the Elementary and Secondary Education Act of 1965 to promote family and community engagement in school improvement; to the Committee on Health, Education, Labor, and Pensions.

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

S. 3770. A bill to amend the Elementary and Secondary Education Act of 1965 to improve elementary and secondary education; to the Committee on Health, Education, Labor, and Pensions.

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

S. 3771. A bill to amend the Elementary and Secondary Education Act of 1965 to provide competitive grants for creating and implementing innovative assessments; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID (for himself, Mrs. BOXER, Ms. CANTWELL, Mr. DODD, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Mr. HARKIN, Ms. KLOBUCHAR, Ms. LANDRIEU, Mrs. MCCASKILL, Ms. MIKULSKI, Mrs. MURRAY, Mrs. SHAHEEN, and Ms. STABENOW):

S. 3772. A bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes; read the first time.

By Mr. MCCONNELL (for himself, Mr. GRASSLEY, Mr. KYL, Mr. MCCAIN, Mr. COCHRAN, Mr. GRAHAM, Mr. ROBERTS, Mr. CORNYN, Mr. INHOFE, Mr. ENSIGN, Mr. ISAKSON, Mr. BROWNBACK, Mr. ENZI, Mr. CRAPO, Mr. BURR, Mr. VITTER, Mr. WICKER, Mr. CHAMBLISS, Mr. BOND, Mrs. HUTCHISON, and Mr. HATCH):

S. 3773. A bill to permanently extend the 2001 and 2003 tax relief provisions and to provide permanent AMT relief and estate tax relief, and for other purposes; read the first time.

## ADDITIONAL COSPONSORS

S. 362

At the request of Mr. ROCKEFELLER, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 362, a bill to amend title 38, United States Code, to improve the collective bargaining rights and procedures for review of adverse actions of certain employees of the Department of Veterans Affairs, and for other purposes.

S. 510

At the request of Mr. DURBIN, the names of the Senator from Delaware (Mr. KAUFMAN) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 510, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply.

S. 515

At the request of Mr. LEAHY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 515, a bill to amend title 35, United States Code, to provide for patent reform.

S. 850

At the request of Mr. KERRY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 850, a bill to amend the High Seas Driftnet Fishing Moratorium Protection Act and the Magnuson-Stevens Fishery Conservation and Management Act to improve the conservation of sharks.

S. 984

At the request of Mrs. BOXER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 984, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 1203

At the request of Mr. BAUCUS, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1203, a bill to amend the Internal Revenue Code of 1986 to extend the research credit through 2010 and to increase and make permanent the alternative simplified research credit, and for other purposes.

S. 1235

At the request of Ms. LANDRIEU, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1235, a bill to amend the Public Health Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease.

S. 1348

At the request of Mr. CHAMBLISS, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1348, a bill to recognize the heritage of hunting and provide opportunities for continued hunting on Federal public land.

S. 1501

At the request of Mrs. MURRAY, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1501, a bill to provide a Federal tax exemption for forest conservation bonds, and for other purposes.

S. 1553

At the request of Mr. GRASSLEY, the names of the Senator from Illinois (Mr. BURRIS) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 1553, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Future Farmers of America Organization and the 85th anniversary of the founding of the National Future Farmers of America Organization.

S. 1617

At the request of Mr. BROWN of Ohio, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1617, a bill to require the Secretary of Commerce to establish a program for the award of grants to States to establish revolving loan funds for small and medium-sized manufacturers to improve energy efficiency and produce clean energy technology, and for other purposes.

S. 1703

At the request of Mr. DORGAN, the name of the Senator from Massachusetts (Mr. KERRY) 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 Illinois (Mr. BURRIS) 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. 2827

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2827, a bill to amend the Internal Revenue Code of 1986 to expand the military housing allowance exclusion for purposes of determining area gross income in determining whether a residential rental property for purposes of the exempt facility bond rules.

S. 2882

At the request of Mr. KERRY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2882, a bill to amend the Internal Revenue Code of 1986 to modify the rules relating to the treatment of individuals as independent contractors or employees, and for other purposes.

S. 2888

At the request of Mr. CARDIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2888, a bill to amend section 205 of title 18, United States Code, to exempt qualifying law school students participating in legal clinics from the application of the general conflict of interest rules under such section.

S. 2925

At the request of Mr. WYDEN, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 2925, a bill to establish a grant program to benefit victims of sex trafficking, and for other purposes.

S. 3036

At the request of Mr. BAYH, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 3036, a bill to establish the Office of the National Alzheimer's Project.

S. 3257

At the request of Mr. ENZI, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 3257, a bill to authorize

the Department of Labor's voluntary protection program and to expand the program to include more small businesses.

S. 3320

At the request of Mr. WHITEHOUSE, the names of the Senator from New York (Mrs. GILLIBRAND) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 3320, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 3328

At the request of Mrs. LINCOLN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 3328, a bill to examine and improve the child welfare workforce, and for other purposes.

S. 3339

At the request of Mr. KERRY, the names of the Senator from Maryland (Mr. CARDIN), the Senator from Vermont (Mr. SANDERS) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 3339, a bill to amend the Internal Revenue Code of 1986 to provide a reduced rate of excise tax on beer produced domestically by certain small producers.

S. 3345

At the request of Mr. WHITEHOUSE, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 3345, a bill to amend title 46, United States Code, to remove the cap on punitive damages established by the Supreme Court in Exxon Shipping Company v. Baker.

S. 3398

At the request of Mr. BAUCUS, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 3398, a bill to amend the Internal Revenue Code of 1986 to extend the work opportunity credit to certain recently discharged veterans.

S. 3409

At the request of Mr. THUNE, his name was added as a cosponsor of S. 3409, a bill to make certain adjustments to the price analysis of propane prepared by the Secretary of Commerce.

S. 3424

At the request of Mr. DURBIN, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 3424, a bill to amend the Animal Welfare Act to provide further protection for puppies.

S. 3437

At the request of Mrs. LINCOLN, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 3437, a bill to amend the Child Abuse Prevention and Treatment Act to establish grant programs for the development and implementation of model undergraduate and graduate curricula on child abuse and neglect at institutions of higher education throughout the United States and to assist States in developing forensic interview training programs, to establish regional training centers and other resources for State and local child protection professionals, and for other purposes.

S. 3447

At the request of Mr. AKAKA, the names of the Senator from Maine (Ms. SNOWE), the Senator from Oregon (Mr. MERKLEY), the Senator from Montana (Mr. TESTER), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Missouri (Mrs. MCCASKILL) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S. 3447, a bill to amend title 38, United States Code, to improve educational assistance for veterans who served in the Armed Forces after September 11, 2001, and for other purposes.

S. 3466

At the request of Mr. LEAHY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 3466, a bill to require restitution for victims of criminal violations of the Federal Water Pollution Control Act, and for other purposes.

S. 3474

At the request of Mr. FEINGOLD, the names of the Senator from South Dakota (Mr. THUNE) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 3474, a bill to provide an optional fast-track procedure the President may use when submitting rescission requests, and for other purposes.

S. 3479

At the request of Mrs. HAGAN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 3479, a bill to authorize the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, to establish and implement a birth defects prevention, risk reduction, and public awareness program.

S. 3560

At the request of Mr. SCHUMER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 3560, a bill to instruct the Secretary of State to designate the Pakistani Taliban as a foreign terrorist organization.

S. 3572

At the request of Mrs. LINCOLN, the names of the Senator from Oregon (Mr. MERKLEY), the Senator from Delaware (Mr. KAUFMAN) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 3572, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first law enforcement agency, the United States Marshals Service.

S. 3578

At the request of Mr. JOHANNS, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor 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. 3621

At the request of Mr. JOHNSON, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 3621, a bill to amend the Internal Revenue Code of 1986 to provide for an exclusion for assistance provided to participants in certain veterinary student loan repayment or forgiveness programs.

S. 3653

At the request of Mr. CORNYN, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 3653, a bill to remove unelected, unaccountable bureaucrats from seniors' personal health decisions by repealing the Independent Payment Advisory Board.

S. 3719

At the request of Mrs. LINCOLN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 3719, a bill to establish a grant program for first responder agencies that experience an extraordinary financial burden resulting from the deployment of employees.

S. 3744

At the request of Mrs. BOXER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 3744, a bill to establish Pinnacles National Park in the State of California as a unit of the National Park System, and for other purposes.

S. 3751

At the request of Mr. HATCH, the names of the Senator from North Carolina (Mrs. HAGAN) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 3751, a bill to amend the Stem Cell Therapeutic and Research Act of 2005.

S. CON. RES. 39

At the request of Mr. MENENDEZ, the names of the Senator from Illinois (Mr. BURRIS) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. Con. Res. 39, a concurrent resolution expressing the sense of the Congress that stable and affordable housing is an essential component of an effective strategy for the prevention, treatment, and care of human immunodeficiency virus, and that the United States should make a commitment to providing adequate funding for the development of housing as a response to the acquired immunodeficiency syndrome pandemic.

S. CON. RES. 63

At the request of Mr. JOHNSON, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. Con. Res. 63, a concurrent resolution expressing the sense of Congress that Taiwan should be accorded observer status in the International Civil Aviation Organization (ICAO).

S. RES. 586

At the request of Mr. FEINGOLD, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of S. Res. 586, a resolution

supporting democracy, human rights, and civil liberties in Egypt.

AMENDMENT NO. 4596

At the request of Mr. JOHANNS, the names of the Senator from Arkansas (Mrs. LINCOLN), the Senator from Wyoming (Mr. BARRASSO), the Senator from Kansas (Mr. ROBERTS), the Senator from Wyoming (Mr. ENZI), the Senator from North Carolina (Mr. BURR), the Senator from South Carolina (Mr. GRAHAM), the Senator from South Dakota (Mr. THUNE) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of amendment No. 4596 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.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER (for himself, Mrs. BOXER, and Mrs. FEINSTEIN):

S. 3766. A bill to amend the Public Health Service Act to provide for human stem cell research, including human embryonic stem cell research, and for other purposes, to the Committee on Health, Education, Labor, and Pensions.

Mr. SPECTER. Mr. President, I have sought recognition to introduce the Stem Cell Research Advancement Act of 2010 on behalf of Senator BOXER, Senator FEINSTEIN, and myself.

Some 21 days ago, in the United States District Court for the District of Columbia, in an opinion by Chief Judge Lamberth, the expenditures made by the National Institutes of Health for embryonic stem cell research under an Executive order issued by President Obama on March 9, 2009, was overturned under a declaration that the Executive order violated the Dickey-Wicker amendment enacted by Congress.

Even though on its face it is pretty clear-cut that the embryonic stem cell research was not precluded by that amendment, that has had the effect of tying up very important ongoing research. For example, some $546 million has already been spent on human embryonic stem cell research and some very noteworthy progress has been made. For example, the Food and Drug Administration has approved a clinical trial for patients with spinal cord injury, and human embryonic stem cell research has been successfully used to develop new therapeutic drugs for a number of diseases including amyotrophic lateral sclerosis and muscular dystrophy, and those are just a couple of the illustrations.

The Court of Appeals for the District of Columbia has stayed the lower court's order until September 20, but there is very substantial doubt as what the future will be. Meanwhile, although the district court order has been stayed, there is great uncertainty in the research community as to what will happen. This research is vital for moving against the maladies of our society.

The background on this issue is that in November of 1998, the disclosure was made about the potential for embryonic stem cell research. At the time I chaired the appropriations subcommittee which funded Health and Human Services. It seemed to me that was a tremendous opportunity and I scheduled a hearing within a few days, held on December 2 of 1998. Since that time, there have been some 20 hearings.

As we all know, the funding for the National Institutes of Health has had a tremendous increase. When I joined the committee after my election in 1980, the funding was $3.6 billion. When I became chairman of the committee in the mid-1990s, the funding was $12 billion. With the concurrence of the then-ranking member, Senator HARKIN, we took the lead in increasing funding from some $12 billion to $30 billion. Regrettably, with budget constraints, the funding did not keep pace, starting in the year 2003. But in the stimulus package there was an additional $10 billion added which has reawakened a whole generation of research scientists, with that $10 billion providing funding for some 15,000 grants.

The results for health have been really overwhelming. Here are a few illustrations. In the 1950s, cardiovascular disease caused half of the United States deaths. Today, the rate for coronary heart disease is more than 60 percent lower. Over the past 25 years, the 5-year survival rate for prostate cancer has increased from 69 percent to almost 99 percent for diagnosed patients. For childhood cancers, the 5-year survival rate has improved markedly over the past 3 decades, from less than 50 percent before the 1970s to 80 percent today. Those are only illustrative statistics. The opportunities for embryonic stem cell research are overwhelming.

The Specter-Harkin bill was passed by the Senate in 2006 by a vote of 63 to 37, a very healthy margin for an issue which has raised some controversy. The House of Representatives passed the legislation but regrettably President Bush vetoed it in 2006, and the effort to override the veto in the House failed. There was a vote of 235 to 193, short of the two-thirds necessary to override the veto. But that shows enormous Congressional support.

Then President Obama issued the Executive order that Federal funds could be used on embryonic stem cell research on lines where the embryo had been donated. This is in line with the policy adopted by President Bush in August of 2001, when he allowed the use of quite a number of stem cell lines where the embryos had been donated. Later it was found there were only 21 lines, and those were insufficient, which has led to the effort for legislation and then led to President Obama's Executive order. The fact is, there are some 400,000 of these embryos which are frozen and which will ultimately be discarded. So it is use them for medical research to save lives or throw them away. Some have contended that we are destroying lives but the reality is they will not be utilized.

In response to the issue as to whether there might be adoption of these embryos, the subcommittee took the lead in appropriating substantial funds, which is more than $4 million a year, actually $4.2 million, but relatively few people have come forward for its use on adopting the embryos to turn them into life. If these embryos could be turned into human life I would not under any circumstance advocate scientific research on these embryos—if they could produce life. But they cannot. The facts are plain. The adoption line has been in effect now since 2002. Only a few hundred have been adopted. President Bush invited the ''snowflake'' children to the White House during his tenure, about 150 of them.

Now we have a situation where the court has intervened, even though more than a year and a half had elapsed since President Obama issued the Executive order, a clear indication of congressional intent not to deal with it or not to overturn it. I think it is a fair legal analysis that the order issued by the district court is not a sound order. Some indication of that is found in the fact that the circuit court stayed the order—not conclusive, but when they stay an order it looks as though they are not favorably inclined toward it. But who knows what the circuit court will do? Who knows what the Supreme Court of the United States, with their ideological bent, would do? This has become a theological issue in part, very emotional, with people arguing that it is akin to abortion. Of course it is nowhere near that kind.

It seems to me Congress ought to act. That is why on the first order of business after we convened here this afternoon, our first day back and our first hour in the Senate session, I am introducing this legislation. I have discussed it with sponsors on the House side and I think we are in a position to move rapidly. Certainly the previous vote of 63 to 37 in 2006 shows substantial support in this body, and the 235-to-193 vote to override President Bush's veto shows the same in the House of Representatives. I hope my colleagues will join me in this effort so this important scientific research may be continued.

I ask unanimous consent that the full text of my printed statement be printed in the RECORD.

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

THE STEM CELL RESEARCH ADVANCEMENT ACT

Mr. SPECTER. Mr. President, I have sought recognition today to introduce the

''Stem Cell Research Advancement Act'' to codify the provisions set out in President Obama's executive order on embryonic stem cell research.

I believe medical research should be pursued with all possible haste to cure the diseases and maladies affecting Americans. As former Chairman and Ranking Member of the Labor, Health and Human Services, and Education Appropriations Subcommittee, I backed up this belief by supporting increases in funding for the National Institutes of Health. When I came to the Senate in 1981, NIH spending totaled $3.6 billion. In fiscal year 2010, NIH will receive approximately $31 billion to fund its pursuit of lifesaving research. Regrettably, increases in Federal funding for NIH have steadily declined since 2003. The $10 billion for the National Institutes of Health that was included in the stimulus package provided an immediate infusion of new research dollars for medical research to make up for a portion of what was lost since 2003 and has had tremendous influence on the biomedical research community. The successes realized by this investment in NIH have spawned revolutionary advances in our knowledge and treatment for diseases such as cancer, Alzheimer's disease, Parkinson's disease, mental illnesses, diabetes, osteoporosis, heart disease, ALS, and many others. For example, in the 1950's, cardiovascular disease caused half of U.S. deaths. Today, the death rate for coronary heart disease is more than 60 percent lower. Over the past 25 years, the 5-year survival rate for prostate cancer has increased from 69 percent to almost 99 percent for diagnosed patients. For all childhood cancers combined, 5-year relative survival has improved markedly over the past 30 years, from less than 50 percent before the 1970s to 80 percent today. It is clear to me that Congress's commitment to the NIH is paying off. This is the time to seize the scientific opportunities that lie before us and to ensure that all avenues of research toward cures—including stem cell research—remain open for investigation.

I first learned of the potential of human embryonic stem cells in November of 1998 upon the announcement of the work by Dr. Jamie Thomson at the University of Wisconsin and Dr. John Gearhart at Johns Hopkins University. I took an immediate interest and held the first congressional hearing on the subject of stem cells less than one month later on December 2, 1998. These cells are pluripotent, meaning they have the ability to become any type of cell in the human body. The consequences of this unique property of stem cells are far reaching and are key to their potential use in therapies. Scientists and doctors with whom I have spoken—and that have since testified before the Labor-HHS Appropriations Subcommittee at 20 stem cell-related hearings—were excited by this discovery. They believed that these cells could be used to replace damaged or malfunctioning cells in patients with a wide range of diseases. This could lead to cures and treatments for maladies such as juvenile diabetes, Parkinson's disease, Alzheimer's disease, cardiovascular diseases, and spinal cord injury.

Embryonic stem cells are derived from embryos that would otherwise have been discarded. During the course of in vitro fertilization therapies, 4 to 16 embryos are created for a couple having difficulty becoming pregnant. The embryos grow for 5 to 7 days until they contain approximately 100 cells. To maximize the chances of success, several embryos are implanted into the woman. The remaining embryos are frozen for future use. If the woman becomes pregnant after the first implantation, and does not want to have more pregnancies, the remaining frozen embryos are in excess of clinical need and can be donated for research. Embryonic stem cells are derived from these embryos. The stem cells form what are called ''lines'' and continue to divide indefinitely in a laboratory dish. The stem cells contained in these lines can then be made into almost any type of cell in the body—with the potential to replace cells damaged by disease or accident. At no point in the derivation process are the embryos or the derived cells implanted in a woman, which would be required for them to develop further. The process of deriving stem cell lines results in the disruption of the embryo and I know that this raises some concerns.

More than 400,000 embryos are stored in fertility clinics around the country. If these frozen embryos were going to be used for in vitro fertilization, I would be the first to support it. In fact, I have included funding in the HHS budget each year since 2002 to create and continue an embryo adoption awareness campaign. For fiscal year 2010, this campaign is funded at $4.2 million. But the truth is that most of these embryos will be discarded, while they hold the key to curing and treating diseases that cause suffering for millions of people.

President Bush opened the door to stem cell research on August 9, 2001. His policy statement allowed limited Federal funding of human embryonic stem cell research for the first time. A key statement by the President related to the existence of approximately 60 eligible stem cell lines—then expanded to 78. In the intervening years, it became apparent that many of the lines cited were not really viable, robust, or available to federally funded researchers. During that time, there were only 21 lines available for research.

On July 18, 2006, the Senate passed H.R. 810, the Stem Cell Research Enhancement Act by a vote of 63 to 37. This was the House companion to S. 471, which I introduced, and would lift the federal date restriction and allow federally-funded scientists to research a greater number of stem cell lines derived from human embryos that have been donated from in vitro fertilization clinics. It also included stronger ethical requirements on stem cell lines eligible for funding including: donor consent, certification that embryos donated are in excess of clinical need, and certification that the embryos would be otherwise discarded. Unfortunately, on July 19, 2006, President Bush vetoed H.R. 810 and the House failed to override the veto by a vote of 235–193, 48 votes short of the two-thirds needed.

On March 19, 2007, Dr. Elias Zerhouni, President Bush's appointee to lead the National Institutes of Health, testified before the Senate Labor, Health and Human Services and Education Appropriations Subcommittee regarding the NIH budget and stem cells. At that time he stated, ''It is clear today that American science would be better served and the nation would be better served if we let our scientists have access to more cell lines. . .To sideline NIH in such an issue of importance, in my view, is shortsighted. I think it wouldn't serve the nation well in the long run.''

On March 9, 2009, President Obama issued an executive order removing restrictions on federal research on human embryonic research. On July 7, 2009, NIH issued the National Institutes of Health Guidelines for Research Using Human Stem Cells specifying the requirements that must be met for an embryonic stem cell line to be eligible for use in NIH-funded research. Embryonic stem cell lines must be derived from donated human embryos created using in vitro fertilization for reproductive purposes, but no longer needed for that purpose, and donated with voluntary informed consent. This action and research advancement resulted in 75 stem cell lines available for NIH research.

Regrettably, on August 23, 2010, Chief Judge Lamberth of the Federal District Court for the District of Columbia ruled that such research violates the Dickey-Wicker amendment. Since fiscal year 1996, the Dickey-Wicker amendment has been added to each year's Labor, Health and Human Services and Education appropriations legislation to prohibit the use of federal funds for research that destroys human embryo. This policy precludes the use of federal funding to derive stem cells from embryos, which typically are produced via in vitro fertilization. However, it has always been interpreted as allowing federal funds for research that utilizes human embryonic stem cells as long as no federal funds were used for their derivation.

According to a legal opinion issued by the HHS General Council Harriet Rabb in 1999, federal funding for research performed with embryonic stem cells themselves, which does not itself involve embryos or the extraction of stem cells from embryos, is not proscribed by the Dickey amendment. The opinion states: ''Pluripotent stem cells are not organisms and do not have the capacity to develop into an organism that could perform all the life functions of a human being. They are, rather, human cells that have the potential to evolve into different types of cells such as blood cells or insulin producing cells. Pluripotent stem cells do not have the capacity to develop into a human being, even if transferred to a uterus. Based on an analysis of the relevant law and scientific facts, federally funded research that utilizes human pluripotent stem cells would not be prohibited by the HHS appropriations law prohibiting human embryo research, because such stem cells are not human embryos.''

In their memorandum in support of dismissing the case before Judge Lamberth, the Department of Justice argued that ''Congress has expressly interpreted Dickey-Wicker to permit federal funding for stem cell research that is 'dependent upon' the destruction of human embryos.'' As part of this argument, they cited a floor statement I gave in 1999, in regard to the NIH's fiscal year 2000 budget. In that statement, I explained that the budget for NIH maintained the Dickey-Wicker amendment by permitting research to go forward now with private funding extracting the stem cells from embryos, and then the federal funding coming in on the stem cells which have been extracted.

Judge Lamberth's ruling has jeopardized NIH grants that are in various stages of research. In response to this court order, the NIH suspended funding new human embryonic stem cell research and all experiments already underway will be cut off when they come up for renewal. Even a temporary suspension of funding will disrupt the work on these important research projects in the areas of heart disease, sickle cell anemia, liver failure, muscular dystrophy and other maladies. According to the National Institutes of Health, to date, $546 million has been spent on human embryonic stem cell research and phenomenal progress has already been made in realizing the possible benefits. For example, the Food and Drug Administration has approved a clinical trial for patients with spinal cord injury and human embryonic stem cell research is successfully being used to develop new therapeutic drugs for a number of diseases, including amyotrophic lateral sclerosis and spinal muscular atrophy. The research, some of which has been ongoing since 2002, could be gone forever or take years to recreate.

Though the U.S. Court of Appeals for the D.C. Circuit has granted a stay of Judge

Lamberth's temporary injunction while the Obama administration appeals the decision, the uncertainty created by the ruling slows the progress of science. Young scientists rightly void fields of science for which funding may come and go due to political whim rather than scientific and medical merit. A temporary end to the current restrictions is an incomplete and ultimately self-defeating solution.

The Stem Cell Research Advancement Act would codify federal funding of embryonic stem cell research. The bill requires the Secretary of HHS and Director of NIH to maintain guidelines on human stem cell research as set out by President Obama's Executive Order. The NIH must review the guidelines at least every three years and shall update them as scientifically warranted. The bill also establishes eligibility criteria for federal funding of human stem cell research:

The stem cells were derived from human embryos donated from in vitro fertilization clinics, were created for reproductive purposes, and are in excess of clinical need.

The embryos to be donated would never be implanted in a woman and would otherwise be discarded.

The individuals seeking reproductive treatment donated the embryos with written informed consent and without any financial or other inducements.

Importantly, the bill does not allow Federal funds to be used for the derivation of stem cell lines—the step in the process where the embryo is destroyed.

I strongly believe that the funding provided by Congress should be invested in the best research to address diseases based on medical need and scientific opportunity. Politics has no place in the equation. I urge this body to support the Stem Cell Research Advancement Act so that scientists can continue important research without concerns that federal policy on stem cells will change with each new administration.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Mr. President, first let me salute my colleague from the Commonwealth of Pennsylvania, Mr. SPECTER. He will be leaving the Senate at the end of this year. He has done many things throughout his senatorial career, but I am glad he brought the attention of the Senate this afternoon to his extraordinary effort when it comes to the field of medical research. When the record is written on his service to our country and to the Senate, I think the list will begin with his commitment to dramatic increases in medical research at the National Institutes of Health.

Senator SPECTER is leaving the floor now, but I can tell you, during the course of his remarks I was reminded of how many times he came to the Appropriations Committee and challenged us to raise more money for medical research. His challenges were met with cooperation on a bipartisan basis in the Senate. I don't know that anyone can even measure how many lives have been saved by that extraordinary investment. But he made that commitment as a Senator and he continues to make it in the field of stem cell research.

The point he makes is irrefutable. If these stem cells are not used for research to find cures for deadly, crippling diseases, they will be discarded—thrown away. It is not a question of whether they will be human lives at some point, human embryos. They are going to be thrown away, discarded because they were not used during the course of efforts of young couples to enlarge their families. I think it is only appropriate that we use these stem cells to save lives, to spare misery and spare suffering, and I certainly agree with Senator SPECTER's conclusion.

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By Mr. LEAHY (for himself, Ms. KLOBUCHAR, and Mr. FRANKEN):

S. 3767. A bill to establish appropriate criminal penalties for certain knowing violations relating to food that is misbranded or adulterated; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today, I am pleased to introduce the Food Safety Accountability Act with Senators KLOBUCHAR and FRANKEN. This common sense bill will hold criminals who poison our food supply accountable for their crimes. It introduces a new criminal provision and increases the sentences that prosecutors can seek for people who knowingly violate our food safety laws. If it is passed, those who knowingly contaminate our food supply and endanger Americans could receive up to 10 years in jail.

This summer, a salmonella outbreak causing hundreds of people to fall ill triggered a national egg recall. The cause of the outbreak is still under investigation, but salmonella poisoning is all too common and sometimes results from inexcusable knowing conduct. Just last year, a mother from Vermont, Gabrielle Meunier, testified before the Senate Agriculture Committee about her 7-year-old son, Christopher, who became severely ill and was hospitalized for 6 days after he developed salmonella poisoning from peanut crackers. Thankfully, Christopher recovered, and Mrs. Meunier was able to share her story, which highlighted for the Committee and for the Senate improvements that are needed in our food safety system. No parent should have to go through what Mrs. Meunier experienced. The American people should be confident that the food they buy for their families is safe.

Current statutes do not provide sufficient criminal sanctions for those who knowingly violate our food safety laws. The fines and recalls that usually result from criminal violations under current law fall short in protecting the public from harmful products. Too often, those who are willing to endanger our children in pursuit of profits view such fines or recalls as merely the cost of doing business. Indeed, the company responsible for the eggs at the root of the current salmonella crisis has a long history of environmental, immigration, labor and food safety violations. It is clear that civil and criminal fines are not enough to protect the public and effectively deter this unacceptable conduct. We need to make sure that those who knowingly poison the food supply will go to jail. The bill I introduce today will add a new criminal provision and increase sentences for people who put profits above safety by knowingly contaminating the food supply.

After hearing Mrs. Meunier's account, I called on the Department of Justice to conduct a criminal investigation into the outbreak of salmonella that made Christopher and many others so sick. The outbreak was traced to the Peanut Corporation of America. The president of that company, Stewart Parnell, came before Congress and invoked his right against self-incrimination, refusing to answer questions about his role in distributing contaminated peanut products. These products were linked to the deaths of nine people and have sickened more than 600 others. It appears that Parnell knew that peanut products from his company had tested positive for deadly salmonella, but rather than immediately disposing of the products, he sought ways to sell them anyway. The evidence suggests that he knowingly put profit above the public's safety. Our laws must be strengthened to ensure this does not happen again. This bill significantly increases the chances that those who commit food safety crimes will face jail time, rather than a slap on the wrist, for their criminal conduct.

I hope Senators of both parties will act quickly to pass this bill. On behalf of Mrs. Meunier and her son, Christopher, as well as the hundreds of individuals sickened by this summer's and last year's salmonella outbreaks, we must repair our broken food safety system. The Justice Department must be given the tools it needs to investigate, prosecute, and truly deter crime involving food safety. If Congress acts to pass it, this bill will be an important step toward making our food supply safer.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3767

*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 ''Food Safety Accountability Act of 2010''.

**SEC. 2. CRIMINAL PENALTIES.**

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

**''§ 1041. Misbranded and adulterated food**

''(a) IN GENERAL.—It shall be unlawful for any person to knowingly—

''(1) introduce or deliver for introduction into interstate commerce any food that is adulterated or misbranded; or

''(2) adulterate or misbrand any food in interstate commerce.

''(b) PENALTY.—Any person who violates subsection (a) shall be fined under this title, imprisoned for not more than 10 years, or both.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 47 of

title 18, United States Code, is amended by adding at the end the following:

''1041. Misbranded and adulterated food.''.

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By Mrs. HUTCHISON (for herself and Mr. CORNYN):

S. 3768. A bill to eliminate certain provisions relating to Texas and the Education Jobs Fund; to the Committee on Health, Education, Labor, and Pensions.

Mrs. HUTCHISON. Mr. President, I rise to talk about a bill I introduced today with Senator CORNYN as a cosponsor. It is S. 3768. When Congress passed and the President signed the education jobs fund bill in August, every State in America had the same requirements and every State in America was treated fairly—or equally, anyway—except for one and that State is Texas. That is why Senator CORNYN and I are introducing a bill that would only allow Texas to be equal with every other State in the Federal funding opportunity in this education bill.

The House of Representatives—not the Senate but the House—put in an amendment that singled out Texas in two ways. It said that Texas, unlike every other State in the bill, would have to guarantee 3 years of a commitment for education funding to be level in order to get the funds for 1 year that were allocated in the bill. Every other State in America is required to make such a commitment for 1 year.

Our constitution in Texas, similar to many State constitutions, does not allow one legislature to pass legislation that will require acts of another legislature, so appropriations cannot go over a 3-year period. Our legislature can only appropriate and spend Texas money for itself. It cannot obligate future legislatures. So the House provision would require Texas to violate its Constitution in order to receive the Federal money that every other State has as an allocation.

The second thing that only Texas is required to do under this bill is to distribute the funds under the title I distribution formula. Every other State gives its Governor and its State Department of Education the discretion for the money to be used where it is most needed within its State. After all, education is generally a State and local issue. In this case, you do have Federal funding, and it is provided for every State by giving it to the Governor for the distribution within the State. Only in Texas, however, under the legislation that was passed, would the requirement be that title I provides the formula, not the State of Texas and its appropriations, Governor and Lieutenant Governor.

It is puzzling, to say the least, that Texas was singled out in this way. But I am going to do everything I can to assure that does not continue. The Commissioner of Education asked for the Texas allocation of $830 million in the normal way, met all the Federal requirements and the time guidelines for submitting the grant request for an estimated $830 million. The request was turned down because, of course, the Governor could not certify 3 years of level spending because the legislature cannot obligate future legislatures in our Constitution. So Texas has just been turned down.

If we can pass the legislation Senator CORNYN and I are introducing today or if we can amend the bill that is before us, which we are going to try to do—we perfected the process today by offering this as an amendment on the bill that is before this body, and I am going to try to get this as an amendment on every bill that is going through—that will just create a level playing field.

We are certainly not asking for special favors, but again we are also asking that we not be penalized just because a House Member decided Texas should have a different standard.

We all understand politics in the usual sense. But having an argument between a Member of the House and the Governor is not a reason to penalize every schoolchild in Texas, every school district in Texas, every teacher in Texas, every administrator in Texas. It is not right. I think any person who puts the politics aside would agree that reasonableness would dictate that every State should be treated the same. In the bill that was passed, we are spending Texas tax dollars just like we are spending the tax dollars of every taxpayer in America. Texas would be putting the dollars into the Federal coffers but being penalized from receiving its fair share, as we certainly described happens in the bill.

The Hutchison-Cornyn bill is now going through the processes, and we are going to ask for support from all our colleagues to have that level playing field. Senator CORNYN and I have been working, along with Congressman MICHAEL BURGESS on the House side and the Texas delegation in the House. Many in the House delegation are certainly going to want to see this corrected, I hope. I do hope we can get prompt action. We need to do it before the end of this fiscal year in order to qualify in our rightful way.

We are not asking for special favors, most certainly. We expect to meet all the tests any State would meet. We expect to have our grant application looked at and scrutinized and determined if it is eligible in every way. But we do not expect to have a different standard from every other State in America.

Senator CORNYN and I are very hopeful we can get prompt action from the Senate to send this to the House. I hope the House will also see that was not meant to be—at least I am sure every Member voting on this bill did not know Texas was being treated differently. I do not think this is a time for any State to start a war with another State. That is not the way we ought to do business. I do not wish to be starting that kind of precedent even—I wouldn't do it to any other State, and I certainly do not expect it to be done to mine.

Senator CORNYN and I have introduced the Hutchison-Cornyn legislation. We hope we can level the playing field. All we ask is that we be judged like every State, that we have the requirement of 1 year of level funding, just as every other State is required to do and which I know our Texas Education Agency will certainly agree to do; then, second, that we be able to distribute according to the State requirements and the State priorities rather than a Federal funding formula done when no one has come to Texas to look at our formula and our needs for this particular bill. If we can correct those two things and put Texas on a level playing field with any other State, then I think it will be the right thing to do.

Sometimes we have little tiffs here, politically, but I don't think anyone can argue that a retribution against one person in Texas by one Member of Congress is a good reason to make a public policy decision that is disastrous for our State—that is hurting, just like every State, in not having enough dollars. We have a deficit right now of about $20 billion facing the next legislature in Texas.

If we can have what has passed, what is going through this Congress and what has been signed by the President, it would help alleviate some of the concerns our educators and education leaders in Texas are now saddled with; that is, a lot more expenses than revenue coming in. I hope we can right this wrong.

Mr. CORNYN. Mr. President, today my colleague Senator HUTCHISON and I have introduced legislation to repeal a House provision in the Education Jobs Bill that discriminates solely against the state of Texas. As a result of the House language, Texas will be denied over $800 million in federal funding.

The Hutchison-Cornyn bill will strip the language requiring Texas to make a commitment for three years of funding in order to be eligible for any of the $10 billion in the Education Jobs Fund. To be in compliance with the provision, the state would have to violate its own constitution. The Texas Legislature has sole authority to determine state appropriations—they cannot be dictated by the federal government. Additionally, one legislature cannot bind a future legislature. Moreover, this provision singles out Texas because all other states must only commit to one year of funding in order to receive Education Jobs Program funding.

The House language also stipulates that Texas must distribute funds through Title I funding formula, rather than allowing the governor to determine the funding distribution, as is the case in the other states and territories. In Texas this would preclude 31 districts from receiving any funds, and will result in less funding for 66 percent of the state's school districts.

Unfortunately, on September 9, 2010 the U.S. Department of Education denied an application from Texas Education Commissioner Robert Scott for

$830 million from the Education Jobs Fund.

The real impact of the House language, however, is felt in school districts across our state. Recently, for example, I received a letter from the Superintendent of the Hamlin Independent School District informing me that the West Texas school district was forced to cut more than $80,000 from the district's budget to cover rising salary costs. If Texas is prohibited from applying for the Education Jobs Fund, Hamlin ISD stands to lose over $90,000 in federal dollars, an amount that could compensate for the district's current budget cuts.

Our bill would put a stop to Texas Democrats' efforts to play politics with much-needed funding for Texas schools and teachers. Texas taxpayer dollars belong in Texas schools—not in California or New York, as the Doggett Amendment would have it. I urge my colleagues to pass our bill so we can remove this partisan roadblock and move quickly to restore critical Federal funding to Texas schools.

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By Mr. REID (for himself, Mrs. BOXER, Ms. CANTWELL, Mr. DODD, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Mr. HARKIN, Ms. KLOBUCHAR, Ms. LANDRIEU, Mrs. MCCASKILL, Ms. MIKULSKI, Mrs. MURRAY, Mrs. SHAHEEN, and Ms. STABENOW):

S. 3772. A bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes; read the first time.

Mr. REID. Mr. President. I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3772

*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 ''Paycheck Fairness Act''.

**SEC. 2. 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. 3. 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. 4. 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. 5. 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 Act.

**SEC. 6. 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. 7. 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. 8. 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. 9. 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 Act.

(b) PROHIBITION ON EARMARKS.—None of the funds appropriated pursuant to subsection (a) for purposes of the grant program in section 5 of this Act 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. 11. SMALL BUSINESS ASSISTANCE.**

(a) EFFECTIVE DATE.—This Act and the amendments made by this Act 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 Act and the amendments made by this Act.

(c) SMALL BUSINESSES.—A small business shall be exempt from the provisions of this Act 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 Act, or in any amendment made by this Act, shall affect the obligation of employers and employees to fully comply with all applicable immigration laws, including any penalties, fines, or other sanctions.

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By Mr. MCCONNELL (for himself, Mr. GRASSLEY, Mr. KYL, Mr. MCCAIN, Mr. COCHRAN, Mr. GRAHAM, Mr. ROBERTS, Mr. CORNYN, Mr. INHOFE, Mr. ENSIGN, Mr. ISAKSON, Mr. BROWNBACK, Mr. ENZI, Mr. CRAPO, Mr. BURR, Mr. VITTER, Mr. WICKER, Mr. CHAMBLISS, Mr. BOND, Mrs. HUTCHISON, and Mr. HATCH):

S. 3773. A bill to permanently extend the 2001 and 2003 tax relief provisions and to provide permanent AMT relief and estate tax relief, and for other purposes; read the first time.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3773

*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 ''Tax Hike Prevention Act of 2010''.

## TITLE I—PERMANENT TAX RELIEF

**SEC. 101. 2001 TAX RELIEF MADE PERMANENT.**

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 is repealed.

**SEC. 102. 2003 TAX RELIEF MADE PERMANENT.**

Section 303 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 is repealed.

**SEC. 103. TECHNICAL AND CONFORMING AMENDMENTS.**

The Secretary of the Treasury or the Secretary's delegate shall not later than 90 days after the date of the enactment of this Act, submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a draft of any technical and conforming changes in the Internal Revenue Code of 1986 which are necessary to reflect throughout such Code the purposes of the provisions of, and amendments made by, this Act.

## TITLE II—PERMANENT INDIVIDUAL AMT RELIEF

**SEC. 201. PERMANENT INDIVIDUAL AMT RELIEF.**

(a) MODIFICATION OF ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.—

(1) IN GENERAL.—Paragraph (1) of section 55(d) of the Internal Revenue Code of 1986 (relating to exemption amount) is amended to read as follows:

''(1) EXEMPTION AMOUNT FOR TAXPAYERS OTHER THAN CORPORATIONS.—In the case of a taxpayer other than a corporation, the term 'exemption amount' means—

''(A) the dollar amount for taxable years beginning in the calendar year as specified in the table contained in paragraph (4)(A) in the case of—

''(i) a joint return, or

''(ii) a surviving spouse,

''(B) the dollar amount for taxable years beginning in the calendar year as specified in the table contained in paragraph (4)(B) in the case of an individual who—

''(i) is not a married individual, and

''(ii) is not a surviving spouse,

''(C) 50 percent of the dollar amount applicable under paragraph (1)(A) in the case of a married individual who files a separate return, and

''(D) $22,500 in the case of an estate or trust.

For purposes of this paragraph, the term 'surviving spouse' has the meaning given to such term by section 2(a), and marital status shall be determined under section 7703.''.

(2) SPECIFIED EXEMPTION AMOUNTS.—Section 55(d) of such Code is amended by adding at the end the following new paragraph:

''(4) SPECIFIED EXEMPTION AMOUNTS.—

''(A) TAXPAYERS DESCRIBED IN PARAGRAPH (1)(A).—For purposes of paragraph (1)(A)—

| ''For taxable years beginning in— | The exemption amount is: |
|---|---|
| 2010 | $72,450 |
| 2011 | $74,450 |
| 2012 | $78,250 |
| 2013 | $81,450 |
| 2014 | $85,050 |
| 2015 | $88,650 |
| 2016 | $92,650 |
| 2017 | $96,550 |
| 2018 | $100,950 |
| 2019 | $105,150 |
| 2020 | $109,950. |

''(B) TAXPAYERS DESCRIBED IN PARAGRAPH (1)(B).—For purposes of paragraph (1)(B)—

| ''For taxable years beginning in— | The exemption amount is: |
|---|---|
| 2010 | $47,450 |
| 2011 | $48,450 |
| 2012 | $50,350 |
| 2013 | $51,950 |
| 2014 | $53,750 |
| 2015 | $55,550 |
| 2016 | $57,550 |
| 2017 | $59,500 |
| 2018 | $61,700 |
| 2019 | $63,800 |
| 2020 | $66,200.''. |

(b) ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE CREDITS.—

(1) IN GENERAL.—Subsection (a) of section 26 of the Internal Revenue Code of 1986 is amended to read as follows:

''(a) LIMITATION BASED ON AMOUNT OF TAX.—The aggregate amount of credits allowed by this subpart for the taxable year shall not exceed the sum of—

''(1) the taxpayer's regular tax liability for the taxable year reduced by the foreign tax credit allowable under section 27(a), and

''(2) the tax imposed by section 55(a) for the taxable year.''.

(2) CONFORMING AMENDMENTS.—

(A) ADOPTION CREDIT.—

(i) Section 23(b) of such Code is amended by striking paragraph (4).

(ii) Section 23(c) of such Code is amended by striking paragraphs (1) and (2) and inserting the following:

''(1) IN GENERAL.—If the credit allowable under subsection (a) for any taxable year exceeds the limitation imposed by section 26(a) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section and sections 25D and 1400C), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.''.

(iii) Section 23(c) of such Code is amended by redesignating paragraph (3) as paragraph (2).

(B) CHILD TAX CREDIT.—

(i) Section 24(b) of such Code is amended by striking paragraph (3).

(ii) Section 24(d)(1) of such Code is amended—

(I) by striking ''section 26(a)(2) or subsection (b)(3), as the case may be,'' each place it appears in subparagraphs (A) and (B) and inserting ''section 26(a)'', and

(II) by striking ''section 26(a)(2) or subsection (b)(3), as the case may be'' in the second last sentence and inserting ''section 26(a)''.

(C) CREDIT FOR INTEREST ON CERTAIN HOME MORTGAGES.—Section 25(e)(1)(C) of such Code is amended to read as follows:

''(C) APPLICABLE TAX LIMIT.—For purposes of this paragraph, the term 'applicable tax

limit' means the limitation imposed by section 26(a) for the taxable year reduced by the sum of the credits allowable under this subpart (other than this section and sections 23, 25D, and 1400C).''.

(D) SAVERS' CREDIT.—Section 25B of such Code is amended by striking subsection (g).

(E) RESIDENTIAL ENERGY EFFICIENT PROPERTY.—Section 25D(c) of such Code is amended to read as follows:

''(c) CARRYFORWARD OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.''.

(F) CERTAIN PLUG-IN ELECTRIC VEHICLES.—Section 30(c)(2) of such Code is amended to read as follows:

''(2) PERSONAL CREDIT.—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.''.

(G) ALTERNATIVE MOTOR VEHICLE CREDIT.—Section 30B(g)(2) of such Code is amended to read as follows:

''(2) PERSONAL CREDIT.—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.''.

(H) NEW QUALIFIED PLUG-IN ELECTRIC VEHICLE CREDIT.—Section 30D(c)(2) of such Code is amended to read as follows:

''(2) PERSONAL CREDIT.—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.''.

(I) CROSS REFERENCES.—Section 55(c)(3) of such Code is amended by striking ''26(a), 30C(d)(2),'' and inserting ''30C(d)(2)''.

(J) FOREIGN TAX CREDIT.—Section 904 of such Code is amended by striking subsection (i) and by redesignating subsections (j) , (k), and (l) as subsections (i), (j), and (k), respectively.

(K) FIRST-TIME HOME BUYER CREDIT FOR THE DISTRICT OF COLUMBIA.—Section 1400C(d) of such Code is amended to read as follows:

''(d) CARRYFORWARD OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a) for such taxable year reduced by the sum of the credits allowable under subpart A of part IV of subchapter A (other than this section and section 25D), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

## TITLE III—PERMANENT ESTATE TAX RELIEF

### SEC. 301. APPLICATION OF ESTATE, GENERATION-SKIPPING TRANSFER, AND GIFT TAXES AFTER 2009.

(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 repealed on and after January 1, 2010, with respect to decedents dying on and after such date, and on and after January 1, 2011, with respect to gifts made and generation-skipping transfers on and after such date:

(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. Except in the case of an election under section 404, the Internal Revenue Code of 1986 shall be applied as if such provisions and amendments had never been enacted.

(b) CONFORMING AMENDMENT.—Subsection (c) of section 2511 of the Internal Revenue Code of 1986 is repealed on and after January 1, 2011, with respect to gifts made on and after such date.

### SEC. 302. TREATMENT OF UNIFIED CREDIT AND MAXIMUM ESTATE TAX RATE AFTER 2009.

(a) RESTORATION OF UNIFIED CREDIT AGAINST GIFT TAX.—Paragraph (1) of section 2505(a) of the Internal Revenue Code of 1986 (relating to general rule for unified credit against gift tax), after the application of section __01, is amended by striking ''(determined as if the applicable exclusion amount were $1,000,000)''.

(b) EXCLUSION EQUIVALENT OF UNIFIED CREDIT EQUAL TO $5,000,000.—Subsection (c) of section 2010 of the Internal Revenue Code of 1986 (relating to unified credit against estate tax) is amended to read as follows:

''(c) APPLICABLE CREDIT AMOUNT.—

''(1) IN GENERAL.—For purposes of this section, the applicable credit amount is the amount of the tentative tax which would be determined under section 2001(c) if the amount with respect to which such tentative tax is to be computed were equal to the applicable exclusion amount.

''(2) APPLICABLE EXCLUSION AMOUNT.—

''(A) IN GENERAL.—For purposes of this subsection, the applicable exclusion amount is $5,000,000.

''(B) INFLATION ADJUSTMENT.—In the case of any decedent dying in a calendar year after 2010, the dollar amount in subparagraph (A) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting 'calendar year 2009' for 'calendar year 1992' in subparagraph (B) thereof.

If any amount as adjusted under the preceding sentence is not a multiple of $10,000, such amount shall be rounded to the nearest multiple of $10,000.''.

(c) MAXIMUM ESTATE TAX RATE EQUAL TO 35 PERCENT.—

(1) IN GENERAL.—Subsection (c) of section 2001 of the Internal Revenue Code of 1986 (relating to imposition and rate of tax) is amended—

(A) by striking ''Over $500,000'' and all that follows in the table contained in paragraph (1) and insert the following:

| | |
|---|---|
| ''Over $500,000 | $79,300, plus 35 percent of the excess of such amount over $500,000.'', |

(B) by striking ''(1) IN GENERAL.—'', and

(C) by striking paragraph (2).

(2) CONFORMING AMENDMENT.—Paragraphs (1) and (2) of section 2102(b) of such Code are amended to read as follows:

''(1) IN GENERAL.—A credit in an amount that would be determined under section 2010 as the applicable credit amount if the applicable exclusion amount were $60,000 shall be allowed against the tax imposed by section 2101.

''(2) RESIDENTS OF POSSESSIONS OF THE UNITED STATES.—In the case of a decedent who is considered to be a 'nonresident not a citizen of the United States' under section 2209, the credit allowed under this subsection shall not be less than the proportion of the amount that would be determined under section 2010 as the applicable credit amount if the applicable exclusion amount were $175,000 which the value of that part of the decedent's gross estate which at the time of the decedent's death is situated in the United States bears to the value of the decedent's entire gross estate, wherever situated.''.

(d) MODIFICATIONS OF ESTATE AND GIFT TAXES TO REFLECT DIFFERENCES IN UNIFIED CREDIT RESULTING FROM DIFFERENT TAX RATES.—

(1) ESTATE TAX.—

(A) IN GENERAL.—Section 2001(b)(2) of the Internal Revenue Code of 1986 (relating to computation of tax) is amended by striking ''if the provisions of subsection (c) (as in effect at the decedent's death)'' and inserting ''if the modifications described in subsection (g)''.

(B) MODIFICATIONS.—Section 2001 of such Code is amended by adding at the end the following new subsection:

''(g) MODIFICATIONS TO GIFT TAX PAYABLE TO REFLECT DIFFERENT TAX RATES.—For purposes of applying subsection (b)(2) with respect to 1 or more gifts, the rates of tax under subsection (c) in effect at the decedent's death shall, in lieu of the rates of tax in effect at the time of such gifts, be used both to compute—

''(1) the tax imposed by chapter 12 with respect to such gifts, and

''(2) the credit allowed against such tax under section 2505, including in computing—

''(A) the applicable credit amount under section 2505(a)(1), and

''(B) the sum of the amounts allowed as a credit for all preceding periods under section 2505(a)(2).

For purposes of paragraph (2)(A), the applicable credit amount for any calendar year before 1998 is the amount which would be determined under section 2010(c) if the applicable exclusion amount were the dollar amount under section 6018(a)(1) for such year.''.

(2) GIFT TAX.—Section 2505(a) of such Code (relating to unified credit against gift tax) is amended by adding at the end the following new flush sentence:

''For purposes of applying paragraph (2) for any calendar year, the rates of tax in effect under section 2502(a)(2) for such calendar year shall, in lieu of the rates of tax in effect for preceding calendar periods, be used in determining the amounts allowable as a credit under this section for all preceding calendar periods.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying, generation-skipping transfers, and gifts made, after December 31, 2009.

### SEC. 303. UNIFIED CREDIT INCREASED BY UNUSED UNIFIED CREDIT OF DECEASED SPOUSE.

(a) IN GENERAL.—Section 2010(c) of the Internal Revenue Code of 1986, as amended by section 302(b), is amended by striking paragraph (2) and inserting the following new paragraphs:

''(2) APPLICABLE EXCLUSION AMOUNT.—For purposes of this subsection, the applicable exclusion amount is the sum of—

''(A) the basic exclusion amount, and

''(B) in the case of a surviving spouse, the aggregate deceased spousal unused exclusion amount.

''(3) BASIC EXCLUSION AMOUNT.—

''(A) IN GENERAL.—For purposes of this subsection, the basic exclusion amount is $5,000,000.

''(B) INFLATION ADJUSTMENT.—In the case of any decedent dying in a calendar year after 2010, the dollar amount in subparagraph (A) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting 'calendar year 2009' for 'calendar year 1992' in subparagraph (B) thereof.

If any amount as adjusted under the preceding sentence is not a multiple of $10,000, such amount shall be rounded to the nearest multiple of $10,000.

''(4) AGGREGATE DECEASED SPOUSAL UNUSED EXCLUSION AMOUNT.—For purposes of this subsection, the term 'aggregate deceased spousal unused exclusion amount' means the lesser of—

''(A) the basic exclusion amount, or

''(B) the sum of the deceased spousal unused exclusion amounts computed with respect to each deceased spouse of the surviving spouse.

''(5) DECEASED SPOUSAL UNUSED EXCLUSION AMOUNT.—For purposes of this subsection, the term 'deceased spousal unused exclusion amount' means, with respect to the surviving spouse of any deceased spouse dying after December 31, 2009, the excess (if any) of—

''(A) the basic exclusion amount of the deceased spouse, over

''(B) the amount with respect to which the tentative tax is determined under section 2001(b)(1) on the estate of such deceased spouse.

''(6) SPECIAL RULES.—

''(A) ELECTION REQUIRED.—A deceased spousal unused exclusion amount may not be taken into account by a surviving spouse under paragraph (5) unless the executor of the estate of the deceased spouse files an estate tax return on which such amount is computed and makes an election on such return that such amount may be so taken into account. Such election, once made, shall be irrevocable. No election may be made under this subparagraph if such return is filed after the time prescribed by law (including extensions) for filing such return.

''(B) EXAMINATION OF PRIOR RETURNS AFTER EXPIRATION OF PERIOD OF LIMITATIONS WITH RESPECT TO DECEASED SPOUSAL UNUSED EXCLUSION AMOUNT.—Notwithstanding any period of limitation in section 6501, after the time has expired under section 6501 within which a tax may be assessed under chapter 11 or 12 with respect to a deceased spousal unused exclusion amount, the Secretary may examine a return of the deceased spouse to make determinations with respect to such amount for purposes of carrying out this subsection.

''(7) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out this subsection.''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 2505(a) of the Internal Revenue Code of 1986, as amended by section 302(a), is amended to read as follows:

''(1) the applicable credit amount in effect under section 2010(c) which would apply if the donor died as of the end of the calendar year, reduced by''.

(2) Section 2631(c) of such Code is amended by striking ''the applicable exclusion amount'' and inserting ''the basic exclusion amount''.

(3) Section 6018(a)(1) of such Code is amended by striking ''applicable exclusion amount'' and inserting ''basic exclusion amount''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying, generation-skipping transfers, and gifts made, after December 31, 2009.

**SEC. 304. SPECIAL ELECTION FOR DECEDENTS DYING IN 2010.**

In the case of any decedent dying in 2010, the executor of the estate of such decedent may elect to apply the Internal Revenue Code of 1986 without regard to the provisions of, and the amendments made by, this title (other than this section). Such election shall be made at such time and in such manner as the Secretary of the Treasury shall provide.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 4606. Mr. UDALL of New Mexico submitted an amendment intended to be proposed to amendment SA 4594 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 4607. Mr. UDALL of New Mexico submitted an amendment intended to be proposed to amendment SA 4594 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 4608. Mr. BEGICH (for himself and Mr. NELSON of Nebraska) 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 4609. Mr. UDALL of Colorado (for himself, Ms. COLLINS, Mr. REID, Mr. SCHUMER, Mr. LIEBERMAN, Mrs. BOXER, Mrs. GILLIBRAND, Mr. SANDERS, Mr. INOUYE, and Mr. FRANKEN) submitted an amendment intended to be proposed to amendment SA 4594 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 4610. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 4594 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 4611. Mr. NELSON of Florida 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 4612. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 4594 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 4613. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4614. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 4594 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 4615. Mr. ENSIGN 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 4616. Mr. UDALL of New Mexico submitted an amendment intended to be proposed to amendment SA 4594 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 4617. Mr. FRANKEN submitted an amendment intended to be proposed to amendment SA 4594 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.

## TEXT OF AMENDMENTS

**SA 4606.** Mr. UDALL of New Mexico submitted an amendment intended to be proposed to amendment SA 4594 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 243, line 21, strike ''The Secretary'' and insert ''Not later than 1 year after the date of enactment of this Act, and every year thereafter for 5 years, the Secretary''.

On page 243, line 25, insert ''and every year thereafter for 5 years,'' before ''the Secretary shall submit''.

On page 244, between lines 8 and 9, insert the following:

(d) APPROPRIATE ACTION.—If the Secretary determines that the Program has not effectively served women-owned businesses, veteran-owned businesses, or minority-owned businesses, the Secretary may formulate a plan to redress the needs of the affected businesses.

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**SA 4607.** Mr. UDALL of New Mexico submitted an amendment intended to be proposed to amendment SA 4594 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 220, line 20, insert ''and planned outreach efforts to women-owned businesses, veteran-owned businesses, and minority-owned businesses'' before '', where appropriate''.

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**SA 4608.** Mr. BEGICH (for himself and Mr. NELSON of Nebraska) 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:

In lieu of the matter proposed to be inserted, insert the following:

**PART IV—ADDITIONAL PROVISIONS**

**SEC. 4271. REPEAL OF EXPANSION OF INFORMATION REPORTING REQUIREMENTS.**

(a) IN GENERAL.—Section 9006 of the Patient Protection and Affordable Care Act, and the amendments made thereby, are hereby repealed; and the Internal Revenue Code of 1986 shall be applied as if such section, and amendments, had never been enacted.

(b) REPORTS TO CONGRESS.—

(1) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Secretary of the Treasury shall report to Congress on the compliance rate of taxpayers under section 6041 of the Internal Revenue Code of 1986 as in effect on such date.

(2) PLAN FOR IMPROVED ENFORCEMENT.—Not later than 12 months after such date, the Secretary of the Treasury shall develop a plan to improve enforcement under such section and report such plan to Congress.

(c) USE OF STIMULUS FUNDS TO OFFSET LOSS IN REVENUES.—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 pro rata such that the aggregate amount of such rescissions equals the reduction in revenues to the Treasury by reason of the repeal made by subsection (a). 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.

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**SA 4609.** Mr. UDALL of Colorado (for himself, Ms. COLLINS, Mr. REID, Mr. SCHUMER, Mr. LIEBERMAN, Mrs. BOXER, Mrs. GILLIBRAND, Mr. SANDERS, Mr. INOUYE, and Mr. FRANKEN) submitted an amendment intended to be proposed to amendment SA 4594 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 41, after line 25, add the following:

**SEC. 1137. LIMITS ON MEMBER BUSINESS LOANS.**

(a) IN GENERAL.—

(1) REVISED LIMITATION AND CRITERIA.—Effective 6 months after the date of enactment of this Act, section 107A(a) of the Federal Credit Union Act (12 U.S.C. 1757a(a)) is amended to read as follows:

''(a) LIMITATION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), an insured credit union may not make any member business loan that would result in the total amount of such loans outstanding at that credit union at any one time to be equal to more than the lesser of—

''(A) 1.75 times the actual net worth of the credit union; or

''(B) 12.25 percent of the total assets of the credit union.

''(2) ADDITIONAL AUTHORITY.—The Board may approve an application by an insured credit union upon a finding that the credit union meets the criteria under this paragraph to make 1 or more member business loans that would result in a total amount of such loans outstanding at any one time of not more than 27.5 percent of the total assets of the credit union, if the credit union—

''(A) had member business loans outstanding at the end of each of the 4 consecutive quarters immediately preceding the date of the application, in a total amount of not less than 80 percent of the applicable limitation under paragraph (1);

''(B) is well capitalized, as defined in section 216(c)(1)(A);

''(C) can demonstrate at least 5 years of experience of sound underwriting and servicing of member business loans;

''(D) has the requisite policies and experience in managing member business loans; and

''(E) has satisfied other standards that the Board determines are necessary to maintain the safety and soundness of the insured credit union.

''(3) EFFECT OF NOT BEING WELL CAPITALIZED.—An insured credit union that has made member business loans under an authorization under paragraph (2) and that is not, as of its most recent quarterly call report, well capitalized, may not make any member business loans, until such time as the credit union becomes well capitalized, as reflected in a subsequent quarterly call report, and obtains the approval of the Board.''.

(b) IMPLEMENTATION.—

(1) TIERED APPROVAL PROCESS.—The Board shall develop a tiered approval process, under which an insured credit union gradually increases the amount of member business lending in a manner that is consistent with safe and sound operations, subject to the limits established under section 107A(a)(2) of the Federal Credit Union Act (as amended by this Act). The rate of increase under the process established under this paragraph may not exceed 30 percent per year.

(2) RULEMAKING REQUIRED.—The Board shall issue proposed rules, not later than 6 months after the date of enactment of this Act, to establish the tiered approval process required under paragraph (1). The tiered approval process shall establish standards designed to ensure that the new business lending capacity authorized under the amendment made by subsection (a) is being used only by insured credit unions that are well-managed and well capitalized, as required by the amendments made under subsection (a) and as defined by the rules issued by the Board under this paragraph.

(3) CONSIDERATIONS.—In issuing rules required under this subsection, the Board shall consider—

(A) the experience level of the institutions, including a demonstrated history of sound member business lending;

(B) the criteria under section 107A(a)(2) of the Federal Credit Union Act, as amended by this Act; and

(C) such other factors as the Board determines necessary or appropriate.

(c) REPORTS TO CONGRESS ON MEMBER BUSINESS LENDING.—

(1) REPORT OF THE BOARD.—

(A) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Board shall submit a report to Congress on member business lending by insured credit unions.

(B) REPORT.—The report required under subparagraph (A) shall include—

(i) the types and asset size of insured credit unions making member business loans and the member business loan limitations applicable to the insured credit unions;

(ii) the overall amount and average size of member business loans by each insured credit union;

(iii) the ratio of member business loans by insured credit unions to total assets and net worth;

(iv) the performance of the member business loans, including delinquencies and net charge offs;

(v) the effect of this section on the number of insured credit unions engaged in member business lending, any change in the amount of member business lending, and the extent to which any increase is attributed to the change in the limitation in section 107A(a) of the Federal Credit Union Act, as amended by this Act;

(vi) the number, types, and asset size of insured credit unions that were denied or approved by the Board for increased member business loans under section 107A(a)(2), as amended by this Act, including denials and approvals under the tiered approval process;

(vii) the types and sizes of businesses that receive member business loans, the duration of the credit union membership of the businesses at the time of the loan, the types of collateral used to secure member business loans, and the income level of members receiving member business loans; and

(viii) the effect of any increases in member business loans on the risk to the National Credit Union Share Insurance Fund and the assessments on insured credit unions.

(2) GAO STUDY AND REPORT.—

(A) STUDY.—The Comptroller General of the United States shall conduct a study on the status of member business lending by insured credit unions, including—

(i) trends in such lending;

(ii) types and amounts of member business loans;

(iii) the effectiveness of this section in enhancing small business lending;

(iv) recommendations for legislative action, if any, with respect to such lending; and

(v) any other information that the Comptroller General considers relevant with respect to such lending.

(B) REPORT.—Not later than 3 years after the date of enactment of this Act, the Comptroller General shall submit a report to Congress on the study required by subparagraph (A).

(d) DEFINITIONS.—In this section—

(1) the term ''Board'' means the National Credit Union Administration Board;

(2) the term ''insured credit union'' has the meaning given that term in section 101 of the Federal Credit Union Act (12 U.S.C. 1752);

(3) the term ''member business loan'' has the meaning given that term in section 107A(c)(1) of the Federal Credit Union Act (12 U.S.C. 1757a(c)(1));

(4) the term ''net worth'' has the meaning given that term in section 107A(c)(2) of the Federal Credit Union Act (12 U.S.C. 1757a(c)(2)); and

(5) the term ''well capitalized'' has the meaning given that term in section 216(c)(1)(A) of the Federal Credit Union Act (12 U.S.C. 1709d(c)(1)(A)).

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**SA 4610.** Mr. THUNE submitted an amendment intended to be proposed to amendment SA 4594 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 the amendment, insert the following:

**SEC. ___. CREDIT REFORM ACT TREATMENT OF THE PURCHASE OF PRIVATE STOCK, EQUITY, OR CAPITAL.**

Section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5) is amended by inserting at the end the following:

''(G)(i) The cost of the purchase of stock, equity, or capital in a private or publicly-traded company shall be determined on a fair market value basis.

''(ii) For purposes of this subparagraph, the term 'fair market value' means present value of future expected cash flows using a discount rate that incorporates market risk.''.

**SA 4611.** Mr. NELSON of Florida 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 end of subtitle B of title II, add the following:

**PART V—ADDITIONAL PROVISIONS**

**SEC. ___. CERTAIN EXCEPTIONS TO INFORMATION REPORTING PROVISIONS.**

(a) IN GENERAL.—Section 6041 of the Internal Revenue Code of 1986, as amended by section 9006 of the Patient Protection and Affordable Care Act and section 2101 of this Act, is amended by redesignating subsection (j) as subsection (k) and inserting after subsection (i) the following new subsection:

''(j) COORDINATION WITH RETURNS RELATING TO PAYMENT CARD AND THIRD PARTY NETWORK TRANSACTIONS.—This section shall not apply to any amount with respect to which a return is required to be made under section 6050W.''.

(b) INCREASE IN THRESHOLD AMOUNT AND EXEMPTION FOR SMALL EMPLOYERS FOR REPORTING OF CERTAIN PAYMENTS.—Subsection (a) of section 6041 of the Internal Revenue Code of 1986, as amended by the Patient Protection and Affordable Care Act, is amended by adding at the end the following new sentences: ''In the case of payments in consideration of property, this subsection shall be applied by substituting '$5,000' for '$600' and this subsection shall not apply in the case of any person employing not more than 25 employees at any time during the taxable year. In the case of any payment to a corporation which is not an organization exempt from tax under section 501(a), this subsection shall not apply in the case of any person employing not more than 25 employees at any time during the taxable year. For purposes of the two immediately preceding sentences, all persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 shall be treated as one employer.''.

(c) REGULATORY AUTHORITY.—Subsection (k) of section 6041 of the Internal Revenue Code of 1986, as redesignated by subsection (a), is amended by striking ''including'' and all that follows and inserting ''including—

''(1) rules to prevent duplicative reporting of transactions, and

''(2) rules which identify, and provide exceptions for, payments which bear minimal risk of noncompliance.''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to amounts with respect to which a return is required to be made in calendar years beginning after December 31, 2010.

(2) PROPERTY THRESHOLD.—The amendment made by subsection (b) shall apply as if included in the amendments made by section 9006 of the Patient Protection and Affordable Care Act.

(e) PUBLIC COMMENTS AND SUGGESTIONS.—In order to minimize the burden on small businesses and to avoid duplicative information reporting by small businesses, the Secretary of the Treasury or the Secretary's designee is directed to request and consider comments and suggestions from the public concerning implementation and administration of the amendments made by section 9006 of the Patient Protection and Affordable Care Act, including—

(1) the appropriate scope of the terms ''gross proceeds'' and ''amounts in consideration for property'' in section 6041(a) of the Internal Revenue Code of 1986, as amended by such section 9006,

(2) whether or how the reporting requirements should apply to payments between affiliated corporations, including payments related to intercompany transactions within the same consolidated group,

(3) the appropriate time and manner of reporting to the Internal Revenue Service, and whether, and what, changes to existing procedures, forms, and software for filing information returns are needed, including electronic filing of information returns to the Internal Revenue Service,

(4) whether, and what, changes to existing procedures and forms to acquire taxpayer identification numbers are needed, and

(5) how back-up withholding requirements should apply.

(f) TIMELY GUIDANCE.—The Secretary of the Treasury is directed to issue timely guidance that will implement and administer the amendments made by section 9006 of the Patient Protection and Affordable Care Act in a manner that minimizes the burden on small businesses and avoids duplicative reporting by small businesses.

(g) REPORTS TO CONGRESS.—

(1) IN GENERAL.—Prior to the effective date of the amendments made by section 9006 of the Patient Protection and Affordable Care Act, the Secretary of the Treasury shall report quarterly to Congress concerning the steps taken to implement such amendments, including ways to limit compliance burdens and to avoid duplicative reporting. Such reports shall include—

(A) a description of actions taken to minimize, reduce or eliminate burdens associated with information reporting by small businesses, and

(B) a description of business transactions exempted from reporting requirements to avoid duplicative reporting or because such transactions represent minimal compliance risk.

(2) COMPARISON.—Not later than 6 months prior to the effective date of the amendments made by section 9006 of the Patient Protection and Affordable Care Act, the Secretary of the Treasury shall report to Congress a comparison of the expected compliance requirements after the implementation of such amendments to the compliance requirements under section 6041 of the Internal Revenue Code of 1986 prior to the effective date of such amendments.

**SEC. ___. DENIAL OF DEDUCTION FOR MAJOR INTEGRATED OIL COMPANIES FOR INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION OF OIL, GAS, OR PRIMARY PRODUCTS THEREOF.**

(a) IN GENERAL.—Subparagraph (B) of section 199(c)(4) of the Internal Revenue Code of 1986 is amended by striking ''or'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', or'', and by inserting after clause (iii) the following new clause:

''(iv) in the case of a taxpayer which is a major integrated oil company (as defined in section 167(h)(5)(B)), oil related qualified production activities (within the meaning of subsection (d)(9)(B)).''.

(b) CONFORMING AMENDMENT.—Section 199(d)(9)(A) of the Internal Revenue Code of 1986 is amended by inserting ''(other than a major integrated oil company (as defined in section 167(h)(5)(B))'' after ''taxpayer''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

**SA 4612.** Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 4594 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 the bill, insert the following:

**TITLE VI—EDUCATION JOBS FUND**

**SEC. 6001. ELIMINATION OF PROVISIONS RELATING TO TEXAS.**

Section 101 of Public Law 111–226 (124 Stat. 2389) is amended by striking paragraph (11).

**SA 4613.** Mrs. HUTCHISON submitted an amendment intended to be proposed by her 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:

**SEC. ___. SHAREHOLDER REGISTRATION THRESHOLD.**

(a) AMENDMENTS TO THE SECURITIES EXCHANGE ACT OF 1934.—

(1) SECTION 12.—Section 12(g) of the Securities Exchange Act of 1934 (15 U.S.C. 781(g)) is amended—

(A) in paragraph (1)—

(i) by striking subparagraphs (A) and (B) and inserting the following:

''(A) in the case of an issuer that is a bank, as such term is defined in section 3(a)(6) of this title, or a bank holding company, as such term is defined in section (2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841), 2000 persons or more; and

''(B) in the case of an issuer that is not a bank or bank holding company, 500 persons or more,''; and

(ii) by striking ''commerce shall'' and inserting ''commerce shall, not later than 120 days after the last day of its first fiscal year ended after the effective date of this subsection, on which the issuer has total assets exceeding $10,000,000 and a class of equity security (other than an exempted security) held of record by''; and

(B) in paragraph (4), by striking ''three hundred'' and inserting ''300 persons, or, in the case of a bank, as such term is defined in

section 3(a)(6) of this title, or a bank holding company, as such term is defined in section (2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841), 1200''.

(2) SECTION 15.—Section 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(d)) is amended, in the third sentence, by striking ''three hundred'' and inserting ''300 persons, or, in the case of bank, as such term is defined in section 3(a)(6) of this title, or a bank holding company, as such term is defined in section (2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841), 1200''.

(b) STUDY OF REGISTRATION THRESHOLDS.—

(1) STUDY.—

(A) ANALYSIS REQUIRED.—The Chief Economist and Director of the Division of Corporation Finance of the Commission shall jointly conduct a study, including a cos-benefit analysis, of shareholder registration thresholds.

(B) COSTS AND BENEFITS.—The cost-benefit analysis under subparagraph (A) shall take into account—

(i) the incremental benefits to investors of the increased disclosure that results from registration;

(ii) the incremental costs to issuers associated with registration and reporting requirements; and

(iii) the incremental administrative costs to the Commission associated with different thresholds.

(C) THRESHOLDS.—The cost-benefit analysis under subparagraph (A) shall evaluate whether it is advisable to—

(i) increase the asset threshold;

(ii) index the asset threshold to a measure of inflation;

(iii) increase the shareholder threshold;

(iv) change the shareholder threshold to be based on the number of beneficial owners; and

(v) create new thresholds based on other criteria.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Chief Economist and the Director of the Division of Corporation Finance of the Commission shall jointly submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report that includes—

(A) the findings of the study required under paragraph (1); and

(B) recommendations for statutory changes to improve the shareholder registration thresholds.

(c) RULEMAKING.—Not later than one year after the date of enactment of this Act, the Commission shall issue final regulations to implement this section and the amendments made by this section.

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**SA 4614.** Mr. THUNE submitted an amendment intended to be proposed to amendment SA 4594 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 223, strike line 19 and all that follows through page 232, line 9, and insert the following:

(4) INELIGIBLE INSTITUTIONS.—

(A) INELIGIBILITY OF INSTITUTIONS ON FDIC PROBLEM BANK LIST.—

(i) IN GENERAL.—An eligible institution may not receive any capital investment under the Program, if—

(I) such institution is on the FDIC problem bank list; or

(II) such institution has been removed from the FDIC problem bank list for less than 90 days.

(ii) FDIC PROBLEM BANK LIST DEFINED.—For purposes of this subparagraph, the term ''FDIC problem bank list'' means the list of depository institutions having a current rating of 4 or 5 under the Uniform Financial Institutions Rating System, or such other list designated by the Federal Deposit Insurance Corporation.

(B) INELIGIBILITY OF NON-PAYING CPP PARTICIPANTS.—

(i) IN GENERAL.—An eligible institution that has missed more than one dividend payment due under the CPP may not receive any capital investment under the Program.

(ii) DETERMINATION OF MISSED DIVIDEND PAYMENTS.—For purposes of this subparagraph, a CPP dividend payment that is submitted within 60 days of the due date of such payment shall not be considered a missed dividend payment.

(C) CONSTRUCTION.—Nothing in subparagraph (A) or (B) shall be construed as limiting the discretion of the Secretary to deny the application of an eligible institution that is not on the FDIC problem bank list and that has not missed more than one dividend payment due under the CPP.

(5) INCENTIVES TO LEND.—

(A) REQUIREMENTS ON PREFERRED STOCK AND OTHER FINANCIAL INSTRUMENTS.—Any preferred stock or other financial instrument issued to Treasury by an eligible institution receiving a capital investment under the Program shall provide that—

(i) the rate at which dividends or interest are payable shall be 5 percent per annum initially;

(ii) within the first 2 years after the date of the capital investment under the Program, the rate may be adjusted based on the amount of an eligible institution's small business lending. Changes in the amount of small business lending shall be measured against the average amount of small business lending reported by the eligible institution in its call reports for the 4 full quarters immediately preceding the date of enactment of this Act, minus adjustments from each quarterly balance in respect of—

(I) net loan charge offs with respect to small business lending; and

(II) gains realized by the eligible institution resulting from mergers, acquisitions or purchases of loans after origination and syndication; which adjustments shall be determined in accordance with guidance promulgated by the Secretary; and

(iii) during any calendar quarter during the initial 2-year period referred to in clause (ii), an institution's rate shall be adjusted to reflect the following schedule, based on that institution's change in the amount of small business lending relative to the baseline—

(I) if the amount of small business lending has increased by less than 2.5 percent, the dividend or interest rate shall be 5 percent;

(II) if the amount of small business lending has increased by 2.5 percent or greater, but by less than 5.0 percent, the dividend or interest rate shall be 4 percent;

(III) if the amount of small business lending has increased by 5.0 percent or greater, but by less than 7.5 percent, the dividend or interest rate shall be 3 percent;

(IV) if the amount of small business lending has increased by 7.5 percent or greater, and but by less than 10.0 percent, the dividend or interest rate shall be 2 percent; or

(V) if the amount of small business lending has increased by 10 percent or greater, the dividend or interest rate shall be 1 percent.

(B) BASIS OF INITIAL RATE.—The initial dividend or interest rate shall be based on call report data published in the quarter immediately preceding the date of the capital investment under the Program.

(C) TIMING OF RATE ADJUSTMENTS.—Any rate adjustment shall occur in the calendar quarter following the publication of call report data, such that the rate based on call report data from any one calendar quarter, which is published in the first following calendar quarter, shall be adjusted in that first following calendar quarter and payable in the second following quarter.

(D) RATE FOLLOWING INITIAL 2-YEAR PERIOD.—Generally, the rate based on call report data from the eighth calendar quarter after the date of the capital investment under the Program shall be payable until the expiration of the 4½-year period that begins on the date of the investment. In the case where the amount of small business lending has remained the same or decreased relative to the institution's baseline in the eighth quarter after the date of the capital investment under the Program, the rate shall be 7 percent until the expiration of the 4½-year period that begins on the date of the investment.

(E) RATE FOLLOWING INITIAL 4½ -YEAR PERIOD.—The dividend or interest rate paid on any preferred stock or other financial instrument issued by an eligible institution that receives a capital investment under the Program shall increase to 9 percent at the end of the 4½-year period that begins on the date of the capital investment under the Program.

(F) LIMITATION ON RATE REDUCTIONS WITH RESPECT TO CERTAIN AMOUNT.—The reduction in the dividend or interest rate payable to Treasury by any eligible institution shall be limited such that the rate reduction shall not apply to a dollar amount of the investment made by Treasury that is greater than the dollar amount increase in the amount of small business lending realized under this program. The Secretary may issue guidelines that will apply to new capital investments limiting the amount of capital available to eligible institutions consistent with this limitation.

(G) RATE ADJUSTMENTS FOR S CORPORATION.—Before making a capital investment in an eligible institution that is an S corporation or a corporation organized on a mutual basis, the Secretary may adjust the dividend or interest rate on the financial instrument to be issued to the Secretary, from the dividend or interest rate that would apply under subparagraphs (A) through (F), to take into account any differential tax treatment of securities issued by such eligible institution. For purposes of this subparagraph, the term ''S corporation'' has the same meaning as in section 1361(a) of the Internal Revenue Code of 1986.

(H) REPAYMENT DEADLINE.—The capital investment received by an eligible institution under the Program shall be evidenced by preferred stock or other financial instrument that—

(i) includes, as a term and condition, that the capital investment will—

(I) be repaid not later than the end of the 10-year period beginning on the date of the capital investment under the Program; or

(II) at the end of such 10-year period, be subject to such additional terms as the Secretary shall prescribe, which shall include a requirement that the stock or instrument shall carry the highest dividend or interest rate payable; and

(ii) provides that the term and condition described under clause (i) shall not apply if the application of that term and condition

would adversely affect the capital treatment of the stock or financial instrument under current or successor applicable capital provisions compared to a capital instrument with identical terms other than the term and condition described under clause (i).

(I) REQUIREMENTS ON FINANCIAL INSTRUMENTS ISSUED BY A COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION LOAN FUND.—Any equity equivalent capital issued to the Treasury by a community development loan fund receiving a capital investment under the Program shall provide that the rate at which interest is payable shall be 2 percent per annum for 8 years. After 8 years, the rate at which interest is payable shall be 9 percent.

(6) ADDITIONAL INCENTIVES TO REPAY.—The Secretary may, by regulation or guidance issued under section 4104(9), establish repayment incentives in addition to the incentive in paragraph (5)(E) that will apply to new capital investments in a manner that the Secretary determines to be consistent with the purposes of this subtitle.

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**SA 4615.** Mr. ENSIGN 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:

**SEC. ____. MAXIMUM 35 PERCENT RATE ON TRADE OR BUSINESS INCOME.**

(a) IN GENERAL.—Section 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(j) MAXIMUM RATE ON TRADE OR BUSINESS INCOME.—

''(1) IN GENERAL.—If, for any applicable taxable year, a taxpayer who is an individual (other than an estate or trust) has qualified trade or business income, then, in lieu of the tax imposed on the taxpayer by subsection (a), (b), (c), or (d), there is hereby imposed a tax equal to the lesser of—

''(A) the tax imposed by this section without regard to this subsection, or

''(B) a tax equal to the sum of—

''(i) a tax computed at the rates and in the manner as if this subsection had not been enacted on the greater of—

''(I) taxable income reduced by qualified trade or business income and any net capital gain, or

''(II) the amount of taxable income (reduced by any net capital gain) taxed at a rate below the highest rate of tax imposed by section 11(b) for such taxable year, plus

''(ii) a tax equal to the product of such highest rate of tax and the taxpayer's qualified trade or business income which was not taken into account under clause (i).

''(2) COORDINATION WITH RATE ON NET CAPITAL GAINS.—If a taxpayer has qualified small business income for any applicable taxable year and also has a net capital gain for such taxable year—

''(A) this subsection shall not apply, and

''(B) the tax computed under subsection (h)(1)(A) shall not exceed the amount determined under paragraph (1).

''(3) QUALIFIED TRADE OR BUSINESS INCOME.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified trade or business income' means, with respect to any taxable year, an amount equal to the excess (if any) of—

''(i) the aggregate income from the actual conduct of a trade or business which—

''(I) is income from sources within the United States (within the meaning of section 861), and

''(II) is not passive income (as defined in section 904(d)(2)(B)), over

''(ii) the sum of—

''(I) the cost of goods sold that are allocable to such income, and

''(II) other expenses, losses, or deductions that are properly allocable to such income.

''(B) CAPITAL GAINS AND LOSSES DISREGARDED.—Items taken into account in determining net capital gain shall not be taken into account in determining qualified trade or business income.

''(4) APPLICABLE TAXABLE YEAR.—For purposes of this subsection, the term 'applicable taxable year' means any taxable year of the taxpayer with respect to which any rate of tax under the applicable table contained in subsection (a), (b), (c), or (d) exceeds 35 percent.

''(5) NET CAPITAL GAIN.—For purposes of this subsection, the term 'net capital gain' has the meaning given such term by subsection (h).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2010.

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**SA 4616.** Mr. UDALL of New Mexico submitted an amendment intended to be proposed to amendment SA 4594 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 237, line 25, before the period insert ''including, to the extent possible based on the available reporting data, details on lending to women-owned businesses, veteran-owned businesses, and minority-owned businesses''.

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**SA 4617.** Mr. FRANKEN submitted an amendment intended to be proposed to amendment SA 4594 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 41, after line 25, add the following:

**SEC. 1137. TEMPORARY PROGRAM FOR RAPID DEPLOYMENT OF RENEWABLE ENERGY AND ELECTRIC POWER TRANSMISSION PROJECTS.**

Section 1705(a) of the Energy Policy Act of 2005 (42 U.S.C. 16516(a)) is amended by adding at the end the following:

''(4) Energy efficiency projects, including projects to retrofit residential, commercial, and industrial buildings, facilities, and equipment.''.

## PRIVILEGES OF THE FLOOR

Mr. DURBIN. Mr. President, on behalf of Senator LINCOLN, I ask unanimous consent that Bradley Karmen, a detailee of the Senate Agriculture Committee, be granted the privilege of the floor for the remainder of this Congress.

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

## NATIONAL AEROSPACE WEEK

Mr. DURBIN. Madam President, I ask unanimous consent the Commerce Committee be discharged from further consideration of H. Con. Res. 292 and the Senate proceed to its immediate consideration.

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

The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 292) supporting the goals and ideals of National Aerospace Week, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. I ask unanimous consent that the concurrent 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 be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 292) was agreed to.

The preamble was agreed to.

## MEASURES READ THE FIRST TIME—S. 3772 and S. 3773

Mr. DURBIN. Madam President, I understand there are two bills at the desk. I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will read the titles of the bills for the first time.

The legislative clerk read as follows:

A bill (S. 3772) to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

A bill (S. 3773) to permanently extend the 2001 and 2003 tax relief provisions and to provide permanent AMT relief and estate tax relief, and for other purposes.

Mr. DURBIN. I now ask for a second reading en bloc, and I object to my own request en bloc.

The PRESIDING OFFICER. Objection is heard. The bills will be read for the second time on the next legislative day.

## ORDERS FOR TUESDAY, SEPTEMBER 14, 2010

Mr. DURBIN. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, September 14; 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 the Senate resume consideration of H.R. 5297, the small business jobs bill, with the time until 11 a.m. equally divided and controlled between the two leaders or their designees. Finally, I ask that the Senate recess from 12:30 p.m. until 2:15 p.m. tomorrow to allow for the weekly caucus meetings.

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

## PROGRAM

Mr. DURBIN. Madam President, at 11 a.m., the Senate will proceed to a series of up to three rollcall votes in relation to the small business jobs bill. Those votes will be on the motion to invoke cloture on the Johanns amendment relating to 1099 forms, the Nelson of Florida amendment, also on 1099 forms, and the substitute amendment to the small business jobs bill.

## ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. DURBIN. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:55 p.m., adjourned until Tuesday, September 14, 2010, at 10 a.m.

## NOMINATIONS

Executive nominations received by the Senate:

### THE JUDICIARY

ROBERT NEIL CHATIGNY, OF CONNECTICUT, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT, VICE GUIDO CALABRESI, RETIRED.

GOODWIN LIU, OF CALIFORNIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT, VICE A NEW POSITION CREATED BY PUBLIC LAW 110—177, APPROVED JANUARY 7, 2008.

LOUIS B. BUTLER, JR., OF WISCONSIN, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF WISCONSIN, VICE JOHN C. SHABAZ, RETIRED.

EDWARD MILTON CHEN, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA, VICE MARTIN J. JENKINS, RESIGNED.

JOHN J. MCCONNELL, JR., OF RHODE ISLAND, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF RHODE ISLAND, VICE ERNEST C. TORRES, RETIRED.

### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS VICE CHIEF OF STAFF, UNITED STATES AIR FORCE, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 8034 AND 601:

*To be general*

LT. GEN. PHILIP M. BREEDLOVE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be general*

LT. GEN. WILLIAM L. SHELTON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

LT. GEN. RICHARD Y. NEWTON III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

LT. GEN. HERBERT J. CARLISLE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. STANLEY T. KRESGE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. SUSAN J. HELMS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be major general*

BRIG. GEN. OTIS G. MANNON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be major general*

BRIG. GEN. RICHARD T. DEVEREAUX

### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. CURTIS M. SCAPARROTTI

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be brigadier general*

COL. PHILLIP M. CHURN, SR.

### IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. RICHARD T. TRYON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

LT. GEN. TERRY G. ROBLING

### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be vice admiral*

REAR ADM. (SELECTEE) JOHN M. RICHARDSON

### DEPARTMENT OF AGRICULTURE

ELIZABETH ANN HAGEN, OF VIRGINIA, TO BE UNDER SECRETARY OF AGRICULTURE FOR FOOD SAFETY, VICE RICHARD A. RAYMOND, RESIGNED, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

### FEDERAL RESERVE SYSTEM

PETER A. DIAMOND, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR THE UNEXPIRED TERM OF FOURTEEN YEARS FROM FEBRUARY 1, 2000, VICE FREDERIC S. MISHKIN.

### MISSISSIPPI RIVER COMMISSION

SAMUEL EPSTEIN ANGEL, OF ARKANSAS, TO BE A MEMBER OF THE MISSISSIPPI RIVER COMMISSION FOR A TERM OF NINE YEARS. (REAPPOINTMENT)

### DEPARTMENT OF HOMELAND SECURITY

ALAN D. BERSIN, OF CALIFORNIA, TO BE COMMISSIONER OF CUSTOMS, DEPARTMENT OF HOMELAND SECURITY, VICE W. RALPH BASHAM.

### DEPARTMENT OF HEALTH AND HUMAN SERVICES

DONALD M. BERWICK, OF MASSACHUSETTS, TO BE ADMINISTRATOR OF THE CENTERS FOR MEDICARE AND MEDICAID SERVICES, VICE MARK B. MCCLELLAN.

### DEPARTMENT OF THE TREASURY

JEFFREY ALAN GOLDSTEIN, OF NEW YORK, TO BE AN UNDER SECRETARY OF THE TREASURY, VICE ROBERT K. STEEL, RESIGNED.

### DEPARTMENT OF HEALTH AND HUMAN SERVICES

RICHARD SORIAN, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES, VICE CHRISTINA H. PEARSON, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

### DEPARTMENT OF STATE

MARI CARMEN APONTE, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF EL SALVADOR, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

CAMERON MUNTER, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ISLAMIC REPUBLIC OF PAKISTAN.

PAMELA ANN WHITE, OF MAINE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE GAMBIA.

### NATIONAL MEDIATION BOARD

THOMAS M. BECK, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2013, VICE ELIZABETH DOUGHERTY, TERM EXPIRED.

### STATE JUSTICE INSTITUTE

MARSHA TERNUS, OF IOWA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 2012, VICE ROBERT A. MILLER, TERM EXPIRED.

### SMALL BUSINESS ADMINISTRATION

WINSLOW LORENZO SARGEANT, OF WISCONSIN, TO BE CHIEF COUNSEL FOR ADVOCACY, SMALL BUSINESS ADMINISTRATION, VICE THOMAS M. SULLIVAN, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

## CONFIRMATION

Executive nomination confirmed by the Senate, Monday, September 13, 2010:

### THE JUDICIARY

JANE BRANSTETTER STRANCH, OF TENNESSEE, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

# EXTENSIONS OF REMARKS

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, September 14, 2010 may be found in the Daily Digest of today's RECORD.

## MEETINGS SCHEDULED

### SEPTEMBER 15

8 a.m.

Impeachment Trial Committee (Porteous)

To continue hearings to examine the Articles Against Judge G. Thomas Porteous, Jr.

SH–216

10 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine the National Organic Law at 20, focusing on sowing seeds for a bright future.

SR–328A

Banking, Housing, and Urban Affairs

To hold hearings to examine covered bonds, focusing on potential uses and regulatory issues.

SD–538

Foreign Relations

To hold hearings to examine banking reform, focusing on capital increase proposals from multilateral development banks.

SD–419

Health, Education, Labor, and Pensions

Business meeting to consider S. 3751, to amend the Stem Cell Therapeutic and Research Act of 2005, and the nominations of Subra Suresh, of Massachusetts, to be Director of the National Science Foundation, Mary Minow, of California, to be a Member of the National Museum and Library Services Board, and any pending calendar business.

SD–430

Homeland Security and Governmental Affairs

To resume hearings to examine nuclear terrorism, focusing on strengthening our domestic defenses.

SD–342

Judiciary

To hold hearings to examine prohibiting obscene animal crush videos in the wake of ''United States v. Stevens''.

SD–226

11 a.m.

Commission on Security and Cooperation in Europe

To receive a briefing on minority politics, minority pressures.

CVC

2 p.m.

Commerce, Science, and Transportation

To hold hearings to examine the federal role in national rail policy.

SR–253

Judiciary

To hold hearings to examine the nominations of Susan L. Carney, of Connecticut, to be United States Circuit Judge for the Second Circuit, Amy Totenberg, to be United States District Judge for the Northern District of Georgia, James Emanuel Boasberg, and Amy Berman Jackson, both to be United States District Judge for the District of Columbia, and James E. Shadid, and Sue E. Myerscough, both to be United States District Judge for the Central District of Illinois.

SD–226

### SEPTEMBER 16

8 a.m.

Impeachment Trial Committee (Porteous)

To continue hearings to examine the Articles Against Judge G. Thomas Porteous, Jr.

SH–216

9:30 a.m.

Armed Services

To hold hearings to examine the current security situation on the Korean Peninsula; with the possibility of a closed session in SVC–217 following the open session.

SD–106

Foreign Relations

Business meeting to consider Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed in Prague on April 8, 2010, with Protocol (Treaty Doc.111–05).

SD–419

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the Treasury Department's report on international economic and exchange rate policies.

SD–538

Budget

To hold hearings to examine the nomination of Jacob J. Lew, of New York, to be Director of the Office of Management and Budget.

SD–608

Judiciary

Business meeting to consider S. 3675, to amend chapter 11 of title 11, United States Code, to address reorganization of small businesses, S. 3717, to amend the Securities Exchange Act of 1934, the Investment Company Act of 1940, and the Investment Advisers Act of 1940 to provide for certain disclosures under section 552 of title 5, United States Code, (commonly referred to as the Freedom of Information Act), S. 2888, to amend section 205 of title 18, United States Code, to exempt qualifying law school students participating in legal clinics from the application of the general conflict of interest rules under such section, and the nominations of Kathleen M. O'Malley, of Ohio, to be United States Circuit Judge for the Federal Circuit, Beryl Alaine Howell, and Robert Leon Wilkins, both to be United States District Judge for the District of Columbia, Edward Milton Chen, to be United States District Judge for the Northern District of California, Louis B. Butler, Jr., to be United States District Judge for the Western District of Wisconsin, John J. McConnell, Jr., to be United States District Judge for the District of Rhode Island, Goodwin Liu, of California, to be United States Circuit Judge for the Ninth Circuit, Robert Neil Chatigny, of Connecticut, to be United States Circuit Judge for the Second Circuit, and Michael J. Moore, to be United States Attorney for the Middle District of Georgia, Michael Robert Bladel, to be United States Marshal for the Southern District of Iowa, Kenneth James Runde, to be United States Marshal for the Northern District of Iowa, James Edward Clark, to be United States Marshal for the Western District of Kentucky, Joseph H. Hogsett, to be United States Attorney for the Southern District of Indiana, and Beverly Joyce Harvard, to be United States Marshal for the Northern District of Georgia, all of the Department of Justice.

SD–226

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings to examine the promise of human embryonic stem cell research.

SD–124

Small Business and Entrepreneurship

To hold hearings to examine the Deepwater drilling moratorium, focusing on a review of the Obama Administration's economic impact analysis on United States small businesses.

SR–428A

2 p.m.

Appropriations

Business meeting to markup proposed budget estimates for fiscal year 2011 for the Department of Defense, Department of the Interior, Environment, and Related Agencies, and the Legislative Branch.

SD–106

Commerce, Science, and Transportation

Aviation Operations, Safety, and Security Subcommittee

To hold an oversight hearing to examine the Metropolitan Washington Airports Authority, Reagan Washington National Airport and the Perimeter Rule.

SR–253

3 p.m.

Homeland Security and Governmental Affairs

To hold hearings to examine the nomination of Jacob J. Lew, of New York, to be Director of the Office of Management and Budget.

SD–342

SEPTEMBER 21

8 a.m.

Impeachment Trial Committee (Porteous)

To resume hearings to examine the Articles Against Judge G. Thomas Porteous, Jr.

SH–216

9:30 a.m.

Armed Services

To hold hearings to examine the nomination of General James F. Amos, USMC, for reappointment to the grade of general and the be Commandant of the Marine Corps.

SD–G50

SEPTEMBER 22

8 a.m.

Impeachment Trial Committee (Porteous)

To continue hearings to examine the Articles Against Judge G. Thomas Porteous, Jr.

SH–216

10 a.m.

Judiciary

To hold hearings to examine the Electronic Communications Privacy Act, focusing on promoting security and protecting privacy in the digital age.

SD–226

Veterans' Affairs

To hold hearings to examine a legislative presentation focusing on the American Legion.

345, Cannon Building

SEPTEMBER 23

9:30 a.m.

Veterans' Affairs

To hold an oversight hearing to examine Veterans' Affairs disability compensation, focusing on presumptive disability decision-making.

SDG–50

SEPTEMBER 30

2:30 p.m.

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine implementation, improvement, sustainability, focusing on management matters at the Department of Homeland Security.

SD–342

## POSTPONEMENTS

SEPTEMBER 15

2:30 p.m.

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine implementation, improvement, and sustainability, focusing on management matters at the Department of Homeland Security.

SD–342

# *Daily Digest*

## HIGHLIGHTS

See Résumé of Congressional Activity.

# Senate

## *Chamber Action*

***Routine Proceedings, pages S7003–S7049***

**Measures Introduced:** Eight bills were introduced, as follows: S. 3766–3773. **Pages S7033–34**

**Measures Reported:**

Reported on Thursday, September 2, during the adjournment:

S. 3765, to amend title 38, United States Code, to improve Servicemembers' Group Life Insurance and Veterans' Group Life Insurance and to modify the provision of compensation and pension to surviving spouses of veterans in months of the deaths of the veterans. (S. Rept. No. 111–282)

S. 3073, to amend the Federal Water Pollution Control Act to protect and restore the Great Lakes, with an amendment in the nature of a substitute. (S. Rept. No. 111–283)

S. 3539, to amend the Federal Water Pollution Control Act to establish a grant program to assist in the restoration of San Francisco Bay, with an amendment in the nature of a substitute. (S. Rept. No. 111–284)

S. 3234, to improve employment, training, and placement services furnished to veterans, especially those serving in Operation Iraqi Freedom and Operation Enduring Freedom, with an amendment in the nature of a substitute. (S. Rept. No. 111–285)

S. 3325, to amend title 38, United States Code, to authorize the waiver of the collection of copayments for telehealth and telemedicine visits of veterans, with an amendment in the nature of a substitute. (S. Rept. No. 111–286)

S. 3486, to amend title 38, United States Code, to repeal the prohibition on collective bargaining with respect to matters and questions regarding compensation of employees of the Department of Veterans Affairs other than rates of basic pay. (S. Rept. No. 111–287)

S. 3609, to extend the temporary authority for performance of medical disability examinations by contract physicians for the Department of Veterans Affairs. (S. Rept. No. 111–288)

Reported on Monday, September 13:

S. 3084, to increase the competitiveness of United States businesses, particularly small and medium-sized manufacturing firms, in interstate and global commerce, foster job creation in the United States, and assist United States businesses in developing or expanding commercial activities in interstate and global commerce by expanding the ambit of the Hollings Manufacturing Extension Partnership program and the Technology Innovation Program to include projects that have potential for commercial exploitation in nondomestic markets, providing for an increase in related resources of the Department of Commerce, with an amendment in the nature of a substitute. (S. Rept. No. 111–289) **Page S7033**

**Measures Passed:**

*National Aerospace Week:* Committee on Commerce, Science, and Transportation was discharged from further consideration of H. Con. Res. 292, supporting the goals and ideals of National Aerospace Week, and the resolution was then agreed to. **Page S7048**

**Small Business Lending Fund Act—Agreement:** A unanimous-consent agreement was reached providing that at 10 a.m., on Tuesday, September 14, 2010, Senate resume consideration of 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, with the time until 11 a.m., equally divided and controlled between the two Leaders, or their designees. **Pages S7048–49**

**Nomination Confirmed:** Senate confirmed the following nomination:

By 71 yeas, 21 nays (Vote No. EX. 230), Jane Branstetter Stranch, of Tennessee, to be United States Circuit Judge for the Sixth Circuit.

**Pages S7009–16**

**Nominations Received:** Senate received the following nominations:

Robert Neil Chatigny, of Connecticut, to be United States Circuit Judge for the Second Circuit.

Goodwin Liu, of California, to be United States Circuit Judge for the Ninth Circuit.

Louis B. Butler, Jr., of Wisconsin, to be United States District Judge for the Western District of Wisconsin.

Edward Milton Chen, of California, to be United States District Judge for the Northern District of California.

John J. McConnell, Jr., of Rhode Island, to be United States District Judge for the District of Rhode Island.

Elizabeth Ann Hagen, of Virginia, to be Under Secretary of Agriculture for Food Safety (Recess Appointment).

Peter A. Diamond, of Massachusetts, to be a Member of the Board of Governors of the Federal Reserve System for the unexpired term of fourteen years from February 1, 2000.

Samuel Epstein Angel, of Arkansas, to be a Member of the Mississippi River Commission for a term of nine years.

Alan D. Bersin, of California, to be Commissioner of Customs, Department of Homeland Security.

Donald M. Berwick, of Massachusetts, to be Administrator of the Centers for Medicare and Medicaid Services.

Jeffrey Alan Goldstein, of New York, to be an Under Secretary of the Treasury.

Richard Sorian, of New York, to be an Assistant Secretary of Health and Human Services (Recess Appointment).

Mari Carmen Aponte, of the District of Columbia, to be Ambassador to the Republic of El Salvador (Recess Appointment).

Cameron Munter, of California, to be Ambassador to the Islamic Republic of Pakistan.

Pamela Ann White, of Maine, to be Ambassador to the Republic of The Gambia.

Thomas M. Beck, of Virginia, to be a Member of the National Mediation Board for a term expiring July 1, 2013.

Marsha Ternus, of Iowa, to be a Member of the Board of Directors of the State Justice Institute for a term expiring September 17, 2012.

Winslow Lorenzo Sargeant, of Wisconsin, to be Chief Counsel for Advocacy, Small Business Administration (Recess Appointment).

8 Air Force nominations in the rank of general.

2 Army nominations in the rank of general.

2 Marine Corps nominations in the rank of general.

1 Navy nomination in the rank of admiral.

**Page S7049**

**Measures Read the First Time:** **Pages S7027, S7048**

**Executive Communications:** **Pages S7027–33**

**Additional Cosponsors:** **Pages S7034–36**

**Statements on Introduced Bills/Resolutions:** **Pages S7036–44**

**Additional Statements:** **Page S7027**

**Amendments Submitted:** **Pages S7044–48**

**Privileges of the Floor:** **Page S7048**

**Record Votes:** One record vote was taken today. (Total—EX. 230) **Page S7016**

**Adjournment:** Senate convened at 2:30 p.m. and adjourned at 6:55 p.m., until 10:00 a.m. on Tuesday, September 14, 2010. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S7049.)

# *Committee Meetings*

*(Committees not listed did not meet)*

## IMPEACHMENT TRIAL: PORTEOUS

*Impeachment Trial Committee (Porteous):* Committee began hearings to examine the Articles Against Judge G. Thomas Porteous, Jr., after receiving testimony from Representatives Schiff and Goodlatte; Jacob Amato, River Ridge, Louisiana; Robert Creely, Harahan, Louisiana; and Joseph Mole, New Orleans, Louisiana.

Committee will meet again on Tuesday, September 14.

# House of Representatives

## Chamber Action

The House was not in session today. The House is scheduled to meet at 2 p.m. on Tuesday, September 14, 2010, pursuant to the provisions of H. Con. Res. 308.

## Committee Meetings

No committee meetings were held.

## Joint Meetings

No joint committee meetings were held.

### NEW PUBLIC LAWS

*(For last listing of Public Laws, see* DAILY DIGEST, *p. D933)*

H.R. 4380, to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty. Signed on August 11, 2010. (Public Law 111–227)

H.R. 5872, to provide adequate commitment authority for fiscal year 2010 for guaranteed loans that are obligations of the General and Special Risk Insurance Funds of the Department of Housing and Urban Development. Signed on August 11, 2010. (Public Law 111–228)

H.R. 5981, to increase the flexibility of the Secretary of Housing and Urban Development with respect to the amount of premiums charged for FHA single family housing mortgage insurance. Signed on August 11, 2010. (Public Law 111–229)

H.R. 6080, making emergency supplemental appropriations for border security for the fiscal year ending September 30, 2010. Signed on August 13, 2010. (Public Law 111–230)

H.R. 511, to authorize the Secretary of Agriculture to terminate certain easements held by the Secretary on land owned by the Village of Caseyville, Illinois, and to terminate associated contractual arrangements with the Village. Signed on August 16, 2010. (Public Law 111–231)

H.R. 2097, to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner. Signed on August 16, 2010. (Public Law 111–232)

H.R. 3509, to reauthorize State agricultural mediation programs under title V of the Agricultural Credit Act of 1987. Signed on August 16, 2010. (Public Law 111–233)

H.R. 4275, to designate the annex building under construction for the Elbert P. Tuttle United States Court of Appeals Building in Atlanta, Georgia, as the "John C. Godbold Federal Building". (Public Law 111–234)

H.R. 5278, to designate the facility of the United States Postal Service located at 405 West Second Street in Dixon, Illinois, as the "President Ronald W. Reagan Post Office Building". Signed on August 16, 2010. (Public Law 111–235)

H.R. 5395, to designate the facility of the United States Postal Service located at 151 North Maitland Avenue in Maitland, Florida, as the "Paula Hawkins Post Office Building". Signed on August 16, 2010. (Public Law 111–236)

H.R. 5552, to amend the Internal Revenue Code of 1986 to require that the payment of the manufacturers' excise tax on recreational equipment be paid quarterly and to provide for the assessment by the Secretary of the Treasury of certain criminal restitution. Signed on August 16, 2010. (Public Law 111–237)

### COMMITTEE MEETINGS FOR TUESDAY, SEPTEMBER 14, 2010

*(Committee meetings are open unless otherwise indicated)*

#### Senate

*Committee on Appropriations:* Subcommittee on Defense, business meeting to markup proposed budget estimates for fiscal year 2011 for the Department of Defense, 10:30 a.m., SD–192.

*Committee on the Judiciary:* Subcommittee on Crime and Drugs, to hold hearings to examine rape in the United States, focusing on the chronic failure to report and investigate rape cases, 2:15 p.m., SD–226.

*Select Committee on Intelligence:* to receive a closed briefing on certain intelligence matters from officials of the intelligence community, 2:30 p.m., SH–219.

*Impeachment Trial Committee (Porteous):* to continue hearings to examine the Articles Against Judge G. Thomas Porteous, Jr., 8 a.m., SH–216.

#### House

No committee meetings are scheduled.

### CONGRESSIONAL PROGRAM AHEAD

#### Week of September 14 through September 18, 2010

#### Senate Chamber

On *Tuesday*, Senate will resume consideration of H.R. 5297, Small Business Lending Fund Act, and

after a period of debate, vote on the motion to invoke cloture on Reid (for Johanns) Amendment No. 4596 (to Amendment No. 4595), Reid (for Nelson (FL)) Amendment No. 4595 (to Amendment No. 4594), and Reid (for Baucus/Landrieu) Amendment No. 4594 at 11 a.m.

During the balance of the week, Senate may consider any cleared legislative and executive business.

## Senate Committees

*(Committee meetings are open unless otherwise indicated)*

*Committee on Agriculture, Nutrition, and Forestry:* September 15, to hold hearings to examine the National Organic Law at 20, focusing on sowing seeds for a bright future, 10 a.m., SR–328A.

*Committee on Appropriations:* September 14, Subcommittee on Defense, business meeting to markup proposed budget estimates for fiscal year 2011 for the Department of Defense, 10:30 a.m., SD–192.

September 16, Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, to hold hearings to examine the promise of human embryonic stem cell research, 10 a.m., SD–124.

September 16, Full Committee, business meeting to markup proposed budget estimates for fiscal year 2011 for the Department of Defense, Department of the Interior, Environment, and Related Agencies, and the Legislative Branch, 2 p.m., SD–106.

*Committee on Armed Services:* September 16, to hold hearings to examine the current security situation on the Korean Peninsula; with the possibility of a closed session in SVC–217 following the open session, 9:30 a.m., SD–106.

*Committee on Banking, Housing, and Urban Affairs:* September 15, to hold hearings to examine covered bonds, focusing on potential uses and regulatory issues, 10 a.m., SD–538.

September 16, Full Committee, to hold hearings to examine the Treasury Department's report on international economic and exchange rate policies, 10 a.m., SD–538.

*Committee on the Budget:* September 16, to hold hearings to examine the nomination of Jacob J. Lew, of New York, to be Director of the Office of Management and Budget, 10 a.m., SD–608.

*Committee on Commerce, Science, and Transportation:* September 15, to hold hearings to examine the federal role in national rail policy, 2 p.m., SR–253.

September 16, Subcommittee on Aviation Operations, Safety, and Security, to hold an oversight hearing to examine the Metropolitan Washington Airports Authority, Reagan Washington National Airport and the Perimeter Rule, 2 p.m., SR–253.

*Committee on Foreign Relations:* September 15, to hold hearings to examine banking reform, focusing on capital increase proposals from multilateral development banks, 10 a.m., SD–419.

September 16, Full Committee, business meeting to consider Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed in Prague on April 8, 2010, with Protocol (Treaty Doc. 111–05), 9:30 a.m., SD–419.

*Committee on Health, Education, Labor, and Pensions:* September 15, business meeting to consider S. 3751, to amend the Stem Cell Therapeutic and Research Act of 2005, and the nominations of Subra Suresh, of Massachusetts, to be Director of the National Science Foundation, Mary Minow, of California, to be a Member of the National Museum and Library Services Board, and any pending calendar business, 10 a.m., SD–430.

*Committee on Homeland Security and Governmental Affairs:* September 15, to resume hearings to examine nuclear terrorism, focusing on strengthening our domestic defenses, 10 a.m., SD–342.

September 16, Full Committee, to hold hearings to examine the nomination of Jacob J. Lew, of New York, to be Director of the Office of Management and Budget, 3 p.m., SD–342.

*Committee on the Judiciary:* September 14, Subcommittee on Crime and Drugs, to hold hearings to examine rape in the United States, focusing on the chronic failure to report and investigate rape cases, 2:15 p.m., SD–226.

September 15, Full Committee, to hold hearings to examine prohibiting obscene animal crush videos in the wake of ''United States v. Stevens'', 10 a.m., SD–226.

September 15, Full Committee, to hold hearings to examine the nominations of Susan L. Carney, of Connecticut, to be United States Circuit Judge for the Second Circuit, Amy Totenberg, to be United States District Judge for the Northern District of Georgia, James Emanuel Boasberg, and Amy Berman Jackson, both to be United States District Judge for the District of Columbia, and James E. Shadid, and Sue E. Myerscough, both to be United States District Judge for the Central District of Illinois, 2 p.m., SD–226.

September 16, Full Committee, business meeting to consider S. 3675, to amend chapter 11 of title 11, United States Code, to address reorganization of small businesses, S. 3717, to amend the Securities Exchange Act of 1934, the Investment Company Act of 1940, and the Investment Advisers Act of 1940 to provide for certain disclosures under section 552 of title 5, United States Code, (commonly referred to as the Freedom of Information Act), S. 2888, to amend section 205 of title 18, United States Code, to exempt qualifying law school students participating in legal clinics from the application of the general conflict of interest rules under such section, and the nominations of Kathleen M. O'Malley, of Ohio, to be United States Circuit Judge for the Federal Circuit, Beryl Alaine Howell, and Robert Leon Wilkins, both to be United States District Judge for the District of Columbia, Edward Milton Chen, to be United States District Judge for the Northern District of California, Louis B. Butler, Jr., to be United States District Judge for the Western District of Wisconsin, John J. McConnell, Jr., to be United States District Judge for the District of Rhode Island, Goodwin Liu, of California, to be United States Circuit Judge for the Ninth Circuit, Robert Neil Chatigny, of Connecticut, to be United States Circuit Judge for the Second Circuit, and Michael J. Moore, to be United

States Attorney for the Middle District of Georgia, Michael Robert Bladel, to be United States Marshal for the Southern District of Iowa, Kenneth James Runde, to be United States Marshal for the Northern District of Iowa, James Edward Clark, to be United States Marshal for the Western District of Kentucky, Joseph H. Hogsett, to be United States Attorney for the Southern District of Indiana, and Beverly Joyce Harvard, to be United States Marshal for the Northern District of Georgia, all of the Department of Justice, 10 a.m., SD–226.

*Committee on Small Business and Entrepreneurship:* September 16, to hold hearings to examine the Deepwater drilling moratorium, focusing on a review of the Obama Administration's economic impact analysis on United States small businesses, 10 a.m., SR–428A.

*Select Committee on Intelligence:* September 14, to receive a closed briefing on certain intelligence matters from officials of the intelligence community, 2:30 p.m., SH–219.

*Impeachment Trial Committee (Porteous):* September 14, to continue hearings to examine the Articles Against Judge G. Thomas Porteous, Jr., 8 a.m., SH–216.

September 15, Full Committee, to continue hearings to examine the Articles Against Judge G. Thomas Porteous, Jr., 8 a.m., SH–216.

September 16, Full Committee, to continue hearings to examine the Articles Against Judge G. Thomas Porteous, Jr., 8 a.m., SH–216.

## House Committees

*Committee on Energy and Commerce,* September 15, Subcommittee on Health, hearing entitled ''Medicare's Competitive Bidding Program for Durable Medical Equipment: Implications for Quality, Cost and Access,'' 10 a.m., 2123 Rayburn.

September 15, Subcommittee on Health, hearing on the following public health measures: H.R. 211, Calling for 2–1–1 Act of 2009; H.R. 758, Pediatric Research Consortia Establishment Act; H.R. 1032, Heart Disease Education, Analysis Research, and Treatment For Women Act; H.R. 1210, Arthritis Prevention, Control, and Cure Act of 2009; H.R. 1230, Bone Marrow Failure Disease Research and Treatment Act of 2009; H.R. 1362, National MS and Parkinson's Disease Registries Act; H.R. 1995, Eliminating Disparities in Diabetes Prevention Access and Care Act of 2009; H.R. 2408, Scleroderma Research and Awareness Act; H.R. 2818, Methamphetamine Education, Treatment, and Hope Act of 2009; H.R. 2941, To reauthorize and enhance Johanna's Law to increase public awareness and knowledge with respect to gynecologic cancers; H.R. 2999, Veterinary Public Health Workforce and Education Act; H.R. 5354, Gestational Diabetes Act of 2009; H.R. 5462, Birth Defects Prevention, Risk Reduction, and Awareness Act of 2010; H.R. 5986, Neglected Infections of Impoverished Americans Act of 2010; H.R. 6010, To direct the Secretary of Health and Human Services to review uptake and utilization of diabetes screening benefits and establish an outreach program with respect to such benefits; H.R. 6081, Stem Cell Therapeutic and Research Reauthorization Act of 2010; the Telehealth Improvement and Expansion Act of 2010; and the Health Data Collection Improvement Act, 4 p.m., 2322 Rayburn.

September 16, Subcommittee on Communications, Technology, and the Internet, hearing on H.R. 5828, Universal Service Reform Act of 2010, 10 a.m., 2322 Rayburn.

*Committee on Financial Services,* September 15, Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises, hearing entitled ''The Future of Housing Finance: A Progress Update on the GSEs,'' 9:30 a.m., 2128 Rayburn.

September 16, full Committee, hearing entitled ''Legislative Proposals to Address Concerns Over the SEC's New Confidentiality Provision,'' 10 a.m., 2128 Rayburn.

*Committee on Foreign Affairs,* September 16, Subcommittee on International Organizations, Human Rights and Oversight, hearing on Fulfilling the Promise of Peace: Human Rights, Peace and Reconciliation in Northern Ireland and Bosnia, 9:30 a.m., 2172 Rayburn.

*Committee on Homeland Security,* September 15, hearing entitled ''The Evolving Nature of Terrorism—Nine Years after the 9/11 Attacks,'' 10 a.m., 311 Cannon.

*Committee on the Judiciary,* September 15, Subcommittee on Commercial and Administrative Law, to mark up the following bills: H.R. 1521, Cell Tax Fairness Act of 2009; H.R. 4677, Protecting Employees and Retirees in Business Bankruptcies Act of 2010; and H.R. 5043, Private Student Loan Bankruptcy Fairness Act of 2010, 10 a.m., 2141 Rayburn.

September 15, Subcommittee on Crime, Terrorism, and Homeland Security, hearing on Domestic Minor Sex Trafficking, 1 p.m., 2141 Rayburn.

September 16, Subcommittee on Courts and Competition Policy, hearing on Competition in the Evolving Digital Marketplace, 10 a.m., 2141 Rayburn.

*Committee on Natural Resources,* September 16, Subcommittee on Insular Affairs, Oceans and Wildlife, hearing on the following bills: H.R. 4339, Dr. Rita Hocog Inos Fellowship Act; and H.R. 6015, To require the Director of the Bureau of Economic Analysis of the Department of Commerce to publish certain economic data regarding territories and Freely Associated States, 10 a.m., 1324 Longworth.

September 16, Subcommittee on Water and Power, hearing on the following measures: H.R. 3061, Pine River Indian Irrigation Project Act of 2009; H.R. 5039, To amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of the Groundwater Replenishment System Expansion to reclaim and reuse municipal wastewater in the Orange County, California region; H.R. 5413, Pechanga Band of Luiseno Mission Indians Water Rights Settlement Act of 2010; and a measure To amend Section 301(d) of the Hoover Power Plant Act of 1984 to provide for notice regarding certification of certain projects, 10 a.m., 1310 Longworth.

*Committee on Rules,* September 15, to consider H.R. 4785, Rural Energy Savings Program Act, 4 p.m., H–313 Capitol.

*Committee on Science and Technology,* September 16, Subcommittee on Investigations and Oversight, hearing on Camp Lejeune: Contamination and Compensation, Looking Back, Moving Forward, 10 a.m., 2318 Rayburn.

*Committee on Transportation and Infrastructure,* September 15, hearing on Enbridge Pipeline Oil Spill in Marshall, Michigan, 10 a.m., 2167 Rayburn.

September 16, Subcommittee on Aviation, hearing on Pilot Flight and Duty Time Rule, 11 a.m., 2167 Rayburn.

*Committee on Veterans' Affairs,* September 15, to mark up the following: Draft Legislation; H.R. 3685, To require the Secretary of Veterans affairs to include on the main page of the Internet website of the Department of Veterans Affairs a hyperlink to the VetSuccess Internet website and to publicize such Internet website; H.R. 5360, Blinded Veterans Adaptive Housing Improvement Act of 2010; H.R. 5630, To amend title 38, United States Code, to provide for qualifications for vocational rehabilitation counselors and vocational rehabilitation employment coordinators employed by the Department of Veterans Affairs; H.R. 3787, To amend title 38, United States Code, to deem certain service in the reserve components as active service for purpose of laws administered by the Secretary of Veterans Affairs; and H.R. 5993, SAVINGS Act of 2010, 9:30 a.m.; followed by a hearing on Personality Disorder Dischargers: Impact on Veterans' Benefits, 10 a.m., 334 Cannon.

September 16, Subcommittee on Disability Assistance and Memorial Affairs, hearing on Examining Training Requirements of Veterans Benefits Administration Claims Processing Personnel, 10 a.m., 334 Cannon.

September 16, Subcommittee on Economic Opportunity, hearing on Update of the Post-9/11 G.I. Bill, 1 p.m., 334 Cannon.

*Committee on Ways and Means,* September 15 and 16, hearings on China's Exchange Rate Policy, 10:30 a.m., on September 15, and 2 p.m., on September 16, 1100 Longworth.

*Permanent Select Committee on Intelligence,* September 15, Subcommittee on Terrorism, Human Intelligence, Analysis, and Counterintelligence, executive, briefing on Hot Spots, 1 p.m., 304–HVC.

September 16, full Committee, executive, briefing on Update on FISA Court, 2 p.m., 304–HVC.

September 16, Subcommittee on Oversight and Investigations, executive, briefing on Analytical Efforts at the National Counterterrorism Center, 3 p.m., 304–HVC.

## Joint Meetings

*Commission on Security and Cooperation in Europe:* September 15, to receive a briefing on minority politics, minority pressures, 11 a.m., CVC.

# Résumé of Congressional Activity

## SECOND SESSION OF THE ONE HUNDRED ELEVENTH CONGRESS

The first table gives a comprehensive résumé of all legislative business transacted by the Senate and House. The second table accounts for all nominations submitted to the Senate by the President for Senate confirmation.

## DATA ON LEGISLATIVE ACTIVITY

January 5 through August 31, 2010

| | *Senate* | *House* | *Total* |
|---|---|---|---|
| Days in session | 107 | 99 | .. |
| Time in session | 782 hrs., 32′ | 673 hrs., 55′ | .. |
| Congressional Record: | | | |
| Pages of proceedings | 7,001 | 6,628 | .. |
| Extensions of Remarks | .. | 1,577 | .. |
| Public bills enacted into law | 23 | 89 | 112 |
| Private bills enacted into law | .. | .. | .. |
| Bills in conference | 1 | 1 | .. |
| Measures passed, total | 341 | 598 | 939 |
| Senate bills | 54 | 21 | .. |
| House bills | 81 | 216 | .. |
| Senate joint resolutions | 3 | 3 | .. |
| House joint resolutions | 3 | 4 | .. |
| Senate concurrent resolutions | 6 | 3 | .. |
| House concurrent resolutions | 24 | 38 | .. |
| Simple resolutions | 170 | 313 | .. |
| Measures reported, total | *239 | *186 | 425 |
| Senate bills | 165 | .. | .. |
| House bills | 61 | 114 | .. |
| Senate joint resolutions | 1 | .. | .. |
| House joint resolutions | .. | .. | .. |
| Senate concurrent resolutions | 1 | .. | .. |
| House concurrent resolutions | .. | 3 | .. |
| Simple resolutions | 11 | 69 | .. |
| Special reports | 3 | 8 | .. |
| Conference reports | .. | 2 | .. |
| Measures pending on calendar | 353 | 78 | .. |
| Measures introduced, total | 1,100 | 2,425 | 3,525 |
| Bills | 834 | 1,694 | .. |
| Joint resolutions | 13 | 29 | .. |
| Concurrent resolutions | 23 | 89 | .. |
| Simple resolutions | 230 | 613 | .. |
| Quorum calls | 4 | 4 | .. |
| Yea-and-nay votes | 229 | 337 | .. |
| Recorded votes | .. | 177 | .. |
| Bills vetoed | .. | 1 | .. |
| Vetoes overridden | .. | .. | .. |

*These figures include all measures reported, even if there was no accompanying report. A total of 168 written reports have been filed in the Senate, 188 reports have been filed in the House.

## DISPOSITION OF EXECUTIVE NOMINATIONS

January 5 through August 31, 2010

| | |
|---|---|
| Civilian nominations, totaling 534 (including 209 nominations carried over from the First Session), disposed of as follows: | |
| Confirmed | 303 |
| Unconfirmed | 202 |
| Withdrawn | 13 |
| Returned to White House | 16 |
| Other Civilian nominations, totaling 1,271 (including 112 nominations carried over from the First Session), disposed of as follows: | |
| Confirmed | 1,038 |
| Unconfirmed | 233 |
| Air Force nominations, totaling 5,200 (including 759 nominations carried over from the First Session), disposed of as follows: | |
| Confirmed | 5,190 |
| Unconfirmed | 10 |
| Army nominations, totaling 5,395 (including 76 nominations carried over from the First Session), disposed of as follows: | |
| Confirmed | 5,290 |
| Unconfirmed | 100 |
| Withdrawn | 5 |
| Navy nominations, totaling 3,516 (including 8 nominations carried over from the First Session), disposed of as follows: | |
| Confirmed | 2,126 |
| Unconfirmed | 1,390 |
| Marine Corps nominations, totaling 1,191 (including 714 nominations carried over from the First Session), disposed of as follows: | |
| Confirmed | 1,186 |
| Unconfirmed | 5 |

*Summary*

| | |
|---|---|
| Total nominations carried over from the First Session | 1,878 |
| Total nominations received this Session | 15,229 |
| Total confirmed | 15,133 |
| Total unconfirmed | 1,940 |
| Total withdrawn | 18 |
| Total returned to the White House | 16 |

*Next Meeting of the* SENATE

10 a.m., Tuesday, September 14

Senate Chamber

**Program for Tuesday:** Senate will resume consideration of H.R. 5297, Small Business Lending Fund Act, and after a period of debate, vote on the motion to invoke cloture on Reid (for Johanns) Amendment No. 4596 (to Amendment No. 4595), Reid (for Nelson (FL)) Amendment No. 4595 (to Amendment No. 4594), and Reid (for Baucus/Landrieu) Amendment No. 4594 at 11 a.m.

*(Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)*

*Next Meeting of the* HOUSE OF REPRESENTATIVES

2 p.m., Tuesday, September 14

House Chamber

**Program for Tuesday:** To be announced.

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