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# Senate

The Senate met at 10 a.m. and was called to order by the Honorable CARTE P. GOODWIN, a Senator from the State of West Virginia.

## PRAYER

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

Let us pray.

Almighty God, guide our lawmakers today with Your higher wisdom, helping them to see Your desires and plans for their day. May they seek Your guidance throughout this day and remember Your promise to give wisdom liberally to all who, by faith, request it from You. Lord, remind them that the wisdom You give leads to purity, civility, kindness, sincerity, honesty, and peace. May the gift of Your wisdom infuse us all with a faith that replaces doubt, until truth arises over falsehood, justice triumphs over greed, and love prevails over hate.

We pray in Your wonderful Name. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable CARTE P. GOODWIN 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 14, 2010.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CARTE P. GOODWIN, a Senator from the State of West Virginia, to perform the duties of the Chair.

DANIEL K. INOUYE,
*President pro tempore.*

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

## RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. Mr. President, I expect the majority leader momentarily. I am going to go ahead and make my opening statement first, since he is not here this morning yet. I am sure he will be here shortly.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

## 1099 MANDATE

Mr. MCCONNELL. Mr. President, over the past year and a half, I have tried to highlight some of the things the Democratic health spending bill does to undermine the health care system in this country. But one of the things the American people might not realize is that the consequences of this bill reach far beyond health care.

As a way of helping fund their health spending bill, Democrats inserted a backdoor tax known as a 1099 mandate that forces small businesses to bear the burden of their plan. It mandates that every business and charity in the country submit 1099 forms for transactions totaling $600 or more, including routine business expenses such as phones, office products, and shipping costs. It could increase businesses' reporting requirement by as much as 2,000 percent.

Even the White House now admits they went too far and that their health spending bill hurts small businesses. Predictably, however, their remedy is to raise taxes. This is one more way Democrats are holding back the economic recovery—by socking businesses with another mandate that costs them thousands of dollars a year in the middle of a recession.

Ironically, the IRS says they will not even be able to handle the paperwork this mandate would generate. They also say it is likely they will improperly assess penalties they will have to abate later.

The Democratic Senator from Florida has put forth an amendment we will be voting on later today that aims to help small businesses get around this reporting requirement. The problem is the Nelson amendment only covers some small businesses and fails to address the root of the problem.

Under this amendment, for example, businesses with 26 or more employees would still be subject to mandates for transactions totaling $5,000 or more. Not only would hundreds of thousands of businesses still have to deal with this costly and burdensome new mandate, many others would presumably stop hiring once they reach the magic number of 26 employees in order to avoid paying the new expense. Moreover, the Nelson amendment does nothing to alleviate the paperwork nightmare, and it is paid for with yet another major tax increase.

Senator JOHANNS has proposed a better approach. Unlike the Nelson amendment, the Johanns amendment fully repeals the 1099 mandate and would halt the Democrats' backdoor attempt to further place the costs of their health care plan on the backs of small businesses. It eliminates the paperwork for all businesses instead of picking winners and losers.

The Johanns amendment also has broad support. It has been endorsed by the Coalition for Fairness in Tax Compliance, the U.S. Chamber of Commerce, the National Federation of Independent Business, the American Farm Bureau Federation, and the Americans for Tax Reform. It has bipartisan support in the Senate as well.

This is a strong amendment that will actually help small businesses without

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



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hurting others. I will be voting for the Johanns amendment and against the continuing costs and mandates of the Nelson amendment. I urge my colleagues to do the same.

I yield the floor.

## RECOGNITION OF THE MAJORITY LEADER

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

## SCHEDULE

Mr. REID. Mr. President, following any leader remarks, the Senate will resume consideration of H.R. 5297, which is, as the leader has indicated, the small business jobs bill, with the time until 11 a.m. equally divided and controlled between the two leaders or their designees. At 11 a.m., there will be three votes relating to this bill: cloture on the Johanns amendment relating to 1099 forms. This is a commitment I made—that we would have a vote on his amendment. I think it is appropriate we do that. That will be a cloture vote, a 60-vote margin. We also have a vote that will occur on the Nelson of Florida amendment also relating to 1099 forms. It has changes that affect a number of people, but it is also something that I think is widely supported. I do not support the Johanns amendment, even though I have had conversations with him. He is the one who brought this to the attention of the Senate. I appreciate that. I think the Nelson amendment is better for the reasons Senator NELSON and others have talked about. It is an amendment that certainly gets to the heart of this issue as to who has to report.

Finally, we will have a cloture vote on the substitute amendment to H.R. 5297, which is the small business jobs bill.

This is one of the most important things we have done in recent months. I know we have been away for a month. There were some efforts to get to that before we left, but time constraints would not allow us to do that.

This is an important piece of legislation. It is going to infuse community banks with money. The problem we have in America today is the big banks are doing great. We saw what happened in the stock market yesterday, and all reasons indicate the reason the stock market jumped like it did is because the big financial institutions are doing so well. They are doing well. They are loaning to big businesses. That is good. I am very happy they are doing that.

Eighty percent of the jobs we lost because of this recession were small business jobs. That is where we have to get the jobs back, and we are not giving small businesses the opportunity to borrow money. That is why this bill is so important.

People are estimating this will create from 500,000 to 700,000 new jobs because small business is the engine that drives our economy, and they need help. During this recess period, I was all over Nevada, of course. I went to a number of other States. It does not matter where you go. You see these little strip malls with ''For Lease'' signs. The reason is that small businesses that could continue their businesses if they could borrow the bucks for the inventory have not been able to do that. This bill will allow that to take place.

Not only does it do that, but it gives other tax incentives to small businesses. For example, they will be able to write off purchases they make for equipment—not depreciate it but write it off. It is extremely important they are able to do that.

We also have other tax breaks that allow some of these small businesses to do exporting, which they are anxious to do, and they get tax benefits for doing that.

The Small Business Administration will be revitalized. They have programs that are working well, but their resources are gone. I have spoken with the head of the Small Business Administration. She is so anxious for this to pass. She has people waiting in her offices around the country to apply for these loans to get their businesses started or reenergized. This is an important piece of legislation.

Following the vote on that substitute amendment, we will recess from 12:30 p.m. to 2:15 p.m. to allow for our weekly caucus meetings.

Finally, I ask unanimous consent that the filing deadline for second-degree amendments be at 12 noon today.

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

## MEASURES PLACED ON THE CALENDAR—S. 3772 AND S. 3773

Mr. REID. Mr. President, there are two bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bills by title for a second 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. REID. Mr. President, I object to any further proceedings with respect to these two bills.

The ACTING PRESIDENT pro tempore. Objection is heard. The bills will be placed on the calendar.

Mr. REID. Mr. President, these two pieces of legislation are important. I am going to do my utmost to see if we can find a way to have a vote on the Paycheck Fairness Act. It is so fair to do that, to do a better job of equalizing pay between men and women when they do the same work. It seems fairly basic and fair.

S. 3773 is Senator MCCONNELL's Tax Hike Prevention Act. I am in conversations with him on how we are going to proceed on the tax issues, relating to the extension of the individual tax benefits. We will have more to say about that at a subsequent time.

## RESERVATION OF LEADER TIME

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

## SMALL BUSINESS LENDING FUND ACT OF 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 5297, which the clerk will report.

The legislative clerk read as follows:

A 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.

Pending:

Reid (for Baucus-Landrieu) amendment No. 4594, in the nature of a substitute.

Reid (for Nelson (FL)) amendment No. 4595 (to amendment No. 4594), to exempt certain amounts subject to other information reporting from the information reporting provisions of the Patient Protection and Affordable Care Act.

Reid (for Johanns) amendment No. 4596 (to amendment No. 4595), to repeal the expansion of information reporting requirements for payments of $600 or more to corporations.

Reid amendment No. 4597 (to the language proposed to be stricken by amendment No. 4594), to change the enactment date.

Reid amendment No. 4598 (to amendment No. 4597), of a perfecting nature.

Reid motion to commit the bill to the Committee on Finance with instructions, Reid amendment No. 4599 (the instructions on the motion to commit), to provide for a study.

Reid amendment No. 4600 (to the instructions (amendment No. 4599) of the motion to commit), of a perfecting nature.

Reid amendment No. 4601 (to amendment No. 4600), of a perfecting nature.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 11 a.m. will be equally divided and controlled between the two leaders or their designees.

Mr. BAUCUS. Mr. President, what is the pending business?

The ACTING PRESIDENT pro tempore. The pending business is H.R. 5297.

Mr. BAUCUS. That is the Small Business Act.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. BAUCUS. Am I correct in saying the time is equally divided before the votes?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAUCUS. Mr. President, I see my colleague. I have a statement to make on the bill.

Mr. JOHANNS. Mr. President, I defer to the Senator from Montana.

Mr. BAUCUS. Mr. President, the Book of Ecclesiastes teaches: ''The end of a matter is better than its beginning.''

In other words, getting something done is better than starting something new. That is what a lot of folks are telling us these days. They are telling us to get some things done. They are telling us to do something to create jobs. They are telling us to enact legislation such as the small business jobs bill before us today.

In America, the private sector creates the vast majority of jobs, and in the private sector, small businesses are the principal engine of job creation. Over the past 15 years, small businesses generated two-thirds of new jobs. That is about 12 million new jobs. That is even more true in my home State of Montana. In Montana, we have the largest share of workers employed by small businesses of any State in the Nation. Nearly 4 out of 5 employees in Montana work in businesses with fewer than 10 workers, and 3 out of 5 employees in Montana work in businesses with fewer than 5 workers.

The great recession has hit small businesses hard. Over the course of the recession, small firms have incurred two-thirds of the net job losses. We need to focus on small businesses as we seek to create jobs. When we help small businesses, we help get Americans back to work, and that is exactly what this small business jobs bill would do. This bill would help small businesses get capital. This bill would make it easier for small businesses to invest. This bill would promote entrepreneurship. This bill would improve equity in the law. This is exactly the kind of targeted job-creating legislation folks are telling us to enact, and we ought to get it done. But before we can pass this bill, we have to address the pending Johanns and Nelson amendments on information reporting.

I urge my colleagues to oppose the Johanns amendment and support the Nelson amendment, and let me explain why. The Johanns amendment would repeal a tax-reporting provision enacted in the new health care law. No matter what you think of the reporting requirement in the new health care law, the offset in the Johanns amendment is a killer.

The Johanns amendment would go in the wrong direction. It would expand the exemption from the responsibility to buy health insurance. Fewer people would be responsible to buy health insurance. The amendment would raise revenue because it would thus decrease the number of people who receive Federal tax credits. Fewer Americans would get insurance and fewer people would get tax credits to buy the insurance.

According to the nonpartisan Congressional Budget Office, the Johanns amendment would increase premiums by up to 4 percent in the individual market; that is, in the market for those who individually buy health insurance. Their premiums would go up 4 percent, according to the Congressional Budget Office, under the Johanns amendment.

The Johanns amendment would increase the number of uninsured by 2 million people—increase by 2 million the number of people who are uninsured. Under the Johanns amendment, much of the cost of caring for the uninsured would therefore continue to be shifted to people with insurance, as it is today, and the premiums would continue to go up for all the rest of us to pay for that.

By reducing the requirement for folks to buy insurance, the Johanns amendment would make it so that the share of folks who buy insurance who are sick would also increase, and that would make insurance premiums go up as well.

We need to resist misguided efforts such as these to weaken the new health care law. What is more, the amendment would also cut money set aside for prevention in the new health care law, and that is a bad idea. The Johanns amendment is a wolf in sheep's clothing. It is dressed up as an attempt to help small businesses, but in reality it is just another partisan effort to undermine the new health care law.

Let me take a few moments to address the information reporting requirement which the Johanns amendment purports to address. Current law, even before health care reform, requires all businesses to send a form 1099 information return to all unincorporated service providers to whom businesses pay $600 or more during the year. This information also goes to the IRS. That is current law. That is before the health care reform law. The new health care law expands this requirement to include payments to corporations—not just service providers but to unincorporated companies—as well as payments for goods and property beginning in 2012. So this goes into effect, the provision in the health care law, in 2012—not this year, not next year, but 2012. I know it takes time and money for small businesses to comply with information reporting requirements. I am very sympathetic to the record-keeping burdens of small businesses. But the research demonstrates that voluntary compliance doubles when information reporting is in place. The rate rises from 46 percent compliance to 98 percent compliance. Information reporting does not increase taxes. Let me say that again. It does not increase taxes. Rather, it keeps tax rates lower. Why? Because more people pay the taxes they already owe.

Both the Bush administration and the Obama administration included corporate information reporting among their tax compliance proposals. But we do need to address this requirement, and the Nelson amendment is an excellent start. The Nelson amendment directly addresses the concerns small businesses are raising. First, the Nelson amendment would completely exempt businesses with 25 or fewer employees from the new reporting requirements for goods and property—a complete exemption for a small business that has 25 or fewer employees. For businesses with more than 25 employees, the Nelson amendment would raise the threshold to report purchases of goods and property from $600 to $5,000. The Nelson amendment would also take other steps to reduce the burdens on small businesses.

The bottom line is this: We have heard the concerns of small businesses. We hear it. I hear it. During the last month, I heard it two or three times, and on this particular provision. But when I asked about the Nelson solution, the people I talked to, the small businessmen I talked to, and the accountants I talked to at home said: Well, gee, maybe that might be OK.

We intend to work diligently to address and mitigate the concerns of small businesses, and we are doing so with the Nelson amendment. The Nelson amendment is the first step in that process. So I urge my colleagues to support the Nelson amendment in response to the concerns of small businesses. Those concerns are real, and the Nelson amendment addresses them. But the offset in the Johanns amendment is a killer. The Johanns amendment would raise health insurance premiums—raise them. The Johanns amendment would result in fewer people having health insurance—fewer. And the Johanns amendment would cut funding for prevention—cut it. Those are results no one should want. I therefore urge that the Johanns amendment be opposed, and I urge my colleagues to vote against it.

Let's address these amendments and get something done, as Ecclesiastes, in the Scriptures, suggests to us, let's do something to create jobs, and let's enact this small business jobs bill today.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

Mr. JOHANNS. Mr. President, I rise today to speak on behalf of the amendment I offer, which is called the Johanns amendment. I think and very respectfully I say that the Senator from Montana has really joined the issues here. On one hand, we have this 1099 requirement, which no business in America supports—none. We have this 1099 requirement that every business association in America opposes. On the other hand, we have a health care bill—passed on Christmas Eve, put together with no bipartisan support—for which the President is demanding absolute loyalty of his Members. He doesn't want anything changed. And that is how the issue is joined today.

But I believe today that we in the Senate have an opportunity to take a very clear and very decisive action that shows we mean what we say. A vote to repeal the 1099 paperwork mandate fulfills the promise to clear Federal roadblocks that are stopping small

businesses from expanding and putting Americans to work.

There have been a lot of promises from this administration and even from this Congress to support small businesses, but America is coming to the conclusion that the promises are empty. And this 1099 mandate in the health care bill is a perfect example of why they are giving up hope. You see, our small business owners, our medium-sized business owners, and our large business owners are frustrated with nice speeches that are followed by strangling regulation, new taxes, and really absurd paperwork mandates. Small businesses want to expand, they want to hire workers, and they want more customers. They do not like going to a long-term employee and saying: I have to lay you off. I have had employers talk to me about that literally with tears in their eyes. Yet this tax paperwork mandate—hidden in the health care law, of all things, in section 9006, page 700-something—requires businesses to file a mountain of additional 1099 tax forms. It will consume resources that could otherwise be spent on wages for new employees. It is an undeniable example of the relentless hostility this administration has toward the business community.

The Washington Post accurately summarized it this way:

> As small businesses try to plot their recovery, attention is turning to what many owners consider burdensome policies—higher taxes, new accounting procedures and health-care mandates.

That quote goes on to say:

> Even as the government tries to help with an array of small business initiatives, many owners say the intervention is as much a hindrance to hiring as is the faltering economy.

You see, this type of uncertainty and fear only leads to a paralyzed job market and, of course, anemic growth. Just look at what we have piled on the backs of businesses in the last 18 months. Is it any wonder they are sitting on capital? A so-called economic stimulus that cost taxpayers $862 billion but failed to deliver on the promise of keeping unemployment below 8 percent. Passage of a $2.6 trillion health care bill that, when honestly scored, imposes an employer mandate—an employer mandate—during one of the toughest economic times since the Great Depression. It increases taxes in areas completely unrelated to health care. A financial overhaul that increases small business burdens and cost of compliance. Threats of card check, which the Chamber of Commerce recently estimated will result in 600,000 lost jobs. And, of course, the endless threat of an energy tax. A cap-and-trade proposal that would result in increased production costs, harming America's competitiveness in a global marketplace—shipping jobs to India and China. To make matters worse, the uncertainty about the looming tax increases—the largest in history—only compounds the worries businesses are facing.

All of us traveled during the August break. I traveled across my home State of Nebraska in August, and I heard from hundreds, thousands of constituents. The message was plain and simple. In 14 townhalls across the State, people said over and over again: MIKE, go back there and fight for us. And do you know what they were asking me to do? Protect their businesses from Washington. Protect their businesses from Washington.

We have an opportunity to do just that today by fully repealing the 1099 filing requirements. Our job creators will be able to focus their time and energy on hiring and expanding, not dealing with mounds of paperwork.

As the president of the Nebraska Federation of Independent Business put it, and I am quoting from the chart:

> You can't operate and grow your business if you are spending all your time filling out IRS forms and haggling with auditors.

In fact, there has been an outpouring of support from business owners who are hoping that common sense will rule the day. The steady stream of support letters and key vote letters Senate offices have received is absolutely compelling evidence that our job creators feel very strongly about repealing this nonsensical mandate. The U.S. Chamber of Commerce, National Federation of Independent Business, and the National Association of Manufacturers all support full repeal, to name a few. But I could go on and on—the Farm Bureau, the National Restaurant Association, the Public Accountants Association, veterinarians, florists. There is no stopping here.

I think it is time Washington listen to the concerns of constituents and businesses. They sure did not do that with the health care bill. Here is a sampling of what businesses are saying. From the American Rental Association:

> The reporting requirement substantially and disproportionately increases compliance burdens on all types of small businesses.

Citizens Against Government Waste says:

> With a ballooning $13.4 trillion federal debt and a national unemployment rate that is around 10 percent, lawmakers should be focused on providing relief to America's businesses, encouraging job creation, and spurring economic growth. The 1099 mandate is a major roadblock, discouraging them from expanding and hiring.

The National Restaurant Association says this:

> This new requirement will impose a significant burden on restaurants across the country.

The International Franchise Association says:

> The paperwork filing burden associated with this provision will be too great for many small businesses to comply and could lead to inaccurate filings that may trigger audits and penalties.

Finally, the Coalition for Fairness in Tax Compliance says:

> The Johanns amendment is the only solution that fully protects small businesses.

They go on to speak to the Nelson amendment, and I am quoting again:

> The Nelson amendment does not remove the paperwork and administrative burden that is created by this new law. Instead, the Nelson alternative further complicates compliance responsibilities . . . rather than clarify. The Nelson amendment actually creates even greater complexity for those who comply with the law.

Businesses could not be more clear. Today are we going to turn our deaf ear to the job creators in America? Are we going to stand with the President, who does not want anybody fiddling with his health care reform, or are we going to stand with small businesses?

This is a vote to put Americans back to work by freeing up our small businesses to expand and hire. It is as simple as that. Let's not force our job creators to fight the greatest battle they are fighting, which is the battle against Washington and its endless appetite for regulation and spending.

We have talked about support for our small businesses. Let's stand behind them. I want to remind my colleagues that, according to analysis by one business group, this mandate is likely to increase the 1099s that businesses file by a whopping 2000 percent. Let's listen to the loud voices of an endless line of businesses pleading with us to repeal this job-killing mandate.

I hope my colleagues across the aisle will reject the arm twisting that is going on by the White House to preserve at all costs the health care law and every word of it, every dotted i and every crossed t, even at the expense of American jobs. I ask you to vote in favor of the only bipartisan amendment you will vote on today, the Johanns-Lincoln amendment, a bipartisan approach, the only real fix to a 1099 nightmare created by the health care law.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Mr. President, I will yield 8 minutes to my good friend from Florida, who has come up with a very good idea to resolve this question.

AMENDMENT NO. 4595, AS MODIFIED, AND AMENDMENT NO. 4596, AS MODIFIED

Mr. NELSON of Florida. If it is OK with the chairman of the committee, we have a unanimous consent that has been agreed to on both sides.

Mr. President, I ask unanimous consent that the pending amendments, No. 4595 and No. 4596, be modified with the changes at the desk.

The ACTING PRESIDENT pro tempore. Is there objection?

The Senator from Nebraska.

Mr. JOHANNS. Mr. President, reserving the right to object, let me take a moment to analyze what the Senator has proposed.

We have no objection.

The ACTING PRESIDENT pro tempore. Hearing no objection, it is so ordered.

The amendments, as modified, are as follows:

AMENDMENT NO. 4595, AS MODIFIED

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.

AMENDMENT NO. 4596, AS MODIFIED

In lieu of the matter proposed to be inserted, insert the following at the appropriate place insert the following:

**PART IV—ADDITIONAL PROVISIONS**

**SEC. 4271. REPEAL OF EXPANSION OF INFORMATION REPORTING REQUIREMENTS.**

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.

**SEC. 4272. EXPANSION OF AFFORDABILITY EXCEPTION TO INDIVIDUAL MANDATE.**

Section 5000A(e)(1)(A) of the Internal Revenue Code of 1986 is amended by striking ''8 percent'' and inserting ''5 percent''.

**SEC. 4273. USE OF PREVENTION AND PUBLIC HEALTH FUND.**

(a) USE OF FUNDS AS OFFSET THROUGH FISCAL YEAR 2017.—Section 4002(b) of the Patient Protection and Affordable Care Act is amended by striking ''appropriated—'' and all that follows and inserting ''appropriated, for fiscal year 2018, and each fiscal year thereafter, $2,000,000,000''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of section 4002 of the Patient Protection and Affordable Care Act.

**SEC. 4274. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.**

The percentage under paragraph (2) of section 561 of the Hiring Incentives to Restore Employment Act in effect on the date of the enactment of this Act is increased by 4.25 percentage points.

Mr. NELSON of Florida. Mr. President, we are down now to passing what we have tried to pass so many times, this small business assistance bill, which is going to create a $30 billion lending facility that will work through community banks. The small business lending fund will generate $300 billion of loans that will specifically be targeted to small businesses to help get our country moving again economically. This is huge. But right now we are stuck on this issue of whether businesses are going to have to file these 1099 forms anytime they make purchases of goods.

The Senator from Nebraska wants to eliminate all of the new information reporting rules. That is a salutary result. But how does he propose to do it? He has to come up with a way to pay for it. The underling law raises about $17 billion, so he has to come up with a pay-for if he is going to repeal it. Where does he get it? He basically goes directly at the health care bill, the reform bill, and he starts to gut the health care reform bill.

This Senator does not think that is a very good idea, particularly since what the Senator from Nebraska is gutting is the subsidies that allow people to purchase health insurance who presently are uninsured. The amendment of the Senator would reduce the number of people that purchase coverage through the health insurance exchange. These are uninsured people whom we want to have private health insurance, 2 million of them in this country who otherwise would go into their State health insurance exchange and be able to purchase health insurance with some assistance because of their income level.

The amendment of the Senator involves a complicated formula. It actually gets at a provision in the current health reform law that says if your health premiums are going to be above 8 percent of your annual income, you do not have a responsibility to purchase health insurance. The Senator from Nebraska drops that to 5 percent, which means that 2 million people in

this country are not going to go into these health insurance exchanges and purchase health insurance.

By the way, what is going to happen? They are still going to get health care if they do not have health insurance. Where are they going to get it? They are going to get it at the most expensive place at the most expensive time; that is, when they get sick they are going to go to the emergency room. If they do not have health insurance, guess who is going to pay. All the rest of us are going to pay, which was part of the reason for the health reform bill in the first place. It was to get 32 million people in this country who are not insured into the health insurance system so that you spread that health risk over more people. That is 32 million people who are going to come into the health insurance system and pay for their care, instead of just those who currently have health insurance.

The whole idea was to get more people into the system—more people paying insurance, more people with health insurance so they receive preventive care and so they do not wait around until the sniffles have turned into pneumonia and they have to go to the emergency room. If they don't have health insurance, everybody else pays for them.

What the Senator from Nebraska is doing is he is driving a stake into the heart of the health insurance reform bill by taking 2 million people out of that pool, people who are uninsured, who otherwise would be getting health insurance. That is the essence of this; otherwise, the Senator from Nebraska and I agree. We want to stop this nonsense of the harassment of every time you make a purchase of a good, some equipment, et cetera, that you have to file a 1099 because the other guy on the other end who is selling you that good is not going to report the income. We would both prefer to eliminate all of that.

The amendment of this Senator says, first of all, if you are a small business, if you are 25 employees or less, you are not going to have to worry about that requirement at all. Second, this Senator says that if you have 26 or more employees, you are not going to have to file that 1099 form when you purchase equipment unless it is over $5,000 of value. Third, if it is a credit or debit card transaction, no information reporting by the business would be required, period.

Is that too much to ask in order to help get people to pay the income tax that they owe, people who are now getting out of it to the tune of $17 billion? If somebody is not paying their income tax, is that fair? No, it is not. So in tightening up the law we are going to get people to pay their income tax, but we are going to do it in a way that is not harassing any business, and particularly small businesses, because we are going to exempt them if there are 25 employees or less.

The long and short of it is if the amendment of the Senator from Nebraska, which is going to be voted on first, is not agreed to, then we come to the amendment of this Senator. You may want to eliminate everything. But if his amendment——

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. NELSON of Florida. Oh, goodness. I will conclude by saying if his amendment does not pass, then you have a viable alternative with the Nelson amendment.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

Mr. JOHANNS. May I inquire how much time on this side is left?

The ACTING PRESIDENT pro tempore. The Senator from Nebraska has 11 minutes 14 seconds.

Mr. JOHANNS. I will defer to the Senator from Wyoming for 3 minutes, and yield 3 minutes of my time.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. ENZI. Mr. President, I just heard the discussion about this bill. I know in the health care bill we hired 16,000 more IRS agents. If we hired 16,000 more IRS agents, we should not need a whole bunch more paperwork for small businesses to do, to see if they are being honest.

This is going to cost a fortune for small business, even if you go to the $5,000 level, because you have to keep track of how much you buy from every supplier. You have to see if you hit the $600 or $5,000 mark. That is a cost to business with no benefit. I do not think it is going to wind up with the kind of benefit they are talking about in raising revenue to finance health care.

As far as the mandate to buy insurance, I am not in favor of the mandate to begin with. But it mandates that they spend 8 percent of their income on health insurance. This reduces it to 5 percent of their health care. I think that is a pretty big mandate all in itself.

But during the last month, my wife and I traveled around Wyoming. We visited small businesses. We looked to see what their problems were. I do that to get a sense of what Federal legislation is going to do to help or hinder them. I want to see firsthand the struggles they deal with. Every business looks simple until you have to make the decisions that deal with that business.

The last thing we want to do in Washington is hurt those businesses by passing legislation that takes resources away from growing businesses and puts it into more paperwork. We also should not be passing legislation using regulation that stymies new jobs and causes uncertainty about what will come out in the near future.

Unfortunately, I think that is exactly what happened in the health care reform law that was enacted earlier this year. Today, we have a chance to fix it. Although the health care reform battle may be in the rearview mirror for some of you, it is the small businesspeople in our hometowns who continue to bleed from it.

The provision I am referring to will require business owners to submit onerous and duplicative 1099 forms for every single business-to-business transaction over $600. Even $5,000 does not solve the problem. This includes anything from utilities, office supplies, construction materials. There are ways to audit that anyway. This is just trying to do an easy thing and putting a whole burden on businesses. So everybody on Main Street will have to do 200 to 2,000 of these 1099s depending on which one of these forms you go with. Repealing it is the best way to do it.

Something else that is not mentioned is they have to get the taxpayer's ID number. If you are a small businessman, a really small businessman, your taxpayer ID is your Social Security number. How willing are you going to be to give your Social Security number to some kid that bought $600 worth of gas so he could mow lawns over the summer? If he does not get the taxpayer number, he is supposed to withhold 28 percent of the payment.

Most businesses don't have personal accountants on hand to file these forms so they will need to hire someone just to file paperwork. This is the kind of onerous paperwork burden that will distract small businesses from doing day-to-day business, providing much-needed jobs and stimulating the economy.

Many of my colleagues have joined me in co-sponsoring the Small Business Paperwork Mandate Eliminate Act to fix this problem, and today I urge them to join me in supporting Senator JOHANNS' amendment. The Johanns amendment eliminates the onerous section of the law and pays for it in a responsible way. While I appreciate the Senator from Florida would like to exempt businesses with under 25 employees, this exemption actually encourages businesses to stop growing so they aren't burdened with onerous bureaucratic regulations, and the method he uses to offset his amendment will lead to increased energy prices and fewer American energy jobs. My biggest surprise over the August recess was the number of businesses that have heard of this requirement. They know and they are mad. One more requirement that doesn't bring in a single dollar and has a huge cost!

I urge all Senators to help the businesses in their State and make sure this section is repealed by supporting the Johanns amendment. You don't have to be a Republican and you don't have to be a Democrat to know that this is something we need to do. To know that, you just have to ask the business people you represent in your home State.

Let's take a sandbag off the backs of the small business people. We know repeal will be better for them, our States and our country. Surely we can find a way together to do this one small thing

that will make such a huge positive impact on those we serve.

The ACTING PRESIDENT pro tempore. The time of the Senator from Wyoming has expired.

Mr. ENZI. I think we can see what a terrible error it is to have this in the bill at all. I hope we will repeal it.

I yield the floor.

Ms. SNOWE. Mr. President, I rise today in support of the Johanns amendment to repeal an onerous mandate included in the health reform bill that would require millions of businesses to send billions of new information reporting forms to the IRS and other businesses. If Senator JOHANNS' amendment is not adopted here in the Senate, every business in America, starting in 2012, must report to the IRS on business purchases that exceed a threshold of only $600 per vendor or supplier—for purchases of supplies and equipment, and also services ranging from cell phone coverage to window washing to utilities.

This new mandate was imposed in the health reform law, yet it has absolutely nothing to do with health insurance reform. What it does is make the Federal Government a more intrusive and burdensome presence in every aspect of American business—which is the very last thing American business needs during these tumultuous economic times. What small firms are clamoring for is certainty. They need the Federal Government to help foster an entrepreneurial environment under which they can do what they do best—create new jobs—and not saddle them with an incessant and unnecessary paperwork burden like this new 1099 filing requirement.

Most Americans recognize forms 1099 as the statements they get from a financial institution when they earn interest on savings or from their mortgage lender for the deductible interest the borrower pays to a bank or credit union for their home mortgage. The purpose of these 1099s is to accurately report income or deductions for a particular tax year so that income is appropriately taxed that year.

However this new system of 1099s does not have anything to do with a direct tax liability in a given year—instead, this reporting regime will allow the IRS to track business purchases that exceed $600. Businesses typically have an intense focus on carefully tracking their sales to customers with marketing professionals. Rather than tracking sales to customers, this new government mandate will force a change in business focus to a detailed accounting of purchases from suppliers. While controlling costs is clearly a vital component of business profitability, this new government mandate on cost accounting and reporting to the IRS is an inordinate shift of priorities that will harm competitiveness and profitability because it will shift focus and resources away from customers.

A separate dimension of this new cost accounting mandate is that purchases will also have to be separately tracked by type of payment because only payments made by check and cash would be reported on a 1099 but payments by credit card would be excluded from this mandate and misreporting transactions by including credit card purchases might be subject to penalties. So for each supplier from which aggregate purchase might exceed $600 per year, purchases would have to be tracked by payment method. For instance, a construction contractor would have to make sure that employees know to use only a credit card at Home Depot but at the local lumber yard to only pay by check or invoice.

The intent of this 1099 provision may have been to track the cash flow of businesses that operate in a cash economy in order to root out those that do not pay taxes. Ensuring that tax cheats pay their taxes is an admirable and necessary function of government. However, instead it has become clear that this provision could simply further expand the cash economy. The very businesses that currently evade taxation are not likely to become compliant with this new burdensome reporting regime. In fact, a predominantly cash-based business will likely further retrench and thrive absent both tax liability and the new reporting regime while tax compliant businesses either muddle through or fail under this new burden. For instance, a small plumbing business or a roofing business would likely thrive by simply working in an all-cash system for residential customers and evading both income taxes and information reporting while a similar business attempting to comply with tax liability and compliance would struggle.

For the small businesses that attempt to comply with this tax reporting mandate, this paperwork burden will be imposed with a crushing effect. New tracking systems will have to be implemented for purchases in order to ensure that aggregated purchases exceeding $600 are reported to the IRS. In fact, according to an NFIB Small Business Survey, at $74 an hour, tax paperwork is the most expensive paperwork burden placed on small businesses by the Federal Government. The Small Business Administration has found that the cost of tax compliance is already 67 percent higher in small firms than in large firms. Because this new 1099 reporting burden would be so ubiquitous for firms attempting to be compliant—by requiring new processes of making business purchases and tracking of business purchases—this compliance cost statistic is likely to be woefully outdated and more onerous.

I fully expect the new Chief Counsel for Advocacy at the Small Business Administration, Winslow Sargeant, who President Obama recently recess appointed, to assess this new paperwork mandate and have his office recalibrate that statistic on cost of tax compliance which was last updated in 2005. Dr. Sargeant will also have the opportunity to fully use his office—the independent, ''regulatory watchdog'' for small business—to comment, by September 29, to a Treasury Department and IRS request for information on these expanded 1099 filing requirements. I want to quote from the SBA web site about the mission of the Office of Advocacy:

> In 1976, the U.S. Congress created the Office of Advocacy within the U.S Small Business Administration to protect, strengthen and effectively represent the nation's small businesses within the federal government's legislative and rule-making processes. The Office of Advocacy works to reduce the burdens that federal policies impose on small firms and maximize the benefits small businesses receive from the government. Advocacy's mission, simply stated, is to encourage policies that support the development and growth of American small business.

I expect Dr. Sargeant to fulfill his duties as the Chief Counsel for Advocacy by serving as a strong voice in this IRS rulemaking. In voicing the concerns of small businesses, Dr. Sargeant would be standing shoulder to shoulder with the IRS National Taxpayer Advocate, Nina Olson, who has stated that the administrative costs to small businesses of this provision are so high that it ''may turn out to be disproportionate as compared with any resulting improvement in tax compliance.''

Separate from the burden of compliance, I fear the onerous and pervasive nature of this mandate, for it will surely change business purchasing decisions and disadvantage small businesses. Should the Johanns amendment to repeal this provision not be adopted, it would incentivize centralized purchasing from large integrated companies and away from smaller specialized ones. Rather than a roofing company putting out a bid to different suppliers for materials, this new government mandate would be another reason to consolidate purchasing in order to ease paperwork burdens of the 1099 process. With fewer businesses willing to put out bids to a wide variety of suppliers, a constricting spiral will take effect resulting in fewer and fewer specialty suppliers. While large big-box retailers serve a critical role, they don't need to have the heavy hand of government pushing customers through their doors instead of through the local building supply business or local office supply businesses. This further consolidation of suppliers is bad for innovation, bad for price competition, and bad for small business.

No wonder a broad coalition of businesses has come together to form the Coalition for Fairness in Tax Compliance. This group includes dozens and dozens of business organizations including Washington mainstays such as the National Federation of Independent Business, the National Association of Manufacturers, the Associated Builders and Contractors, the National Restaurant Association, and the US Chamber of Commerce, to groups as varied

as the Electronic Security Association, the Independent Community Bankers of America and the American Road & Transportation Builders Association.

Finally, I want to turn to an aspect of this issue that has not been discussed widely. The process of tracking business-to-business purchases, aggregating information on purchase prices and then reporting this information to the IRS on those purchases would largely put in place the infrastructure for a value added tax—or VAT—tax system. A typical value added tax is a credit-invoice method system where one business tracks the purchases it makes from others and then when it sells goods, it remits a tax for the increase in value of those goods. The increase in value is through either a manufacturing process or by adding value through a retail sale of goods.

A VAT depends upon reporting the price of goods purchased and sold. Imposing a system whereby virtually every business-to-business sale of goods or services is aggregated and reported to the IRS certainly puts in place all of the infrastructure of a VAT. This provision would be implemented and become effective in 2012. It would certainly take a year to two for taxpayers and the IRS to work through all of the administrative hassles associated with its implementation. By 2014, when the health benefit subsidies become effective, all of the machinery necessary for a VAT would be functioning and the machine would simply have to be turned on to start generating the money necessary to pay for these benefits at a time when our national deficits are likely to continue at atrocious levels.

Early in the debate for health reform, Obama advisers were proponents of a VAT to fund health reform, but were quickly publicly disavowed. Even in the Senate, last April, I joined 84 colleagues on the floor in April to repudiate the concept of a VAT. Putting in place the machinery of a VAT to not expect that machinery to be switched on is a test of faith that millions of small businesses across America are not willing to take.

We cannot tinker with this 1099 provision. We cannot amend this provision. We cannot leave a vestige of it to sprout in the future. We must repeal it. Now. I urge my colleagues to support the Johanns amendment and oppose the Nelson amendment.

Ms. MIKULSKI. Mr. President, I rise today to express my strong support for repealing the 1099 tax form requirement enacted in the Affordable Care Act. This requirement is burdensome for businesses in Maryland, especially small businesses. The 1099 tax provision requires businesses to report information on anyone they pay $600 or more to for goods in a year. Businesses will also have to send copies of the form to their vendors, suppliers and contractors. This requirement is costly and burdensome to businesses.

Although I agree that we must ease the hassle faced by businesses, we must be careful about how we pay for this. The Johanns amendment to the Small Business Jobs and Credit Act repeals the new 1099 tax reporting requirement, yet could end up increasing health care costs and cost small businesses even more as a result of higher health expenditures. The Johanns amendment eliminates funding for prevention programs such as providing immunizations and screenings for diseases like cancer, heart disease, and diabetes. By catching diseases earlier and reducing the incidence of chronic disease, prevention programs lead to cost savings which lower the cost of health insurance for small businesses.

That is why I support the Nelson amendment which provides a more affordable alternative. The Nelson amendment reduces the burden faced by businesses by eliminating the 1099 reporting requirement all together for businesses with 25 employees or less. It also raises the reporting threshold to anyone paid $5,000 or more for purchased goods in a year in a way that is affordable. This will help over 85 percent of businesses in Maryland.

I am also a cosponsor of Senator LANDRIEU's Information Reporting Modernization Act. Senator LANDRIEU chairs the Small Business Committee and her bill would simplify and modernize 1099 reporting requirements so that nothing paid for with credit or debit cards would need to be reported and the $5,000 threshold amount for reporting established in the bill could be adjusted and increased every year for inflation. I will continue to support lessening the burdens faced by small businesses and help lower their costs.

Mr. FEINGOLD. Mr. President, I am pleased to vote for the motion to invoke cloture on Senator BILL NELSON's amendment to ease reporting requirements on small businesses, which are the engine of our economy. Unlike Senator NELSON's commonsense amendment, which was paid for by taking away a tax break from big oil, Senator JOHANNS's alternative proposal would deny health insurance for roughly 2 million Americans and raise insurance premiums for many more. We can and should help small businesses without making health insurance more expensive and less accessible.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. BAUCUS. Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator has 5 minutes 45 seconds remaining.

Mr. BAUCUS. I yield 5 minutes 45 seconds to the Senator from Iowa.

Mr. HARKIN. I thank my friend from Montana for yielding me this time.

Mr. President, the Johanns amendment would kill—would kill—the Prevention and Public Health Fund that we have established for our American citizens. Chronic diseases are one of the main reasons health care costs have increased so dramatically over the past several decades.

This chart shows it. In 2005 we spent $2 trillion on health care. For every dollar spent, we spent 75 cents treating people who had a chronic disease. But we spent four pennies on prevention—four pennies on prevention—and 75 cents out of the dollar treating them.

This second chart shows what has happened from 1987 to now: a $314 billion increase in spending on all health care. Two-thirds of the increase went to take care of people who had chronic illnesses.

Most of this is preventable. That is why we know, and we have good data to show, that for every dollar we spend on prevention and wellness we get a great return. For every dollar spent on childhood immunization, we get a $16.50 return. For every smoking cessation program for pregnant women, $6; chronic disease prevention overall, $5.60. Even tuberculosis screening, for every dollar we spend we get more money back in savings because we are not treating people with chronic illnesses.

So, again, why would we want to gut this program? But that is what the Johanns amendment does. It says the Prevention and Public Health Fund that we established in health care, which had support from both sides of the aisle—I think regardless of how anyone felt about the final version of the health care reform bill, I found no one who wanted to go after the Prevention and Public Health Fund because we all recognized this is the path to our future: keeping people healthy in the first place.

So we have this established. We have the fund established. The Johanns amendment guts it. It says no money; no money for prevention, no money for wellness until 2018. Well, we will just let people continue to get chronic illnesses, chronic diseases, and we will take care of them later.

Remember what Benjamin Franklin said: An ounce of prevention is worth a pound of cure. Our mothers were right when they told us that. We finally have realized that in our society. Ask the medical community. Ask the nurses. Ask anyone. They will tell you we need to put more money into prevention and wellness programs across the board.

That is what we designed. That is what we put in the health care bill. It was broadly supported on both sides of the aisle. Yet regardless of whatever benefits the Johanns amendment may have—and, quite frankly, I tend to sympathize with the problems that were raised about paperwork on small businesses—this is not the place to rob the money. This is the worst place from which to take the money. I do not know why my friend from Nebraska saw fit to take money out of something that is going to save us money, save lives, and cut down on needless human suffering in the future. Think of all of the people who will be cut off of smoking, people who will have wellness programs, screening programs for the elderly that will start now. Every senior

citizen can go in and get on Medicare, get an annual free checkup, and a personalized medical plan to keep them healthy. Free mammograms, childhood screenings—all part of getting ahead of the curve rather than just treating people after they get sick.

I have looked at that amendment. I have looked at the Nelson amendment. It seems to me the Nelson amendment does basically do the same thing in terms of helping our small businesses. So I think the Nelson amendment is the way to go because it does eliminate any reporting burden on the great majority of small businesses, those with less than 25 employees at any point in the year. But, most importantly, it does not take money out of the Prevention and Public Health Fund. It does not gut it.

So, as I say, regardless of whatever benefits you may think the Johanns amendment has, it is the wrong place to get the money, absolutely the wrong place. So I ask my colleagues, if you really want to help small businesses and not gut the one thing in health care that is going to bend the cost curve, bend the cost curve, keep people healthy, cut down on all of this money we are spending to take care of people when they get sick, the best way to do that is to support the Nelson amendment which does both: keeps the Prevention and Public Health Fund intact, and yet helps our small businesses. To me, that is the right process to take.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

Mr. JOHANNS. How much time remains?

The ACTING PRESIDENT pro tempore. There is 7 minutes 45 seconds remaining.

Mr. JOHANNS. I yield 3 minutes to the Senator from South Dakota, Mr. THUNE.

Mr. THUNE. Mr. President, when the health care reform bill passed, the Speaker of the House famously said: We have to pass this bill so we can figure out what is in it.

Well, what more and more Americans are finding when they look at what is in it are things they do not like. This is becoming increasingly less popular over time, and one of the most egregious provisions in this bill is this 1099 provision.

The Senator from Iowa is worried about making sure more people have access to health care. We all are. Well, the best way for most Americans to get access to health care, because most Americans still get their health care coverage through their employers, the best way to get health care coverage is to get a job. This provision kills jobs.

This is directly targeted at small businesses, the economic engine, the job creators in America today. So what the Senator from Nebraska is trying to do is to correct this by repealing this onerous compliance burden that we are placing on the small businesses of this country. It is not the tax delinquents who get hurt by this, it is the hardworking small businesses. It is the charities. It is the government agencies who have to deal with this burdensome paperwork.

That, I think, is why we have so many organizations. We have agricultural organizations such as the American Farm Bureau, the Corn Growers, the Soybean Growers, the Cattlemen, and go right down the list. We have small business organizations such as the Chamber of Commerce, the National Federation of Independent Business, the National Association of Manufacturers, the National Association of Home Builders, the International Food Service Distributors, the Restaurant Association, and the Associated General Contractors that support repeal because it would hurt both their employees and their bottom line.

We even have government organizations such as the National Association of Towns and Townships, which represents local governments. They support repeal because it would force cities and communities to keep track of every purchase they make whether it be cement, snowplows, or pencils. This is a ridiculous requirement that we are imposing, in many cases, on small businesses, on small charities, on small organizations, and local governments.

I can tell you from personal experience, in my State this is something they cannot comply with and cannot deal with. So if we are worried about job creation in this country, if we are worried about economic growth, this is absolutely the wrong way to go about promoting it.

What the Johanns amendment does is repeal this provision. It does it in a fiscally responsible way. It is offset, it is paid for, and it makes sense. I hope my colleagues will vote for this commonsense amendment because whether this was an intended consequence or an unintended consequence, this is absolutely disastrous for small businesses across this country, and it is essential that we get this part of the health care reform bill repealed.

There are many others I think we are probably going to be talking about before this is all said and done because, as I said, the more people read the fine print in this legislation, the more they come to the realization of how bad this is for small businesses and for job creation in this country.

So I would urge all of my colleagues to vote for the Johanns amendment and to repeal this onerous provision.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

Mr. JOHANNS. Mr. President, I yield 3 minutes to the Senator from Missouri, Mr. BOND.

Mr. BOND. Mr. President, the distinguished Senator from Montana, the chairman of the Finance Committee, earlier this morning said small businesses are the engine that drives jobs in the economy. I agree with him. I agree.

As the former chairman of the Small Business Committee, I know how important small businesses are. I traveled around the State during the past breaks to find out, meeting with small businesses, why they are not creating jobs. We, frankly, have cut off the fuel supply, the profits that drive these jobs.

I asked a group of small businesses: Why is it that you are not creating jobs? Is it because of the uncertainty people are talking about? I was immediately corrected.

They said: It is the certainty. We know what you have done in the health care law, putting unbelievable burdens on us.

They did not even know about this 1099 requirement at the time. But the health care costs are burdening small businesses, and it is making it impossible and unwise for them to try to hire. I talked to a small businessman today, and I asked him about it. I told him what the requirements were. He said: That is nuts. What do you think they are talking about? We are going to have to hire more bookkeepers.

Unfortunately, my colleagues on the other side of the aisle refuse to listen to small businesses in passing this bill. They put burdens on them that are unbelievable. The new health care bill passed and signed into law is a boondoggle that will bury small businesses in higher taxes, new mandates, and more paperwork.

This particular job-killing mandate of the 1099 we are debating today will drown small businesses in paperwork by requiring a small business owner to file two forms, one with the vendor and one with the IRS, for every business-to-business transaction over $600.

According to the Wall Street Journal this morning, this means more than 30 million small businesses will be hit by the new paperwork mandate beginning in 2013. That is not the worst of it. Even the National Taxpayer Advocate at the Treasury Department, Nina Olson, said the cost of this measure is ''disproportionate as compared with any resulting improvements in tax compliance.''

That is the problem. That is the problem, and the Johanns amendment is the only solution. We have to correct this job-killing mandate as urged by the NFIB, the Chamber of Commerce, and the National Small Business Association. Democrats are trying to sell a pig in a poke.

The Nelson alternative would leave the same bad provision in place, only making it more complicated for small business owners to comply. It would only exempt small businesses with 25 employees or less. So, in other words, we are telling small businesses not to hire the 26th worker while we are having unemployment up around 10 percent.

If you have small businesses in your State, you better listen to them. They are wanting a repeal, the full repeal of this burdensome mandate.

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

Mr. BOND. Mr. President, I ask unanimous consent that the article from today's Wall Street Journal editorial be printed in the RECORD.

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

[From the Wall Street Journal, Sept. 14, 2010]

REVIEW & OUTLOOK

THE 1099 INSURRECTION

The White House fights an effort to ease a burden on small business. You might not have seen it reported, but the Senate will vote this morning on whether to repeal part of ObamaCare that it passed only months ago. The White House is opposed, but this fight is likely to be the first of many as Americans discover—as Nancy Pelosi once famously predicted—what's in the bill.

The Senate will vote on amendments to the White House small business bill that would rescind an ObamaCare mandate that companies track and submit to the IRS all business-to-business transactions over $600 annually. Democrats tucked the 1099 reporting footnote into the bill to raise an estimated $17.1 billion, part of the effort to claim that ObamaCare reduces the deficit by $100 billion or so.

But this ''tax gap'' of unreported business income is largely a Beltway myth, and no less than the Treasury Department's National Taxpayer Advocate Nina Olson says the costs will be ''disproportionate as compared with any resulting improvements in tax compliance.''

Meanwhile, small businesses are staring in horror toward 2013, when the 1099 mandate will hit more than 30 million of them. Currently businesses only have to tell the IRS the value of services they purchase from vendors and the like. Under the new rules, they'll have to report the value of goods and merchandise they purchase as well, adding vast accounting and paperwork costs.

Think about a midsized trucking company. The back office would have to collect hundreds of thousands of receipts from every gas station where its drivers filled up and figure out where it spent more than $600 that year. Then it would also need to match those payments to the stations' corporate parents.

Most Democrats now claim they were blindsided and didn't understand the implications of the 1099 provision—which is typical of the slapdash, destructive way the bill was written and passed. As the critics claimed, most Members had no idea what they were voting on. Some 239 House Democrats voted to dump the 1099 provision in August, and the repeal would have passed except Speaker Pelosi rigged the vote procedurally so it needed a two-thirds majority. She thus gave Democrats the cover of a repeal vote without actually repealing it.

In the Senate today, Nebraska Republican Mike Johanns will offer his amendment to scrap the new 1099 rules altogether. But the White House is opposing this because it fears it would set a precedent for repealing the larger health bill. Over the weekend the Treasury Department pronounced the Johanns amendment ''not acceptable in its current form.''

Yesterday the White House endorsed a competing proposal from Florida Democrat Bill Nelson that would increase the 1099 threshold to $5,000 and exempt businesses with fewer than 25 workers. Yet this is little more than a rearguard action in favor of the status quo; the Nelson amendment leaves the basic architecture unchanged while making the problem more complex.

Businesses would still have to track all purchases, not knowing in advance which contractors will exceed $5,000 at the end of the year. It also creates a marginal barrier to job creation—for a smaller firm, hiring a 26th employee would be extremely costly. The Nelson amendment also includes new taxes on domestic oil production, as every Democratic bill now seems to do.

As of yesterday, no one was sure if either amendment would get 60 votes, though Democrat Blanche Lincoln of Arkansas is cosponsoring the Johanns version. Enough Democrats may bend to White House wishes and produce a stalemate, but this issue won't go away. The President's opposition to a clean repeal shows the hollowness of his alleged support for small business, which he expresses at every campaign stop but is less a priority than preserving his health-care legacy.

The larger political story here is that ObamaCare is already under bipartisan siege—and in the same Congress that passed it. The 1099 provision is only one plank, but repealing the law plank by plank may be the right strategy. Sooner or later the whole thing becomes unworkable. Voters should watch this vote to see who's really on the side of small business.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska is recognized.

Mr. JOHANNS. Mr. President, how much time is on this side?

The ACTING PRESIDENT pro tempore. Forty-five seconds.

Mr. JOHANNS. Let me wrap up with something. If the Nelson amendment passes, this is the effect: These are businesses, real people who are going to be hurt because they are left out. In the State of Iowa, 3,334 businesses are left out; in the State of California, 18,960. Over 40,000 businesses, employing 93 million people, are left out.

This talk about gutting the health care reform bill; are you kidding me? The President himself used $250 million of the $500 million this year for purposes other than what was intended by this health care bill.

This is simply a choice between standing with our small businesses or standing with the President on the health care bill against small businesses. I ask my colleagues to vote yes on the Johanns amendment and stand with small businesses.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I ask unanimous consent that a letter signed by 228 different organizations in the United States opposing the Johanns amendment be printed in the RECORD.

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

SEPTEMBER 1, 2010.

DEAR SENATOR: As the Senate considers the Small Business Jobs and Credit Act (H.R. 5297), the 228 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 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; 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; The AIDS Institute; The Amos Project; 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. Here is what it says. They found that 71 percent of Americans favored an increased investment in disease prevention. The letter is signed by organizations from the American Academy of Pediatrics to—

The ACTING PRESIDENT pro tempore. All time has expired.

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on Johanns amendment No. 4596, as modified.

Harry Reid, Patrick J. Leahy, Dianne Feinstein, Charles E. Schumer, Herb Kohl, Joseph I. Lieberman, Jeff Bingaman, Barbara A. Mikulski, Richard J. Durbin, Al Franken, Byron L. Dorgan, Mark Begich, Benjamin L. Cardin, Amy Klobuchar, Kirsten E. Gillibrand, Jeanne Shaheen, Kay R. Hagan.

The ACTING PRESIDENT pro tempore. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I ask unanimous consent that all votes after the first vote this morning in this series be 10 minute votes.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

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

The question is, Is it the sense of the Senate that debate on amendment No. 4596, as modified, to H.R. 5297, the Small Business Lending Fund Act of 2010, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

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

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 52, as follows:

[Rollcall Vote No. 231 Leg.]

YEAS—46

| | | |
|---|---|---|
| Alexander | Crapo | McConnell |
| Barrasso | DeMint | Nelson (NE) |
| Bayh | Ensign | Pryor |
| Bennet | Enzi | Risch |
| Bennett | Graham | Roberts |
| Bond | Grassley | Sessions |
| Brown (MA) | Hatch | Shelby |
| Brownback | Hutchison | Snowe |
| Bunning | Inhofe | Thune |
| Burr | Isakson | Vitter |
| Chambliss | Johanns | Voinovich |
| Coburn | Kyl | Warner |
| Cochran | LeMieux | Webb |
| Collins | Lincoln | Wicker |
| Corker | Lugar | |
| Cornyn | McCain | |

NAYS—52

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

NOT VOTING—2

Gregg Murkowski

The PRESIDING OFFICER. On this question, the yeas are 46, the nays are 52. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

CLOTURE MOTION

Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on amendment No. 4595, as modified.

Harry Reid, Tim Johnson, Richard J. Durbin, Barbara Boxer, Al Franken, Byron L. Dorgan, Patty Murray, Robert P. Casey, Jr., Jon Tester, Jack Reed, Kay R. Hagan, Jeanne Shaheen, Patrick J. Leahy, Christopher J. Dodd, Bill Nelson, Tom Harkin.

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

The question is, Is it the sense of the Senate that debate on the amendment No. 4595, as modified, to H.R. 5297, the Small Business Lending Fund Act of 2010, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

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

The result was announced—yeas 56, nays 42, as follows:

[Rollcall Vote No. 232 Leg.]

YEAS—56

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

NAYS—42

| | | |
|---|---|---|
| Alexander | Cornyn | LeMieux |
| Barrasso | Crapo | Lincoln |
| Begich | DeMint | Lugar |
| Bennett | Ensign | McCain |
| Bond | Enzi | McConnell |
| Brown (MA) | Graham | Risch |
| Brownback | Grassley | Roberts |
| Bunning | Hatch | Sessions |
| Burr | Hutchison | Shelby |
| Chambliss | Inhofe | Snowe |
| Coburn | Isakson | Thune |
| Cochran | Johanns | Vitter |
| Collins | Kyl | Voinovich |
| Corker | Landrieu | Wicker |

NOT VOTING—2

Gregg Murkowski

The PRESIDING OFFICER. On this vote, the yeas are 56, the nays are 42. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

AMENDMENT NO. 4594

Ms. LANDRIEU. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, could you acknowledge the vote we are about ready to take?

The PRESIDING OFFICER. The vote is on invoking cloture on the substitute amendment No. 4594 to H.R. 5297, the Small Business Lending Fund Act of 2010.

Ms. LANDRIEU. Parliamentary inquiry: If we get 60 votes, we move forward with the bill; is that correct?

The PRESIDING OFFICER. That is correct. Cloture is invoked on the substitute.

CLOTURE MOTION

By unanimous consent, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Reid substitute amendment No. 4594.

Mary L. Landrieu, Max Baucus, Dianne Feinstein, Patty Murray, Charles E. Schumer, Christopher J. Dodd, Al Franken, Robert P. Casey, Jr., Maria Cantwell, Sheldon Whitehouse, Byron L. Dorgan, Benjamin L. Cardin, Ron Wyden, Kent Conrad, Roland W. Burris, Jeff Merkley, Debbie Stabenow.

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

The question is, Is it the sense of the Senate that the debate on amendment No. 4594 to H.R. 5297, the Small Business Lending Fund Act of 2010, shall be brought to a close?

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

The legislative clerk called the roll.

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

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

They yeas and nays resulted—yeas 61, nays 37, as follows:

[Rollcall Vote No. 233 Leg.]

YEAS—61

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

NAYS—37

| | | |
|---|---|---|
| Alexander | Cornyn | Lugar |
| Barrasso | Crapo | McCain |
| Bennett | DeMint | McConnell |
| Bond | Ensign | Risch |
| Brown (MA) | Enzi | Roberts |
| Brownback | Graham | Sessions |
| Bunning | Grassley | Shelby |
| Burr | Hatch | Snowe |
| Chambliss | Hutchison | Thune |
| Coburn | Inhofe | Vitter |
| Cochran | Isakson | Wicker |
| Collins | Johanns | |
| Corker | Kyl | |

NOT VOTING—2

Gregg Murkowski

The PRESIDING OFFICER. On this vote, the yeas are 61, the nays are 37. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The majority leader is recognized.

Mr. REID. Mr. President, we hope we can finish this very quickly. The votes are in. There are a number of technical things that could be done by those who oppose this legislation, but it would just waste a lot of the Senate's time, which we do not have a lot of, so I hope we can move through this very expeditiously.

This is an important piece of legislation. It is the most significant thing we have done since the stimulus bill was passed to create jobs. It is estimated this will create from 500,000 to 700,000 jobs. It will give community banks the ability now to compete with the big banks and loan money to small businesses.

As I said this morning, big banks are doing great. The stock market jumped up yesterday because they looked at the financials of the big banks and they are doing terrific. Big business is doing just fine. But in this recession we have the jobs that have been lost in the small business sector. Eighty percent of the jobs lost are from small businesses. This legislation will allow community banks to start loaning money.

As you drive across the country, you see these strip malls with ''For Lease'' signs up. That will be ending in the near future. People will be able to borrow money to keep inventory for these little businesses that create thousands and thousands of jobs. It will allow Karen Mills at the SBA, who has begged us for this legislation, to have the SBA part of stimulating our economy. There are programs there that are under-resourced. This will allow her to have the resources to do good things. There are tax incentives the Finance Committee has come up with that will give tax breaks to small businesses. The chairman of the committee will talk about that at a subsequent time.

I want to acknowledge the hard work of many people. Of course, the person who has been out front has been the chairman of the Small Business Committee, Senator LANDRIEU. She has done a remarkably good job. She has been diligent, persistent, and she never gives up. I am very grateful to her for what she has done for the American people with this legislation. She has had some help. The ability to give these tax breaks to small businesses came from the Finance Committee, which is chaired by Senator BAUCUS of Montana. That is significant, for small businesses to get billions and billions of dollars of tax cuts.

Remember, everything in this bill is paid for. There is not a penny that is deficit spending. In fact, we have a little extra money on this bill.

I would also say the breakthrough we had came with a seasoned politician, someone who will go down in the history of Ohio as one of its great statespersons, the mayor of a big city, Governor of a State, and a Senator who has decided not to run for reelection, which is unfortunate in the minds of many. Senator GEORGE VOINOVICH in effect said: We have had enough of posturing on both sides, and I am going to vote for this bill because it is going to help the economy of Ohio and the people of this country.

I admire and respect GEORGE VOINOVICH for what he has done, not only on this legislation but what he has done in the past. This is not the first time he has decided that party is not as important as the American people. I will always be an admirer of GEORGE VOINOVICH. There is no one more studious in the entire Senate than GEORGE VOINOVICH. He is known for studying legislation. He is someone who is very concerned and has been from the day he came here about the deficits this country has. So I am not going to belabor the point other than to say I am very grateful to GEORGE VOINOVICH for, in fact, breaking the logjam and saying: I am going to vote for this legislation. He didn't do it secretly, and he came out publicly and said what he was going to do.

I also want to express my appreciation to GEORGE LEMIEUX, who has been working on this legislation with Senator LANDRIEU for several months now. I appreciate his willingness to work with us in this regard.

On the Democratic side, Senator LANDRIEU, of course, and Senator BAUCUS led the charge. But we have had BOXER, MERKLEY, CANTWELL, STABENOW, WARNER, LINCOLN—a number of Senators who have worked very hard.

I spread across the record, this is not a victory for the Democratic Party. This is not a loss for the Republican Party. This is a win for the American people. This is going to help small business, which has always been the driver of jobs in our country.

The PRESIDING OFFICER. Cloture having been invoked, the motion to commit falls.

The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, I thank the leader for his kind words, but the fact is we would not have gotten to this point this morning where 61 Senators raised their hands or their voices to vote yes for this important and substantial piece of legislation had it not been for the leadership of HARRY REID.

The majority leader knows not only what Nevada needs but what America needs. What America and Nevada both need right now is to get back to work. The entities that are going to put Americans back to work are not found on Wall Street; they are found on Main Street. They are not big businesses; they are small businesses. They are not the businesses that have been around for 50 or 100 or 200 years; they are the businesses that started up last year or that want to start up today.

Majority Leader REID knows and understands that. We would not be here this morning without his leadership. He is right to acknowledge Chairman BAUCUS. I said he is a long-suffering chairman of the Finance Committee and has also the patience of Job to put up with all he puts up with. Trying to pay for every idea that comes from all 100 of these desks ends up on his desk. They say: You have a great idea, Senator; now we need to pay for it. That is what MAX BAUCUS does every day. I hope people appreciate it, not only in Montana but around the country. He found a way not only to pay for this bill but for it to generate for the taxpayer earnings of $1.1 billion. That is good work. It does not happen here every day, and it would not have happened without Senator BAUCUS and the many cosponsors Senator REID pointed out: Senator BOXER, Senator MERKLEY, Senator CANTWELL, Senator WARNER, Senator LEVIN, Senator LINCOLN—particularly helpful and supportive.

I also want to say this vote today to end debate was the vote on this bill. Make no mistake about it, if 60 or 61 Senators had not said yes this morning, this bill would have gone into this trash can right here not to be seen again. The $12 billion in tax cuts would not be a reality. The substantial improvement of the core small business programs would not be a reality, and the $30 billion lending fund that is going to leverage $300 billion in lending would not be a reality. It would be in the trash can right now. But it is not. It is alive. It is a living bill we are going to pass later today because 61 Senators in this Chamber said yes to the country and no to party politics.

Particularly, I wish to point out Senator VOINOVICH. His statement was so poignant in the paper today or yesterday when he said, or it was reported: I have run across small businesspeople in Ohio who went to 40 banks to try to get a loan, he said, and were turned down every time.

This is happening all over America today. Senator VOINOVICH is a Senator who governs with his heart as well as his head, and he is not led around by the nose like some people here, by their party politics. He said: No, the debate has to come to an end. If you want to debate the George Bush tax cuts, do it on somebody else's back, not on the backs of small businesses in Ohio or Louisiana or Virginia. They have taken too much weight.

When Wall Street collapsed because of the their greed and their recklessness and because of our failure to regulate them, do you know who got hurt? Small businesses that did not have anything to do with derivatives or international investment. All these people do every day is wake up before the Sun comes up and they stay up when it is dark and they work hard, sometimes by themselves once they send their workers home, and keep that business going. They did nothing and they deserve help and they are getting it this morning.

One more word before I turn it over to my colleague from Virginia. This whole debate this morning was a joke on JOHANNS. I want to talk about that. If the Republicans were serious about repealing something that needs to be repealed, they would have put an offset on this floor that we could vote for. They knew very few Democrats would vote for a provision that would harm one of the underlying principles of health care reform. So that was all theater—all theater. I have had about enough of it, and I think many Americans have had enough of it as well.

Senator JOHANNS is right that the 1099 section needs to be repealed. He is absolutely correct. It was the wrong thing to do. Even our side acknowledges that.

I am going to file a bill right now to take care of it. We are going to repeal

1099. We are not only going to repeal the portion that was put in by health care—which was not done intentionally, but there are sometimes unintended consequences. Anybody around here who thinks they can write perfect pieces of legislation—they cannot. When you do something wrong, you should correct it. We are going to correct it.

But in addition, my bill that I am going to file right now is going to repeal the $600 requirement that has been in the law for 62 years, and we are going to raise that threshold to $5,000, clean up the way small businesses have to report, and do something good for small business in America.

It is going to be a Landrieu bill. Lots of other people have indicated an interest in the past. It is not theater, it is real. We are going to find a way to pay for it that both sides can agree to.

I want to tell the Chamber of Commerce that I know is listening right now: We have heard you. I have heard the NFIB. I have heard small businesses in my State, and I know we made a mistake on this 1099 and we are going to fix it. But it does not have to be fixed this morning. It doesn't even go into effect for a year and a half.

Hear me, it doesn't go into effect for a year and a half. We have time to fix 1099. But we don't have 1 minute to wait to send money to small businesses that are putting ''Closed'' signs on their businesses this morning. If the Republican Party thinks they can keep saying no to small business and keep saying no to Main Street and keep saying no to the middle class—they cannot. I hope when we vote on final passage there will be a few more yeses.

We have a year and a half to fix 1099. We don't have any more time to help small businesses.

I yield the floor for the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, first, I commend my friend and colleague, the Senator from Louisiana, who I know the Senate has heard repeatedly over the last few weeks, relentlessly over the last few weeks, come back time and again and again on this issue around small business. I think many Americans are getting a chance to see what those of us who have the privilege of serving with MARY LANDRIEU see regularly: This is somebody who does not take no. This is someone I know we sometimes need to prod to come out of her shell. But this is someone who is so passionate about the people of Louisiana and, in her role as Chair of the Small Business Committee, has been a tireless voice for small businesses, not just in Louisiana but in Virginia, New Mexico, all across the country. I want to join the majority leader and others in commending her for her ''stick-to-itiveness'' on this critical piece of legislation.

I want to add a couple of other comments. I concur as well with the Senator from Louisiana on the issue of 1099s. We do need to have an accurate way to ensure that the standing law that has been the law of the land for 62 years is enforced. But this process of filing a 1099 at a $600 threshold at this moment in time is way overburdensome. I, like the Senator from Louisiana, and I think most Members, heard that loudly and clearly, and we do need to fix that.

I look forward to working with Senator LANDRIEU. I know Senator BEGICH and others have been involved in those efforts. I look forward to joining them in this effort.

I want to take a moment or two—our time is about up before we break for our caucus lunches—I think it is important that the pieces of this bill have been emphasized time and again, the lending facility, small businesses that can take capital in if they increase their percentage of lending, this is particularly helpful to small banks that might be in challenging financial times at this point.

The SBA, the replenishment of funding for the SBA, the one message I brought out everywhere across Virginia over the last month and a half was that the SBA today is not your grandfather's or even your daddy's SBA. It is not even 5 years ago's SBA. The SBA, under Administrator Karen Mills, is much less bureaucratic, much more streamlined.

With the work the Small Business Committee has done in terms of upping the guarantees, the SBA's role and the type of businesses the SBA has served during this crisis has expanded dramatically. Look at the number of banks that participate now with the SBA today versus 18 months ago. That remarkably successful effort ground to an immediate halt in June when funding ran out. Why in the heck it has taken us this long simply to replenish that proven program that does not add to the deficit is one of the things that gets a lot of folks in Virginia, Louisiana, and New Mexico scratching their heads.

There is another piece of this bill, one that the chairman was kind enough to work with me and others on, that builds upon an existing initiative in the private sector and I believe in about 26 States, a Capital Access Program, that helps those marginal small business loans become more bankable. I hear the same concerns the Chair of the Small Business Committee hears: A small business cannot get their loans, although I have got to say it is not only the bankers' fault, because, let's face it, a lot of small businesses today are not as financially healthy as they were 2 years ago. If they have real estate as collateral, it has decreased in value. If they are lending on cashflow, that has decreased as well. So how do we take that otherwise healthy small business, in good times and in normal recessions, and not let it fall off the cliff in this deepest recession since the Great Depression?

The Capital Access Program is one place where a borrower will be charged a couple of extra points, we will go in from the government and match those points, and we can create a first-dollar loss, a separate loss reserve pool, for a whole series of loans; another $30- to $60 billion of capacity in that aspect. Finally, what is not to like about the series of small business tax credits that have also been built into this legislation? So I commend the chairperson of the Small Business Committee. I am glad the Senate has come to its senses on this issue. Candidly, I wish we would have passed this legislation last spring, but better late than never.

I want to add two other points that I think are important. One other piece of legislation, a bipartisan piece of legislation that we passed recently—and I would be curious to hear the response of the Chair of the Small Business Committee on this with the financial reform bill, a very important piece of legislation. We set, appropriately, in that financial reform bill the requirement for banks to set higher capital standards. The challenge we have right now is starting to implement those higher capital standards in the trough of the recession. That sends a very mixed message to our bankers and to our regulators. I hope the Chair of the Small Business Committee and I and others can think about how we work with our regulators at the FDIC and the OCC and the Fed to ensure that while we want to build up the capital reserves and make our banks healthier, that some level of forbearance for those small business performing loans that may not meet every covenant in their loan document, because their real estate has depreciated in value, somehow we have to have some flex. Because what we are doing by having the regulators come down so hard on the banks at this point is we are, in many ways, even with this very good program that Senator LANDRIEU has put out, strangling that recovery because of this mixed message.

The final point I want to make is, with this piece of small business legislation, I think it may be—again, it is not going to be a single silver bullet, but one piece of good news that I do not think we have come back to enough in these discussions is that not only have large banks recovered nicely since the decline, but large cap companies, the Fortune 1,0000 companies, their balance sheets are healthier today than they have ever been. There is north of $2 trillion in cash sitting on Fortune 1,000 balance sheets. One of the things I am looking forward to working with my colleagues on is how we get that cash off the sidelines and invested back in the market. When they invest in the market, and the large companies go to their supply chains, which is the small businesses, those small businesses have to get the credit as well to keep functioning. So this piece of legislation is important not only to small businesses, but as

large cap companies start to spend out as well, it is important to the overall economic recovery.

I would ask my friend and my colleague, the leader on this important piece of legislation, if she might have some ideas as well about how we meet that appropriate long-term financial goal of making our financial standards appropriate, but not send this mixed message to regulators so that those small business loans that are still performing have the appropriate forbearance to get through this trough in the recession.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, the Senator from Virginia is absolutely correct. He has put his finger on two pending and very serious problems. One is the regulation direction being driven by some of the new legislation we have passed. Of course, he would know this, because as a member of the Banking Committee, he has been such a strong advocate for commonsense regulation and supporting community banks. So he is absolutely correct. And you do have my commitment, through the Small Business Committee, to keep this issue alive and in view so that we can find some appropriate solution. I think the Senator raises an absolutely very key point.

The second point the Senator from Virginia has put his finger on is the $2 trillion in capital sitting there. One thing that makes further interest is the zero capital gains rate in this bill, should they take some of that $2 trillion in capital and invest in some small businesses that have a capitalization level below $50 million. That is one thing that could help encourage them. They will pay no tax, none, on the money they earn through that investment, which should be an incentive.

But there are some additional things I think we can do. I want to work with the Senator from Virginia because his leadership is very much needed at this time, with his particular background as a successful business person, as a Governor. So the Senator is right, this bill is not a silver bullet. It is a good first step. But there are some other things we need to do as quickly as we can. I look forward to working with the Senator on those two and others in the weeks to come.

Mr. WARNER. Mr. President, again I will close my comments and thank the chairman of the Small Business Committee for her leadership on this bill. We would not be here today but for her relentlessness on this legislation.

This legislation has had more hurdles, many of them false hurdles, put in its face, and Senator LANDRIEU does not know how to say no when it affects the well-being of small businesses, which are the lifeblood of job creation coming out of a recession.

I thank her for her leadership.

I yield the floor.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the time in recess for the caucus luncheons count postcloture.

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

## RECESS

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

(Thereupon, at 12:40 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. BEGICH).

## SMALL BUSINESS LENDING FUND ACT OF 2010—Continued

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask for the regular order.

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

Mr. INHOFE. Mr. President, I ask unanimous consent to be recognized as in morning business for such time as I may consume.

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

### DON'T ASK, DON'T TELL

Mr. INHOFE. Mr. President, with all the talk about the small business bill and about the fact that we have an administration, with a majority in the House and the Senate, that has amassed unbelievable debts, raising it up to $13 trillion, and a deficit of $1.4 trillion in just 1 year, the first year, people have forgotten other things that are going on.

I am very much concerned, being the second-ranking member of the Senate Armed Services Committee, about the national defense authorization bill, which we have passed every year in all the years I have been here. Generally speaking, it is one we can bring out on the floor, Members can offer amendments, and normally it takes 2, 3, sometimes 4 weeks, and longer, to pass it. But certainly, particularly during times of war, it is the most important piece of legislation we have.

I do not know what the majority is going to do. I just keep hearing rumors that they may very well not be wanting to bring it up or may bring it up by ''filling the tree,'' a little technical term, so Republicans would not be able to have amendments on the bill.

Well, this is very much a concern of mine. I think it puts them in a position where they can say: Oh, Republicans certainly are going to vote for the Defense authorization bill. In times of war, we have to do it. Well, we do. But there is a limit as to what they can put in there that is purely right down party lines.

There are a couple issues I wish to talk about in the Defense authorization bill that ended up being right down party lines. One is the issue of don't ask, don't tell. But before doing that, I would like to suggest that in May, in the final meeting we had of the Senate Armed Services Committee, we passed this out, and two amendments were added on the very last day by the Democrats, and they were passed virtually by all the Democrats right down party lines. One was opening our military hospitals for abortions, and that is something we need to talk about, but the other one was one we need to talk about more right now because this is the issue that so many people are not aware of. That is the repeal of don't ask, don't tell.

I remember back in 1994, I was in the House, running for the Senate, and one of the three issues that was very prominent in that race, which I won, concerned gays in the military. At that time, there were some efforts saying: Well, we want to acknowledge gays in the military so they can be open in their practices and all that. Well, a compromise was reached that I did not think at the time was all that good of an idea. But that was 1993, I guess, the latter part of 1993. It has worked for—what—17 years. It was called don't ask, don't tell; that is, if someone wants to serve who is a gay person, a man or a woman, in the military, that person can do it if that person is not out in the open. The whole idea of this thing was so they could not use the military as a forum to advance very liberal causes.

I am a veteran. I can remember when I was in the U.S. Army, and anyone who is a veteran knows the problems that would be associated with the practice of repealing don't ask, don't tell so people are openly gay in the military. You are going to have all kinds of billeting and other problems.

So I think when the discussion came up that we were considering doing this, the Secretary of Defense, Secretary Gates, did the right thing on February 2 of 2010. He said: Let's go ahead and have a study. Let's have an independent study as to how unit cohesion and readiness would be impacted if we repealed don't ask, don't tell.

In addition to the study, this is also going to conduct a survey of military members, people who are out there, in asking: Well, what is your feeling? You are out there in the fields, in many cases, out in the foxholes. What is your feeling about having open gays in the military?

So they were all getting ready to respond to this when a surprise took place, when the Democrats, almost straight down party lines, came out and said: Well, we are going to go ahead and repeal it anyway. They worded it in such a way that we will repeal it, but, of course, that will not take place until after the study is complete. The study was to be completed in December of this year. It was going to be a 12-month study. All the Members of the military were going to participate in that.

I can remember as recently as April 28 Secretary Gates and the Chairman of the Joint Chiefs of Staff, Admiral Mullen, said—and this is a joint statement:

[We] believe in the strongest possible terms that the Department must, prior to any legislative action, be allowed the opportunity to conduct a thorough, objective, and systematic assessment of the impact of such a policy change.

Well, I was all for that. They were right, along with all the rest of the chiefs of the military and all the troops in the field. Of course, they obviously changed their minds. But if you want to know the effect, you need to go and talk to the troops in the field, and then you need to talk also to the chiefs of the military.

I am going to go ahead and quote, so I can get it in the RECORD now, exactly the feelings of those Chiefs of the four services and what they are recommending. I am so sick and tired of having the administration make those decisions without any consultation of the people in uniform. We are going through that right now in some of the things that are going on in Iraq and Afghanistan. The policy should be: The people in uniform know what to do. Quit trying to dictate their behavior.

Well, anyway, General Casey, the Chief of the U.S. Army, said:

I remain convinced that it is critically important to get a better understanding of where our Soldiers and Families are on this issue, and what the impacts on readiness and unit cohesion might be. . . .

He said:

I also believe that repealing the law before the completion of the review—

That is the one that is supposed to be completed in December—

will be seen by the men and women of the Army as a reversal of our commitment to hear their views before moving forward.

That is exactly what we are saying. We are saying: All right. We wanted your views, but we are not going to listen to your views now.

Admiral Roughead of the U.S. Navy said:

We need this review to fully assess our force and carefully examine potential impacts of a change in the law. My concern is that legislative changes at this point, regardless of the precise language used, may cause confusion on the status of the law in the Fleet and disrupt the review process itself by leading Sailors to question whether their input matters.

Obviously, their input does not matter now because they have already made that decision.

General Conway, of the U.S. Marine Corps—he is the Commandant—said:

I encourage Congress to let the process the Secretary of Defense created run its course. Collectively, we must make logical and pragmatic decisions about the long-term policies of our Armed Forces—which so effectively defend this great nation.

General Schwartz, of the U.S. Air Force, said:

I believe it is important, a matter of keeping faith with those currently serving in the Armed Forces, that the Secretary of Defense commissioned review be completed before there is any legislation to repeal the don't ask, don't tell law. Such action allows me to provide the best military advice to the President, and sends an important signal to our Airmen and their families that their opinion matters. To do otherwise, in my view, would be presumptive and would reflect an intent to act before all relevant factors are assessed. . . .

Well, I agree with all that. These are the guys in the field. They are the ones who are making this decision. Yet, on May 27, both Gates and Mullen, who had already stated they should wait until after this study is completed—that would be in December—on May 27, they had what they called a compromise. Basically, the compromise is saying: Well, we are going to go ahead and repeal it. That was the motion that was in the last day before we passed the Defense authorization bill out of the House, and the same thing, the Defense authorization bill of the Senate.

Why did they change? Why did Gates and Mullen change? Gates and Mullen answered to the President. The President, I truly believe—and I hate to throw this into it—but, obviously, this is something the vast majority of people in America would like to see happen the way we had said it was going to happen, so we could evaluate the effect on readiness and the effect on our troops in the field, the effect on the war that is taking place right now. Yet they went ahead and reversed that, and, again, that was right down party lines.

There are so many other things having to do with this that are critical. Obviously, current chaplains are not able to be heard. But we have a letter from 41 of the retired chaplains stating that ''normalizing homosexual behavior in the armed forces will pose a significant threat to chaplains' and Servicemembers' religious liberty.''

So we have this that is taking place right now.

I know a lot of people are concerned, as I am concerned, with a ruling that came from a district court out in California. This ruling came out and said: We think it is a violation of the first amendment rights of homosexuals not to be able to express their preferences in any way they want.

However, the military is different. It is my understanding—and I am not a lawyer—this ruling may not have any effect. In fact, there is an article. It was on FOX News this morning: ''Pentagon: No Plans To Change 'Don't Ask, Don't Tell' Policy After Court Ruling.'' Well, that was good news to me because I thought maybe it was all over once the courts ruled.

But the only thing they would go through now with the compromise, they call it, that they passed, is that you would have to have Admiral Mullen, the Chairman of the Joint Chiefs of Staff, Secretary of Defense Gates, and President Obama making the statement as to what they prefer. That is why I say this is over and done with, unless we have an opportunity to bring out the Defense authorization bill and to offer amendments on the Defense authorization bill. I have to tell you, there are several Democrats now who have joined Republicans in wanting to stop the repeal of don't ask, don't tell or at least to wait until this study is completed.

But if you do not think the three I just mentioned have already made up their minds, I will go ahead and read their statements.

President Obama:

This year, I will work with Congress and our military to finally repeal the law that denies gay Americans the right to serve the country they love because of who they are.

Secretary Gates:

I fully support the president's decision. The question before us is not whether the military prepares to make this change, but how we best prepare for it.

Admiral Mullen:

Mr. Chairman, speaking for myself . . . it is my personal belief that allowing gays and lesbians to serve openly would be the right thing to do.

So you have to ask the question, Why? What was wrong with waiting until December? I will tell you what is wrong: because there is an election that is taking place November 2 and the gay lobby is a huge lobby. I think we all know that. All these people who think they have not been liberal enough, I cannot imagine there is anyone in America today who thinks this administration has not been liberal enough. But these individuals are the ones who want to have this done before the November 2 elections. I can think of no reason at all that they would take this stand other than the political reason.

So here is what I believe. I think we are going to have to make a decision. I would certainly hope the majority leader and the Democrats who have this policy will allow this to come up and come up as soon as possible and allow a full and open debate, as we have always had. There is not a time in the history of this country that we have brought up a Defense authorization bill, particularly in time of war, without allowing everybody to get in there and to offer amendments. Perhaps it could be argued this is the most important bill of the year.

So I am hoping people start talking about it. That is why I am bringing it up today. The fear I have is this is going to be shoved down our throats by the majority, and we cannot let this happen.

Right now, we have a lot of men and women over in the various areas of combat. I have had the honor of being over there many times. I have worked with these individuals. We have more than our share in my State of Oklahoma. Our 45th is going to be going back over there. I would like to make sure these guys and gals know we are listening to them.

A lot of people criticize me and others for spending so much time over there, but there are so many things we find out when we are over there—things we can't get in hearings back here. I am talking about finding out, as we did over there, about the need for

the MRAP and some of the other capabilities we need to have so we can come back and make sure our kids who are over there fighting have everything they want. The very least we can do is keep our word, when we promised them that we are not going to do anything until we hear back from our military, our soldiers in the field, as to what they feel about the repeal of don't ask, don't tell. It is a very significant issue and it is one we are going to have to talk about this week.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. BURRIS. Mr. President, we are in the process of debating the small business bill. I am so grateful to the distinguished Senator from Louisiana who has fought so hard to get this bill through the process of cloture, including an amendment attached to that piece of legislation which makes available $30 billion for the community banks to help out small businesses. I hate that it has taken so much time to get these important pieces of legislation through this body and out where it will benefit those needing it. Based on that, I am hoping we will bring this piece of legislation to a very speedy and expeditious close and that we will not continue to find political maneuverings to hamper the passage of this small business bill.

For the last 2 years, this country has been held in the grips of an unprecedented economic crisis. The housing market collapsed. The bottom dropped out of Wall Street. For the first time in generations, many Americans felt their hard-earned economic security begin to slip away. Too often, the focus of legislation has been on Wall Street rather than on Main Street. We have made some significant progress since the onset of our current crisis, but we still have a very long way to go, especially in creating new and sustainable jobs.

But this is an election year, and that means partisan bickering is on the rise.

So I believe my colleagues and I have a decision to make. We must make a decision. We can focus on winning the next news cycle, pitting Republicans against Democrats and falling into the same tired political battles that usually consume election years in Washington or we can reach for something better. We can tune out the partisan fights, reject the failed policies that got us into this mess, and prove to the American people that we have the will to make tough decisions to get our collective economy on the move again.

Our recovery is far from complete. We need to create more jobs. We need to bring American families more relief. Government can put people to work, but only the private sector—especially the small business sector—can create real and lasting employment. I believe that if we fail to continue the bold policies that pulled us back from the brink of disaster—if we shrink away from the difficult decisions that will move this recovery forward—then we place our economy at risk by slipping back into a recession.

This is a time for bold action, not pointless ideological battles. The Small Business Lending Act will move this economy forward in real and tangible ways. That is what the American people want and need, and they are asking us to get about the business of doing it.

The bill before us gives small businesses $12 billion in tax cuts. It helps small businesses create 500,000 new jobs. It incentivizes and increases small business lending. It helps small business owners access private capital to finance expansion and to hire new workers. That is where the jobs are going to be created, is with these small businesses we are now seeking to help. It rewards entrepreneurs for investing in new small businesses. It helps Main Street businesses compete with large corporations.

Just this past Friday, I hosted a small business forum in Chicago at Chicago State University and I spent the day talking with business owners from all walks of life from all over my State and from a wide range of industries. Everyone I spoke with said the same thing: We need help now. Pass the legislation. That is what they were telling me.

Tomorrow I will host a small business forum in partnership with my good friends over in the other Chamber, in the House of Representatives, including Congressman LACY CLAY of Missouri and Congresswoman YVETTE CLARK. Together, we hope to work directly with these small business owners to get capital flowing again.

These entrepreneurs are not asking for a handout from this government; they are asking for the tools and resources to grow themselves, to work and to build within their communities, and to create jobs for hard-working Americans. That is what they are asking for. Everyone I spoke with reminds me that there are many ways each of us can act to advance the interests of each of those small businesses in our own States. But together, by acting collectively and by supporting this bill, we can take a major step forward in strengthening our American economy.

As I have reminded this Chamber before, long before I entered public service, I was a banker. As a matter of fact, I was the vice president of the largest bank in my State. It no longer exists now, but it was Continental Illinois Bank and Trust Company. We were the seventh largest bank in America at that time. I ran a division that loaned money to small businesses. So I have firsthand knowledge and information of what it takes to finance and to run these businesses, because if I loaned you the bank's money, you were going to pay me back. It was not my money, it was the depositors' money, and I had to be the custodian of that money. Guess what. Just last Friday in Chicago, we celebrated the 40th anniversary of a company called Central City Productions—the largest black-owned production business in America—that produces TV programs and other marketing and competitive programs for the communities. They have been in business for 40 years. I loaned that young man in those days $50,000. Of course, that was 1970, and $50,000 went a long way then. It probably would take about $1 million to do what we did with $50,000 then, in today's market. So that is the knowledge I bring before this body and to this legislation we have on the floor: Knowing what small businesses take; knowing what we need to do to help those companies get the resources they need so they can get their inventory, so they can get their line of credit, so they can then put their people to work and sell their goods and services to their respective customers.

There is no greater investment we can make if we are serious about sustainable job creation and growth and to encourage investment and loaning to small businesses.

So I call upon my colleagues in this great body to seize this opportunity. Let's keep America on the road to recovery and restore the hard-earned security of ordinary folks who have suffered because of bad decisions on Wall Street. It will not be easy, but it is our responsibility, and it is the right thing to do. We have that responsibility. We have no other alternative than to, as the old saying goes, do the right thing. We must make sure this legislation is passed. We should start by increasing our support right now for this legislation for small businesses. These companies foster progress and they foster innovation. They have the power to create jobs and direct investment to local communities, where it can have the most and greatest impact and make a difference in our economic status.

Small businesses form the backbone of our economy, but in many ways they have suffered the most as a result of this economic crisis. That is why this sector should be targeted for our strongest support. There should be no debate about this. It should not be Republican or Democrat. This should be about helping America create jobs. We have outsourced all our jobs already to the foreign markets, which have shipped the manufacturing jobs out to other markets. We have to get back to manufacturing. Our small innovative companies should come back in so they can then create manufacturing jobs, so we can have value-added products and continue the workstream for people to be employed.

I ask my colleagues to reject the tired politics that got us into this mess and embrace the spirit of bipartisanship that can lead us out of this mess.

On behalf of small businesses, I call upon this body to take action. Our economic future may be uncertain, but with the Small Business Lending Act, we have the rare opportunity to influence that future. So let's pass this measure and guarantee some degree of

relief for the people who continue to suffer the most. Let's renew our investment in America's small businesses and rely on them to drive our economic recovery. Let's do it now. Let's do it today. Let's don't even do it tomorrow.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. DORGAN. 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. DORGAN. I ask unanimous consent to speak as in morning business for as much time as I may consume and ask that the time be counted against the postcloture time.

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

AMERICAN JOBS

Mr. DORGAN. Mr. President, this country, as all of us know, faces very significant challenges these days. We have roughly 20 million people who woke up in America today without a job, who probably are out today looking for work and haven't found it yet. It is a pretty tough thing in a severe economic downturn—the worst since the Great Depression of the 1930s—to find that you lost your job, and in some cases your home, and you have lost hope and you wonder what is next for you and your family.

I suppose it is in keeping with our politics these days that, at a time when we face the most significant economic challenges since the Great Depression, if you stop and watch and listen and hear the sounds of democracy, which sound a little like fingernails on a blackboard sometimes, what you hear on the news is something about someone's dysfunctional behavior somewhere. Someone does something absolutely goofy, just a nutty activity, and all of a sudden, it is on the 24/7 news.

In the last couple weeks, I have been traveling and hearing on the television, radio, and in print about some nut from Florida—apparently a minister with a church of 50 people—who decides he is going to burn the Koran. We heard about it every day, all day. There is some suggestion that if you give this a lot of publicity and hold it up to the light and say, ''Isn't it ugly?'' you would say, ''Yes, but it is not America; it is just some nut.'' You find someone's dysfunctional behavior and say, ''Isn't this awful?'' Sure, it is awful, but that is not the backbone of this country or what this country is about.

We have to begin talking about what really matters to put this country back on track and to give people some hope for the future, that they are going to see more opportunity, that they are going to see expansion of hope and opportunity for themselves, their families, and their children.

I think it is true that of all of the issues that matter most at this point, it is, how can you put people back to work? There is no social program that we debate in Congress that is more important than a good job that pays well. That makes almost everything else possible. If you have a good job that pays well, with job security and benefits, it allows you to take care of your family and do the other things that expand your opportunities in this great country.

I have watched and observed what is happening, and I participate in the debates in the Congress about what is happening in our country. I am very worried about this issue of trying to turn the faucet on to create new jobs in America at the very time the drain is open, with jobs moving outside of this country very quickly.

I have spoken about this and have offered 4 amendments over 9 or 10 years, and I have gotten anywhere from 40 to 47 votes on an amendment that says: Let's decide to stand up for employment in America, stand up for jobs here. Let's shut down the insidious, perverse tax incentives that tell American businesses that if you shut down your business in America, fire your workers here at home, and you move it to China or Mexico, we will give you a big fat tax break. That is true. We have a tax incentive to say: Get rid of your American enterprise, ship it overseas, move it to Mexico, and we will give you a tax cut. I have tried four times in votes on the floor of the Senate to shut that down, and I lost all four times. But we need to try it again. We need to do this, especially when you have the deep economic abyss into which we have fallen. We now need to say to people that we are going to stand up for employers, those who run the manufacturing plants in this country, those who hire American workers, those who produce products that say ''Made in America'' on the label. We are going to stand up for them, and we are not going to continue to give tax breaks to those who decide to do exactly the opposite and move their jobs overseas.

I am going to talk about a few of those circumstances. I have done it many times, and sometimes people roll their eyes when I do. But it is important, it seems to me, to continue to talk about this failure in our economic system.

The American Prospect—a magazine I was reading a while back—estimates that since 2001, there are 42,400 American factories that have closed their doors. Roughly three-fourths of those employed over 500 people. Why is that happening? Why is it that American factories are closing? Does it matter? Do we believe America will long remain a world economic power if it doesn't have world-class manufacturing? I don't. It will not be a world economic power without world-class manufacturing capability, and very quickly, it is dissipating. We are losing jobs and economic strength in the manufacturing sector. We see additional evidence of it every day.

Here is a June New York Times piece:

> In Indiana, Centerpiece for a City Closes Shop.
>
> Whirlpool plans to close a plant on Friday and move the operation to Mexico, eliminating 1,100 jobs here [in Indiana]. Many in this city in southern Indiana are seething and sad—sad about losing what was long the city's economic centerpiece and a ticket to the middle class for one generation after another.

That is Whirlpool—1,100 jobs.

Last week, I was in Pennsylvania with Congressman SESTAK, in Philadelphia. I told a story that I have known pretty well about something that happened in Pennsylvania. I told it on the floor many times. It is about something called Pennsylvania House Furniture, which is upper end, fine furniture, made by craftsmen. It is very good furniture. They worked for over 100 years, using Pennsylvania wood, to create Pennsylvania House furniture. Then one day the company was bought by La-Z-Boy, and La-Z-Boy decided: You know what, we are going to get rid of those craftsmen who work in Pennsylvania and ship these jobs to China. What we will do is continue to use Pennsylvania wood, but we will just ship the wood to China and have the Chinese fashion it into furniture and then send it back to sell in the United States and call it Pennsylvania House furniture.

What most people from Pennsylvania and across the country probably don't know is that on the last day of work, when those workers lost their jobs, after a century of making fine furniture in Pennsylvania, the last piece of furniture came down the line completed, and they turned it over and all of the craftsmen at Pennsylvania House furniture autographed it. Someone in America has an autographed piece of furniture by the craftsmen who cared so much about their jobs and had such pride in making the best furniture they could make. And then the jobs were gone. All the wood was sent to China and the furniture is sent back, and you have nearly 500 people out of work. So much for the story of Pennsylvania House furniture. Does it matter that we don't make Pennsylvania House furniture in this country? Well, it sure matters to the 500 or so people for whom it was their career, a job that made a difference for their families. It made a difference to them because they were out of work.

I just mentioned Whirlpool deciding to get rid of 1,100 jobs. Well, it is interesting, here is a story in the Indiana Economic Digest. It says:

> U.S. based manufacturers are shipping jobs overseas.

That is a familiar story.

> Whirlpool is just one local example of a story that has played out across the nation for decades.
>
> The appliance-maker is in the process of shutting down its Evansville refrigerator plant. March 26 was the last day for 455 [people in that plant.]

Those jobs will go to Mexico in late June.

But then it says something different. It says:

> But not all local manufacturers are interested in moving overseas.
>
> HMC manufactures and refurbishes large precision gears and other machinery components. . . . The company has 75 employees. It has never laid off an employee.
>
> Robert J. Smith III, the company's president and chief executive officer, is dead-set against ever moving production overseas.
>
> ''We wouldn't consider it in a 100 years.''

His grandfather and grandmother started the company in 1921. ''Offshoring in search of higher profits is a mistake,'' Smith said, ''because it ignores manufacturing's larger purpose in U.S. society.'' And here is what he says finally:

> It's my belief that every American citizen, not only me, should feel strongly about maintaining one of the most important cultures we have, and that is manufacturing.

I have used examples previously—and I will again—because I think repetition is important. The peppermint pattie called York—it is a tiny little peppermint pattie in a silver encasing. It is made by Hershey's Chocolate, by the way. It says: ''The cool refreshing taste of mint dipped in dark chocolate will take you miles away.'' It sure did that. It took it all the way to Mexico. They decided to fire those American workers, and that mint chocolate went to Mexico to be produced.

The list is actually pretty endless. I just described Whirlpool, 1,100 jobs. They received millions in Recovery Act funds, and yet announced 1,100 job cuts—by the way, this is the long walk on the last day of work at a manufacturing plant. You go there to make it a career and then all of a sudden you discover the job is not there. Some foreign country has that job because America has decided to reward those who leave as opposed to those who stay.

If you wear a Reebok NFL jersey—and a whole lot of folks wear these jerseys—this is made in a Chinese-owned sweatshop in El Salvador. How do we get to the point where it is not just made in El Salvador but it is made in a Chinese sweatshop in El Salvador? This has to do with various trade agreements we have made where we incentivize the production of these being made in the lowest common denominator sweatshop wage area in the world. This Reebok jersey is made in El Salvador by a working man who lives in this so-called house. That working man makes less than $1 for an $80 Reebok jersey.

I have spoken on the floor of the Senate at great length about underwear—Fruit of the Loom underwear. I have said—and I know it is not chic to do so—I said I understand losing one's shirt, but Fruit of the Loom left the country with all of its underwear. It used to make underwear in America, and people appreciated those jobs. Fruit of the Loom left.

As we know, Fruit of the Loom was advertising with dancing grapes. They put men and women in fruit uniforms. I do not know where one gets a grape uniform, but they march them down a road and put it on television and they all sing and sound happy—happy for reasons I do not understand because all those Fruit of the Loom jobs, all that underwear is made elsewhere.

One might say: Who cares where underwear is made. I suppose the people who made underwear in the United States care because they had jobs at Fruit of the Loom, but it is gone.

I have spoken at great length about Huffy bicycle and shall not speak at great length today except to say this. Anyone who purchased a Huffy bicycle at Wal-Mart or K Mart was purchasing a bicycle made in Ohio, made by wonderful workers who had a career making Huffy bicycles. They made Huffy bicycles for many decades. They made $11 an hour plus benefits to make these bicycles. Now the bicycles are gone. Now they are made in China.

This is actually a trifecta. Everything that could have gone wrong went wrong. The company decided to fire American workers and build the bicycles in China. Then they declared bankruptcy and left American workers with no pension program so that the pension would have to be paid by the taxpayers out of the Pension Benefit Guaranty Corporation. And now China owns the brand. They got the company, the brand, make the bicycles, the workers got fired, and the American taxpayer got to pick up the pensions. It is unbelievable when you think about it.

Is this fair trade? I do not think so. It is a decision by a lot of people to decide we are going to move our manufacturing overseas.

Every young child has ridden in a Radio Flyer wagon, a little red wagon. They made those for 100 years in Chicago, IL. They do not anymore. They are all made in China as well.

I know where these are made. I know where Huffy bicycles are made. I know they are made by people who make 50 cents an hour and work 12 to 14 hours a day, 7 days a week with never a Sunday off. Is that with what we want the American people to compete—a lower standard of living? Is it probably something we would like to do to help lift others in the world, or is it we want Americans to compete with the lowest common denominator, lowest wages, the workplace with the worst safety record? Is that what we want?

Those are other issues. The issue I came to talk about is the issue of what about the fact the company that makes the little red wagon and the Huffy bicycle and the York mint pattie and, yes, Fig Newton cookies—by the way, if you are wondering about Fig Newton cookies, they went to Mexico. They were made in New Jersey. Apparently when you make Fig Newton cookies, there is someone who shovels fig paste. You can get someone shoveling fig paste a lot less expensively by hiring them in Mexico rather than New Jersey. If somebody says, Let's get Mexican food, just buy Fig Newton cookies. They escaped to Mexico. The jobs are gone, and somebody down south is shoveling fig paste because you can pay cents on the hour to get that kind of labor.

The question is: Does it matter? Does anybody care? Does it matter that we do not produce Fruit of the Loom shorts and t-shirts, that we do not produce little red wagons, Radio Flyer, that we do not produce Huffy bicycles, that we do not produce Pennsylvania House furniture, that Whirlpool refrigerators are made in Mexico, that product after product has gone to China?

The fact is, people on this floor in this Congress and in other Congresses have voted affirmatively to say: We want to reward those who leave our country. We want to give you a tax break. Four separate times we have had votes on these issues, and four separate times the majority of the people in the Senate have said: We believe in giving tax breaks to those who ship American jobs overseas.

The reason I raise this issue today is this: We have about 20 million people who are out of work today. They want to find work. They want a job and cannot find one. Everybody talks about restarting this American economy. How about trying to find a sparkplug that will lift the American economy? What is that? If you are going to keep the drain open, how are you going to fill the tub? You can work with the faucet on all day long, but if you have the drain open, Whirlpool decides one day, We are moving 1,100 jobs out of this country—and the list goes on and on—where are the jobs going to be? Who is going to incentivize the creation of new jobs? We have to do this. It is our responsibility. It is not our responsibility to provide economic recovery for the Chinese economy or the Mexican economy. It is our responsibility to try to see if we cannot restart this economic engine at home. It seems to me implausible that at least a majority of the Members of the Senate would not understand that we need to stand up for American jobs.

I understand, because I have been involved in many trade debates and I subsequently wrote a book about it, that when you start talking about standing up for American jobs, there are a bunch of pointy-headed folks with thick glasses who call you a xenophobic isolationist stooge. You just don't get it; it is a world economy, Mr. DORGAN; you don't have the foggiest idea what you are talking about. Oh, really?

All those people who say that wear dark suits, take showers in the morning, and have never been unemployed. Isn't that a great thing? How about people who require taking a shower after work because they worked hard, and find out they lost a job because pointy-headed folks describe a world economy that reduces all the standards we built up over a century?

Think of the problems we went through to try to create the circumstances that built an expansion of the middle class in this country. Just think of it. In my book, I describe James Fyler, and I probably should not have. I said he died of lead poisoning. He was shot 54 times. Why was James Fyler shot in the early part of the last century 54 times? Why did he give his life?

Here is the radical proposition that James Fyler felt: He felt that people who went underground to dig for coal in this country ought to have an understanding that they are working in a workplace that is safe and ought to be paid a fair wage. For that he gave his life because that was unbelievably radical: insisting on behalf of workers that they work in a safe workplace and be paid a decent wage.

We went through all of that and finally said: A safe workplace is important. We have to protect workers. A fair wage, a minimum wage, is important—all of these things that we went through to lift up America and expand opportunity and put people to work. We have been through that and at great struggle, at really great struggle.

Yet now in the last decade and a half, the question is: Isn't that all old-fashioned? It is a world economy. Why can you not compete with a Chinese sweatshop in El Salvador making Reebok football jerseys? Why can you not compete with a worker in Shenzhen, China, willing to work for 50 cents an hour, working 7 days a week, 12-to-14-hour days? I say to you, the people at Huffy bicycle would have said: We cannot compete with that. We cannot live on those wages. And the people who employed them said: We don't care. Your jobs are gone.

The last day of work at Huffy bicycle in Ohio, when they were all fired and all those jobs moved to China to make those bicycles, those workers left in the space where their cars parked at the plant, in the empty space they left a pair of shoes. That parking lot was filled with empty shoes, not cars. It was a plaintive way for those workers to say to those companies that fired them: You can fire us and get rid of our jobs but you will never replace us. You will never replace us.

It seems to me if people in this country are wondering about where will the jobs come from, who is going to stand up for the economic interests of this country—no, not cut us off from the rest of the world, not suggest we are not part of the global economy, but rather suggest we will attempt to lift the rest of the world by saying: Here are the conditions under which we will involve ourselves in the global economy.

We are a country with a huge trade deficit with the country of China. This year I suspect it will be between a $200 billion and $250 billion trade deficit with the country of China. Our trade deficit this year generally will probably be around $600 billion, perhaps a little less. Last month it was a $50 billion trade deficit. No country can continue with this. It is not sustainable. You cannot sustain a country by hollowing out the manufacturing base and deciding manufacturing does not matter, yet we want to remain a world economic power. You cannot sustain a country that says we are going to do $50 billion a month in trade deficits and that doesn't matter either. A trade deficit ultimately is going to be repaid with a lower standard of living in this country.

We have a responsibility, and that responsibility now is to find a way to begin stopping the hemorrhaging of jobs overseas and decide to reward those companies that decide they are going to keep jobs in this country.

I just read this today about HMC manufacturers and Robert Smith III, the company's president and chief executive. Good for him. He said: We wouldn't consider moving our jobs overseas, not in a hundred years. ''Outshoring jobs in search of higher profits is a mistake,'' he said, ''because it ignores our manufacturing's larger purpose in America.'' Good for him.

How about doing something in this Chamber that says to people who are employing the manufacturing workers: Good for you. We stand with you. We want to incentivize you to continue, and then say to those who are shipping their jobs overseas: You know what, you want some help from this government? Go take a hike. Make something in America. And, by the way, you are not going to get tax help. We are not going to give you a tax break, as has been done for far too long when you ship your jobs overseas. It is not going to happen.

Unfortunately, it has been happening. I said it is not going to happen four times. We have had four votes, and I have lost on all four occasions. I hope at long last when we go through the deepest recession since the Great Depression, there might be enough of an urgency for people who come out here and bloviate and thumb their suspenders, cast the shine of their shoes on the magnificence of this great place that maybe that magnificence might spread to casting the right vote on something that stands up for this country's best economic interest.

Mr. President, the list of challenges are very significant. I have been talking at length about one, and that is jobs because it makes everything else possible. If we can get the American engine working once again, put people to work once again, this country will do just fine. But it doesn't do just fine when it is in a very deep recession and we have incentives that say jobs don't matter.

I grew up in a very small town, less than 300 people, and I knew every day that I was a kid—just because I understood it—that this country, this America, was the biggest, the best, the strongest, and that we could beat anybody in trade or economic issues with one hand tied behind our backs. That is how good this country was. We were good at almost everything. We invented, we created, you name it. We decided to split the atom. We spliced genes. We invented radar, the silicon chip, the telephone, the computer, the television. We cured smallpox and polio. We built airplanes and learned to fly them. Hundreds of attempts were made, and finally on December 3, 1917, they flew an airplane—the Wright brothers. Then we built rockets and walked on the Moon and planted an American flag. Nobody has done that, but we have done it. This is a great country.

Yet somehow, in the shadow of this very deep recession—that, in my judgment, was not some natural thing to have happened to our country. This was something that was caused by unbelievable avarice and greed and things that went on particularly in the largest financial firms in this country that had nothing to do with investment, that had nothing to do with savings or real banking but had everything to do with building a casino society so people could buy what they wouldn't get from people who never had it. They were all making money, but it was a house of cards.

I offered an amendment on something called naked credit default swaps. You know what. It sounds like a foreign language. Nobody even knew what a credit default swap was. We had tens of trillions of dollars of credit default swaps, and a fair amount of them were naked. What does that mean? It doesn't mean they didn't have clothes. It meant there was no insurable interest on either side. It was simply a wager, simply a bet, not on investment. I lost that amendment.

I probably should talk about something I won. But the fact is, on the big issues in this country, in most cases the big interests are well organized to make certain their interests carry the day in the Congress. It just seems to me that as we tackle these issues of jobs and Federal budget deficits, which is a very significant issue, and the issue of taxes—who pays them and how much—energy policy—how we remove our addiction to foreign oil—the trade issues I have just described in great detail, we have to do better. The American people deserve better and expect better. Instead of getting the worst of what both parties offer, we need to get the best of what each has. Both parties can contribute something significant to our country, in my judgment.

Mr. President, there is a lot, it seems to me, at stake. We can continue to see anemic economic growth—and as I say that, let me point out this President inherited a circumstance where just prior to his coming to office we were losing 700,000 jobs a month. That is what he inherited. I know some people come and say: Well, how dare you talk about the economy this President inherited. What else would you talk about? Would you create a fiction about it?

This economy was nearly in a free fall and, like it or not, this President took action. Like it or not, this President made proposals that began to put some capability under this economy to avoid a total collapse.

Now the economy is growing, but slowly, and too slowly. The President knows that and says that. This growth is good. We didn't suffer a complete collapse. We caught it. This President's policies have worked. Those, by the way, who come to the floor of the Senate and say the economic recovery act didn't create any jobs know better than that. Look at the studies that have been done: 3 million jobs at least have been saved as a result of taking the action that had to be taken. Would they suggest we sit and watch and be simple observers?

Now we come to this discussion about the economy and we are deep in debt and we have to get out of this. So the question is tax cuts. Who gets tax cuts? Well, 9 years ago, on the floor of this Senate, President George W. Bush said: Let's provide very substantial tax cuts. The bulk of them will go to the wealthy, but nonetheless everyone will get a tax cut. Why? Because for the first time in 30 years we had a budget surplus that year under President Clinton. The first time in 30 years we had a budget surplus.

So President Bush came to office and said: Well, it looks like we are going to have budget surpluses for the next 10 years, so let's provide very large tax cuts.

I voted against them. I said: You are talking about projections. We don't have the tax surpluses yet. When we get them, let's figure out what we do with them, but they do not exist yet. They are simply projections. President Bush said: Well, Katey, bar the door. He and Mr. Greenspan and others said we need to do this. Mr. Greenspan said he couldn't even sleep he was so worried that we were going to have such big surpluses that it would ruin the economy and we would pay down the debt too fast. I hope he didn't lose a lot of sleep over that.

So the Congress passed, without my vote, very large tax cuts for 9 years after which they would expire. So they expire at the end of this year. Now the question is, What do we do with them? The debate is, Should they be extended?

The President says let's extend them for the middle class. We are still in the middle of slow economic progress, so let's extend them for the middle class. The Republicans and others say: Well, let's make sure we extend them for everybody, including the wealthy.

Well, it just seems to me this: We decided—without my vote—to provide very large tax cuts because we needed to give back a surplus which then didn't exist in the subsequent years. A surplus didn't exist. Then what happened? Within a couple of months after passing the tax cuts 9 years ago, we discovered we were in a recession. Not a deep one, but a recession. That, of course, enhanced instead of surpluses Federal budget deficits.

Then what happened? We were hit on 9/11 with a terrorist attack and we went to war in Afghanistan and then we went to war in Iraq and not a penny of it was ever paid. In spite of the fact I and others came to the floor of the Senate and said: If you are going to ask our young men and women to go to war and to get up in the morning and strap on ceramic body armor, to be in harm's way and potentially lose their lives, the very least we can do in this Chamber is pay for the cost of the war. But, no, we couldn't do that. We have fought a war for 9 years and haven't paid for one penny of it. That is fundamentally irresponsible.

Now, the question is, In the middle of a very serious economic situation, who is going to get the tax cuts extended? Some say: Well, you have to extend them for the upper income folks, the wealthiest Americans, because their philosophy is that things trickle down. Put things in the top and ultimately they trickle down. Others, my philosophy, is things percolate up. Give the American family a little something to work with and get the engine working again and things will percolate up to help everybody.

I do think this: The tax rates that were paid by the upper income people in the 1990s, when we had the most robust economic growth in our country, are tax rates that I think should continue to exist for upper income people. I think that is fair. Plus, that $800 billion that it would cost for the next 10 years to do those tax cuts for upper income Americans will be added right to the Federal budget deficit, and that doesn't make any sense to me at all. How would that give confidence to the American people; that at last—at long, long last—this Senate, this Congress was willing to tackle these destructive budget deficits? That is not much consolation to people who watch what is happening in this country.

Now, Mr. President, let me finish by saying I have talked about a number of things, and things we need to correct. I remain hopeful about this country's future. I know we have a chattering class that spends all day and all night on the radio dial and television talking about what is wrong with America. I know there are plenty of challenges ahead of us. But I also believe there are a lot of people who, for two centuries, have bet against this country's future and lost. I think it would take a fool to decide this country would not get through this period.

But this country deserves good leadership from Republicans and Democrats. It deserves a President who is aggressive, and I believe this President is aggressive, in tackling these problems. It deserves a Congress that is willing to work together. If ever we needed an outbreak of some minimum amount of bipartisanship, some minimum cooperation, it is now. I have just watched all of this year circumstances where every single thing is objected to, everything is blocked. It doesn't take much in this Chamber. The two most powerful words are ''I object.'' One person saying ''I object'' grinds this machinery to a halt.

The fact is, I have seen circumstances in this Chamber this year where objections were raised and filibusters ensued on motions to proceed to noncontroversial items that ultimately got 96 or 98 votes, but it took a week to get through because of blocking and objections. I mean, if someone would have brought up a Mother's Day resolution, it would have been filibustered, I assume. Block everything, stop everything, make sure nothing gets done. That is not in the interest of this country. This country deserves better and expects more.

I hope in the coming several weeks—we don't have a lot of time—the things I have just described, the issue of jobs moving overseas, the issue of an unbelievably ignorant tax provision that says if you get rid of your American workers, you lock your factory doors and ship those jobs overseas, tell you what we will do. We will give you a big old fat tax break. I hope finally, at last, at long, long last, enough Members of this Senate will agree that has to stop; that we would pass legislation to shut it down and at the same time say to those who are moving their jobs overseas: You are off the public dole. But you know what. We are going to stand up for those who keep their jobs here. We are going to say: If you are running a manufacturing plant in this country, good for you. We want to do the things that help you continue, that help you hire people and help you be a good employer. Good for you. You are the ones we stand up for because you are the ones who will rebuild opportunity in this country.

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

The PRESIDING OFFICER (Mr. BURRIS). The clerk will call the roll.

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

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

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

DREAM ACT

Mr. DURBIN. Mr. President, I rise to speak about an issue that is timely and controversial; it is the issue of immigration. There has been a heated debate for over a year about the immigration law passed by the State of Arizona. This debate highlighted the need for Congress to fix our broken immigration system.

Here is how the Arizona Association of Chiefs of Police put it:

We strongly urge the U.S. Congress to immediately initiate the necessary steps to

begin the process of comprehensively addressing the immigration issue to provide solutions that are fair, logical and equitable.

I agree with the Arizona Association of Chiefs of Police. Congress has an obligation to the American people to fix our broken immigration system. This broken system harms our national security, it hurts our workers, and it falls short of the most basic standards of justice.

First, we must secure our borders, strengthen enforcement of our immigration laws, and address the situation of approximately 11 million undocumented immigrants who live and work in our country. Unfortunately, the reality is that Congress is not likely to consider comprehensive immigration reform this year. I have supported every effort toward that end during the time I have served in the Senate.

I recall not that long ago, just a few years ago, an amazing, bipartisan group of Senators which included, at that time, the two men who just ran for President of the United States, Senator MCCAIN and then-Senator Barack Obama. It was an incredible effort, and it had the invested political capital of President George W. Bush, who was genuinely committed to immigration reform. I can recall the President saying in meetings and saying to me personally how much he wanted to see that done. I still salute him for his leadership on what was a tough issue then and still is.

The reality is that we did not pass comprehensive immigration reform despite our best efforts. But that should not prevent us from moving forward with reforms so our broken immigration system is repaired and is improved over what we currently have.

Let's take one example. In recent years, we have made dramatic progress in securing the border and reducing illegal immigration. The number of Border Patrol agents serving our country and protecting our borders has doubled from 10,000 in 2004 to 20,000 today. According to the Department of Homeland Security: ''Today the Border Patrol in America is better staffed than any time in its 86-year history.''

The Department of Homeland Security has completed 646 miles of border fencing out of the 652 miles authorized by Congress. The remaining 6 miles will be completed before the end of the year. In the first 9 months of fiscal year 2010, the Department of Homeland Security has deported approximately 280,000 illegal immigrants. That is a 10-percent increase in the number of deportations over the same period in fiscal year 2008, which was the last year of the Bush administration.

The Department of Homeland Security has focused on deporting illegal immigrants who have committed crimes. As a result, more than 136,000 criminal aliens have been deported so far in this fiscal year. That is a 60-percent increase over the number of criminal aliens deported during the same period in fiscal year 2008, and it is the most criminal aliens ever deported during a single year.

What is the result of all these efforts? Earlier this month, the Pew Hispanic Center released a new report on illegal immigration with two striking findings. First, the number of illegal immigrants entering the United States annually has decreased by two-thirds in the past decade, from 850,000 per year to 300,000 per year.

Second, the total number of illegal immigrants living in the United States is down by 8 percent in just the last 2 years. The Pew Center said: ''The decrease represents the first significant reversal in the growth of the illegal immigrant population in America in 20 years.''

Let me repeat that. The number of illegal immigrants entering our country has decreased by two-thirds, and for the first time in 20 years there has been a significant decline in the number of illegal immigrants living in America. So we are making remarkable progress in our fight against illegal immigration.

Our efforts will not end there. Last month, Congress passed the 2010 emergency border security supplemental appropriations bill, legislation authored by my colleague from New York and the chairman of the Immigration Subcommittee, Senator SCHUMER, cosponsored by Senators MCCAIN and KYL of Arizona. That bill provided $600 million more additional funding to enhance border security.

Let me tell you how we will spend it: $176 million for 1,000 more additional Border Patrol agents, $68 million for 520 Customs and Border Protection officers, $80 million for 250 new Immigration and Customs enforcement personnel, and $32 million for 2 unmanned aerial vehicles to monitor the border.

We have taken this challenge seriously. We are investing the resources on a bipartisan basis, and we can see the results. When I sat down with Senator JON KYL, my Republican counterpart, and talked about this issue, he showed me a map of Arizona, and he pointed to a section of the border which has had a dramatically positive change when it comes to illegal immigration. He then pointed to another section which he said needed improvement. But he conceded, and most do, that we have made a commitment. We have dedicated the resources, and the Obama administration has joined with Republicans in Congress to produce real results when it comes to illegal immigration.

We are making great progress in securing the border and reducing illegal immigration, but let's be clear. Border security alone will not fix our broken immigration system. There are other critical reforms we can make right now. One important step Congress should immediately take up is passing the DREAM Act. This is bipartisan legislation I have introduced with Republican Senator DICK LUGAR of Indiana.

Let me say a word of thanks to Senator LUGAR for stepping out on this important issue and joining me in this effort. The DREAM Act is a bill which I introduced 10 years ago. If you have been around the Senate, that is considered a brief period of time. But I cannot imagine I am standing here 10 years later still arguing for this bill. I think it is worth recounting how I happened to introduce it.

About 85 percent of all of the case work, constituent work we receive in our Chicago office relates to immigration. Chicago is a great city, a diverse city, with people from all over the world. It is no surprise many of them come to our office with immigration issues. So 10 years ago we received a phone call. It was from a Korean-American lady, a single mom who ran a dry cleaners.

As I have mentioned in previous debates, in our great city of Chicago, about 85 percent of the dry cleaners are owned by Koreans. It is one of their commitments in entrepreneurial skill, and they work hard, with long days.

Well, she called to tell me about her little girl who was now graduating high school. It turns out, her little girl was an amazing pianist, an amazing musician, and had been accepted by the highly acclaimed Juilliard School of Music in New York. Her mom was so excited. But as her daughter filled out the application form to go to Juilliard, there was a little box there that said ''nationality,'' and she turned to her mom and said: I know I was born in Korea, but what am I?

Her mom said: I don't know. We brought you here at the age of 2, but we never filed any papers. We better call Durbin. So they called our office, and we checked into it. We learned, through the Immigration Service, that she had an option. They said it was her only option, and it was very clear.

We said: What is it?

They said: She can go back to Korea—back to Korea, to a place where she did not speak the language, where she had no memory of ever living, a place she had not even visited in 16 or 17 years.

This woman also married in the United States and had other children who were American citizens, but this one daughter, brought over on a plane from Seoul, Korea, was living in Chicago, thinking everything was just fine and normal, and now, at the age of 18 or 19, learned she was about to be deported to a place where she did not even speak the language.

It seemed to me fundamentally unfair. If you arrest someone for speeding and they have an infant in the car seat behind them, you do not charge the infant with speeding, do you? It would not make sense. There is no blame there, no liability, no culpability. So why in this case, if this mother came to the country and did not file the papers, would this girl, this young woman, be denied an opportunity to become legal in the United States?

So I wrote a bill called the DREAM Act. The DREAM Act says basically

this: If you came to the United States under the age of 16, if you have lived in this country for at least 5 years, if you have no criminal record, if you graduate from high school, we will give you two chances to become legal in our system. The first opportunity: We will allow you to serve in our Armed Forces. If you will enlist for 2 years of Active Duty, we will allow you to become legal in the United States. If you are willing to risk your life for our Nation, we are prepared to give you legal status. Secondly, if you complete 2 years of college, we will also give you that same option.

That is it. That is the DREAM Act. It gives to these young people who have no country and literally no future because they have no citizenship, an opportunity.

Well, that is what I introduced 10 years ago. I still think it is valid. The DREAM Act will give a select group of immigrant students the chance to earn legal status if they grew up in the United States, have good moral character, attend college, or enlist in our military.

Today, in America, there are tens of thousands of immigrant students who were brought to the United States when they were too young to understand the consequences of their parents' decisions. It was not their decision to come to this country. They came along for the ride, and many of them were infants. They grew up here. They became part of our country. It is the only home they have ever known, and now they are without a country.

These young people are the presidents of student councils, valedictorians, junior ROTC leaders, and star athletes. They are tomorrow's scientists, doctors, teachers, engineers, and soldiers. They will be our leaders.

The fundamental premise of the DREAM Act is that we should not punish the children for the decisions of their parents. It is not the American way. Instead, the DREAM Act says to these students: We will give you a chance, a chance to prove yourself, and a chance to improve America.

Here is how former Republican Presidential candidate Mike Huckabee explained it. Mike, as you know, was a former Governor of the State of Arkansas. Here is what he said:

> A kid comes to this country, and he's four years old and he had no choice in it—his parents came illegally. . . .That kid is in our school from kindergarten through the 12th grade. He graduates as valedictorian because he's a smart kid.

Governor Huckabee said:

> The question is: Is he better off going to college and becoming a neurosurgeon or a banker or whatever he might become, and becoming a taxpayer, and in the process having to apply for and achieve citizenship, or should we make him pick tomatoes? I think it's better if he goes to college and becomes a citizen.

That is what Governor Huckabee said.

The DREAM Act has broad bipartisan support. The last time the Senate considered it on the Senate floor a few years back, it received 52 votes, including 11 Republicans. Since then, support for the DREAM Act has grown. The bill now has 40 cosponsors, and the DREAM Act is the only immigration bill—the only one—this President, his administration, has endorsed.

The DREAM Act is also supported by a broad coalition of education, business, labor, civil rights, and religious leaders, including, just to name a few, the American Jewish Committee, the Leadership Conference on Civil Rights, the National PTA, the U.S. Conference of Catholic Bishops, the CEOs of Fortune 500 companies such as Microsoft and Pfizer, the AFL–CIO, and dozens upon dozens of colleges and universities across the country, including Arizona State, Penn State, the University of Utah, and the University of Florida.

It also has broad support from the American people. According to a recent poll by Opinion Research Corporation, 70 percent of likely voters favor the DREAM Act, including 60 percent of Republicans.

The DREAM Act is not just the right thing to do, it would be good for America. Michael Bloomberg, the mayor of New York City, knows something about economic development. He sent me a letter supporting the DREAM Act, and here is what he said:

> Why shouldn't our economy benefit from the skills these young people have obtained here? It is senseless for us to chase out the home-grown talent that has the potential to contribute so significantly to our society. They're the ones who are going to start companies, invest in new technologies, pioneer medical advances.

Our country would also benefit from thousands of highly qualified, well-educated young people who are eager to serve in the Armed Forces during a time of war. Since the Bush administration, we have worked closely with the Defense Department on the DREAM Act. Defense Department officials have said the DREAM Act is ''very appealing'' because it would apply to the ''cream of the crop'' of students and be ''good for military readiness.''

Military experts agree. LTC Margaret Stock, a professor at the U.S. Military Academy at West Point, wrote an article supporting the DREAM Act. She concluded:

> Passage of the DREAM Act would be highly beneficial to the United States military. The DREAM Act promises to enlarge dramatically the pool of highly qualified recruits for the U.S. Armed Forces.

The Army says high school graduation is ''the best single predictor'' of success in the military. However, in recent years, the Army has accepted more applicants who are high school dropouts, have low scores on the military's aptitude test, and some who have had criminal backgrounds. In contrast, under the DREAM Act, all recruits would be well qualified high school graduates with no criminal record and good moral character.

Many DREAM Act students come from a demographic group that is already predisposed toward military service. The RAND Corporation found that ''Hispanic youth are more likely than other groups to express a positive attitude toward the military'' and ''Hispanics consistently have higher retention and faster promotion speeds than their white counterparts.''

Immigrants have an outstanding tradition in America's military. More than 65,000 immigrants are currently on Active Duty in the United States. The Center for Naval Analyses has concluded ''non-citizens have high rates of success while serving—they are far more likely, for example, to fulfill their enlistment obligations than their U.S.-born counterparts.''

The DREAM Act is not a free pass to citizenship. It is designed to assist only a select group of young people who would be required to earn their way to legal status. Here is how it works. A student would have the chance to qualify only if he or she meets these requirements: came to the United States as a child, has lived here for more than 5 years, has good moral character, has not engaged in criminal activity, does not pose any threat to national security, passes a thorough background check, and graduates from an American high school.

If a student fulfills each and every one of these requirements, they can receive temporary legal status. Next, they can serve in the military or attend college for at least 2 years.

Then, after 6 years, if—and only if—this requirement is completed, the student could apply for permanent legal status. If this requirement is not completed, the student would lose his legal status and be subject to deportation.

These requirements are fair, but they are tough. Only a select group of students would be able to earn legal status under the DREAM Act. In fact, according to a recent study by the Migration Policy Institute, only 38 percent of those who are potentially eligible for the DREAM Act would ultimately obtain legal status.

The DREAM Act also includes other important restrictions to ensure it is not abused. I will mention a few: Students who obtain conditional legal status under the DREAM Act would not be eligible for Pell grants. Of course, that is up to $5,000 or more each year to go to college. Residents of the United States, American citizens, who qualify can receive that help. These students, in the process of going to college, could not receive them. Students who apply for the DREAM Act would be subject to tough criminal penalties for fraud. The DREAM Act would not allow what is known as ''chain migration.'' In fact, DREAM Act students would have very limited ability to sponsor their family members for legal status.

I first introduced this bill 10 years ago. Since that time, I have met a lot of young people who would at least be eligible to be considered for this legislation. They have been waiting a long time for this opportunity. Every

week—every week without fail—when I go back home, I meet young students, receive calls, e-mails, and letters. I want to mention just a few of them here. I want to put a face on this issue so you can understand the lives that would be affected.

Here is the first one, as shown in this photograph I have in the Chamber. This is Benita Veliz. She was brought to the United States by her parents in 1993, when Benita was 8 years old. She graduated as the valedictorian of her high school class at the age of 16. She received a full scholarship to St. Mary's University. She graduated from the honor's program with a double major in biology and sociology. Benita's honors thesis was on the DREAM Act. She sent me a letter, and here is what she said:

> I can't wait to be able to give back to the community that has given me so much. I was recently asked to sing the National Anthem for both the U.S. and Mexico at a Cinco de Mayo community assembly. Without missing a beat, I quickly belted out The Star-Spangled Banner. I then realized that I had no idea how to sing the Mexican national anthem.

She writes:

> I am American. My dream is American. It's time to make our dreams a reality. It's time to pass the DREAM Act.

This is Minchul Suk. Minchul was brought to the United States from South Korea by his parents in 1991 at the age of 9. Minchul graduated from high school with a 4.2 GPA. He graduated from UCLA with a degree in microbiology, immunology, and molecular genetics. With support from the Korean-American community, Minchul was able to graduate from dental school. He has passed the national boards and licensing exam to become a dentist, but he can't obtain a license because he does not have legal status. Minchul is a person without a country. He sent me a letter recently, and here is what he wrote:

> After spending the majority of my life here, with all my friends and family here, I could not simply pack my things and go to a country I barely remember. I am willing to accept whatever punishment is deemed fitting for that crime; let me just stay and pay for it. . . . I am begging for a chance to prove to everyone that I am not a waste of a human being, that I am not a criminal set on leeching off taxpayers' money. Please give me the chance to serve my community as a dentist.

Without the DREAM Act, Minchul won't be able to serve his community as a dentist.

This is my Mayra Garcia. Mayra was brought to the United States by her parents when she was 2 years old. Mayra, who is now 18, is the president of Cottonwood Youth Advisory Commission in her hometown of Cottonwood, AZ. She is a member of the National Honor Society. She graduated from high school last spring with a 3.98 GPA. Mayra just started her freshman year at a prestigious university in California. In an essay about the DREAM Act, Mayra wrote:

> From the time I was capable of understanding its significance, my dream was to be the first college graduate in my immediate and extended family. . . . College means more to me than just a 4-year degree. It means the breaking of a family cycle. It means progression and fulfillment of an obligation.

Here is what she told me about growing up in the United States:

> According to my mother, I cried every day in preschool because of the language barrier. By kindergarten, though, I was fluent in English. . . . English became my way of understanding the world and myself.

Mayra Garcia, like all DREAM Act students, grew up in this country. America is her home. English is her language. As one of these students once said to me, ''I dream in English.''

The next person I wish my colleagues to meet is Cesar Vargas. Cesar was brought to the United States when he was 5 years old. He is currently a student at the City University of New York School of Law, where he has a 3.8 GPA. Cesar founded the Prosecutor Law Students Association. His dream is to serve our country as a military lawyer, but without the DREAM Act, Cesar cannot even volunteer to enlist in the military, despite the fact that he is in law school.

The last person's story I wish to share is Eric Balderas. This is an amazing story. Eric's mother brought him to the United States from Mexico in 1994 when he was 4 years old. Eric was valedictorian and student council president at his high school in San Antonio, TX. Eric just began his sophomore year at Harvard University, where he is majoring in molecular and cellular biology. His goal in life is to become a cancer researcher, but he can't reach that goal because he has no country. He has no citizenship. He needs the DREAM Act.

Wouldn't America be a stronger country if someone such as Eric Balderas could become a cancer researcher? Wouldn't our military be a better place with Cesar Vargas, who wants nothing more than to serve as a lawyer in the Judge Advocate General's Corps? Wouldn't we be better off if these talented young immigrants were able to contribute more fully to this country they love? The DREAM Act would give immigrants such as Eric Balderas and Cesar Vargas a chance to earn their way to legal status—earn their way to legal status—by contributing their talents to America. This is the choice the DREAM Act presents to us. We can allow a generation of immigrant students with great potential and ambitions to contribute more fully to our society and our national security or we can relegate them to a future in the shadows, which would be a loss for us all.

I am going to conclude. I see my colleague waiting patiently over there. I wish to conclude by saying this: I stand here today as a Senator from the great State of Illinois. I feel blessed in so many ways to have been given this opportunity to serve, but I also feel blessed because my mother was an immigrant to this country. She was brought by her mother at the age of 2 in 1911. As they came down the gangplank off the boat in Baltimore, my grandmother had my mom in her arms and my aunt and uncle by her side. Somehow, they made it from Baltimore, MD, to East Saint Louis, IL, to join my grandfather, who was an immigrant and who worked in the most basic immigrant jobs. My grandmother and grandfather never spoke much English—just enough to get by. My mom spoke Lithuanian and English, and I speak English only. It is kind of the story of America, I guess.

My mom didn't become a naturalized citizen until after she was married and had my two older brothers. I went to her later in her life, just a few months before she passed away, and said: Mom, I have never seen your naturalization certificate. Do you still have it?

She said: Sure.

She got up.

I said: No, you don't have to.

She said: No, I am going to go get it.

So she went in the other room, wasn't gone a minute, and came back with the naturalization certificate. Then a little piece of paper floated to the floor. I picked it up and I said: What is this?

She said: That is the receipt for the $2.50 filing fee that I paid when I became a naturalized citizen back in the 1930s.

My mom was tighter than the bark on a tree, and she was going to have proof if any government bureaucrat ever came around to challenge her if she ever paid her fee. She was also a proud American and proud of her three sons and family, and I am glad she got to see me sworn in to the U.S. Senate before she passed away.

I stand here today as a Senator in this great body and the proud son of an immigrant mother. If my mother and grandmother had entered this country illegally and my mother had been somehow denied an opportunity for citizenship, I don't know where I would be today. But I have tried to make a contribution to this country, and that is all these young people are asking for—a chance to make a contribution to this country.

Let's not get caught up in the emotional and angry rhetoric about immigrants and immigration, but let's give these young people a chance. Let's try to gather on a bipartisan basis to put enough votes on the board to give them a chance to serve our country in the military or to serve our Nation with their great talents. That is their dream, it should be our dream, and that is why we should pass the DREAM Act.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

A SECOND OPINION

Mr. BARRASSO. Mr. President, I come to the floor today as the Senate returns to give a doctor's second opinion of the health care law. As the Presiding Officer knows because he has

been here for so many of these speeches every week since this bill was signed into law, I have come to the Senate floor as a physician, an orthopedic surgeon, as someone who has taken care of families in the State of Wyoming since 1983, to give a doctor's second opinion of the new health care law and what I view is the impact it is going to have on health care in this country.

The Presiding Officer knows that during the debate and discussions at the time of the health bill and now the health care law, I had many reservations. My concern was that it was going to be bad for patients, bad for providers—the nurses and doctors who take care of those patients—and bad for payers, the people paying their health care costs, as well as the taxpayers of this country.

When the health care bill was signed into law, Democrats were extremely proud of it, and they were actually eager at that time to tell all of America about their vote. As a matter of fact, the Senate majority leader, Senator REID, said:

> This is a happy day. We are going to hear an earful, but it is going to be an earful of wonderment and happiness that people waited for a long time.

Here we are just 6 months later, but the new law is not greeted with happiness. It is not greeted with wonderment. Now the Democrats of this country are singing a very different tune. In fact, 56 percent of Americans want the law repealed. Each week, as I have given my second opinion, I have said it is time to repeal and replace this health care law. Now Democrats are completely changing their message about the new law. Now they no longer say the law will lower costs. They no longer say it will improve care. Instead, they now admit the law has some shortfalls, and they are talking about how they are working to improve it. This law needs to be repealed and replaced.

I think that now the people of America know what NANCY PELOSI meant when she said, ''First we have to pass the law before you get to find out what is in it.'' That is what she said. Well, now the people of this country have found out what is in it, and they recognize that it is not good for the country.

There was an interesting article in the Wall Street Journal last Friday. Kimberly Strassel talked about the health care law, and she said:

> A total of 279 House and Senate Democrats voted for ObamaCare. Now not one is running an ad touting that vote. How can they, given the headlines?

But she does quote a number of Democrats who are running for election this year, and those Democrats are talking about why they voted against—against—the bill that the President claimed would be good for the country. These are Democrats voting against what they call ''massive government health care.'' That was one Member of the House. Another said she voted against the ''trillion-dollar health care plan.'' A former Governor of Georgia, a Democrat, said:

> Not only is ObamaCare ''financially devastating,'' it is ''the greatest failure, modern failure, of political leadership in my lifetime.''

While Congress was out of session in August, Politico ran a story entitled ''Dems Retreat on Health Care Cost Pitch.'' I ask unanimous consent to have that article printed in the RECORD.

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

[From POLITICO, Aug. 19, 2010]

DEMS RETREAT ON HEALTH CARE COST PITCH

(By Ben Smith)

Key White House allies are dramatically shifting their attempts to defend health care legislation, abandoning claims that it will reduce costs and the deficit and instead stressing a promise to ''improve it.''

The messaging shift was circulated this afternoon on a conference call and PowerPoint presentation organized by FamiliesUSA—one of the central groups in the push for the initial legislation. The call was led by a staffer for the Herndon Alliance, which includes leading labor groups and other health care allies. It was based on polling from three top Democratic pollsters, John Anzalone, Celinda Lake and Stan Greenberg.

The confidential presentation, available in full here and provided to POLITICO by a source on the call, suggests that Democrats are acknowledging the failure of their predictions that the health care legislation would grow more popular after its passage, as its benefits became clear and rhetoric cooled. Instead, the presentation is designed to win over a skeptical public and to defend the legislation—in particular, the individual mandate—from a push for repeal.

The presentation concedes that groups typically supportive of Democratic causes—people under 40, non-college-educated women and Hispanic voters—have not been won over by the plan. Indeed, it stresses repeatedly, many are unaware that the legislation has passed, an astonishing shortcoming in the White House's all-out communications effort.

''Straightforward 'policy' defenses fail to [move] voters' opinions about the law,'' says one slide. ''Women in particular are concerned that health care law will mean less provider availability—scarcity an issue.''

The presentation also concedes that the fiscal and economic arguments that were the White House's first and most aggressive sales pitch have essentially failed.

''Many don't believe health care reform will help the economy,'' says one slide.

The presentation's final page of ''Don'ts'' counsels against claiming ''the law will reduce costs and [the] deficit.''

The presentation advises, instead, sales pitches that play on personal narratives and promises to change the legislation.

''People can be moved from initial skepticism and support for repeal of the law to favorable feelings and resisting repeal,'' it says. ''Use personal stories—coupled with clear, simple descriptions of how the law benefits people at the individual level—to convey critical benefits of reform.''

The presentation also counsels against the kind of grand claims of change that accompanied the legislation's passage.

''Keep claims small and credible; don't overpromise or 'spin' what the law delivers,'' it says, suggesting supporters say, ''The law is not perfect, but it does good things and helps many people. Now we'll work to improve it.''

The Herndon Alliance, which presented the research, is a low-profile group that coordinated liberal messaging in favor of the public option in health care. Its ''partners'' include health care legislation's heavyweight supporters: AARP, AFL–CIO, SEIU, Health Care for America Now, MoveOn and La Raza, among many others.

Today's presentation cites three private research projects by top Democratic pollsters: eight focus groups by Lake, Anzalone's 1,000-person national survey and an online survey of 2,000 people by Greenberg's firm.

''If we are to preserve the gains made by the law and build on this foundation, the American public must understand what the law means for them,'' says Herndon's website. ''We must overcome fear and mistrust, and we must once again use our collective voice to connect with the public on the values we share as Americans.''

Mr. BARRASSO. Mr. President, I thought it was so important that more Americans should know about this. The article explains that:

> Key White House allies are dramatically shifting their attempts to defend health care legislation, abandoning claims that it will reduce costs and the deficit and instead stressing a promise to ''improve it.''

Well, this new Democratic message strategy on health care was developed by key Democratic strategists and pollsters, and it was detailed in a 24-slide PowerPoint presentation. The language in the presentation is remarkable, and it is radically different from what President Obama and the Democrats on this floor promised during the debate about health care. This new Democratic spin demonstrates that people who voted for this bad law now recognize how unpopular it is with the people of this country and how it will never live up to the grand promises. That is why people all around the country were saying, ''Don't vote for this'' as people in this body were cramming this bill—and now law—down the throats of the American people.

Well, rather than walk through all 24 slides, I wish to hit some of the highlights of the new Democratic health care message.

Let's take a look at what they call ''Challenging Environment.'' They say:

> Straightforward policy defenses fail to be moving voters' opinions about the law.

They say:

> The public is disappointed, anxious, and depressed by the current direction of the country—not trusting.
>
> Voters are concerned about rising health care costs and believe costs will continue to rise.

That is in spite of promises made on this floor that it wouldn't happen.

They say:

> Women in particular are concerned that the health care law will mean less provider availability—scarcity an issue.

They say:

> Many don't believe health reform will help the economy.

Well, there is a reason people don't trust Washington. There is a reason the policy defenses in the new law fail

to move voter opinions, and it is because the new law is not good for patients; the new law is not good for providers—the nurses, the doctors, the hospitals, the home health aides, hospice care; and the new health care law is not good for the people who are going to be paying the bill.

Let's take the next slide and make it personal. It says:

Use personal stories coupled with clear, simple descriptions of how the law benefits people at the individual level to convey critical benefits of reform.

Well, there are a lot of personal stories they won't tell you, and those are the personal stories including the small business owners all across this country who are being strangled by the redtape in this law, strangled by rules and regulations and expense. That is why we are looking at 9.6 percent unemployment in this country—because of the lack of certainty for small businesses and the increased expenses they are having to deal with as a result of this law.

They won't tell you the stories about patients with preexisting conditions who did have insurance but now have been penalized by the new law because they played by the rules.

Let's look at another slide. It says ''improve the law.'' The recommendation of the pollsters to the Democrats is ''use transition or bridge language to meet public where they are and relax their defenses.'' The American people know what they are talking about. Then they say:

The law is not perfect, but it does good things and helps many people. Now we'll work to improve it.

The question is, does this new law help you, the American citizen, at home? That is the question. That is what people ask themselves. What is the impact of this going to be on my own health care? Is the new law helping you? Is the new law helping small businesses that can't seem to qualify for the tax credit the administration and the congressional Democrats promised, in spite of the fact that 4 million postcards were sent out to small businesses, and only a very small percentage of those could qualify for any of these tax opportunities? Were those people willing to cut the salaries of the employed and lay off others? That is why we voted against this bill.

Is this new law helping individuals who, thanks to the new administration grandfathering rules and regulations, will lose their employer-sponsored health insurance plan? Is the new law helping seniors, who will see more than $500 billion robbed from Medicare—seniors on Medicare Advantage, a program they signed up for intentionally because they know there is an advantage to being on that program, because it works with preventive care and it coordinates care? That is all gone.

Is the new law helping the 18 million people who will find themselves locked into the Medicaid Program? Is the new law helping the millions of Americans who will see their health insurance premiums go up next year to comply with benefit mandates in the law?

Instead of working to improve the law now, those on the other side of the aisle should have improved it before it was passed. Members of my party repeatedly wanted to work with Democrats to improve this legislation. Unfortunately, we were shut out of the process.

Let's look at the next chart. It says ''blunt'' the mandate. Part of the new Democratic spin is to blunt the mandate. It says:

Tap into the individual responsibility to blunt opposition to the mandate to have health insurance.

Mandate? What is this mandate? It is a mandate that everybody in America has to have insurance. All individuals have to have it. All employers have to offer it. People either must buy insurance or employers must provide insurance. There is a mandate. Currently, 20 States are suing the Federal Government about the mandate. It also says:

Those who choose not to have insurance and use the emergency room for routine care are increasing costs for the rest of us who have insurance.

Well, let's look at a report from the Centers for Disease Control, which came out in May. It confirms that, as opposed to what this slide says, the uninsured don't visit the emergency room more often. Do you know who does? It is Medicaid patients. It shows that more than 30 percent of Medicaid patients under the age of 65 visited emergency rooms in this country at least once in 2007. This health care law locks 18 million more Americans into Medicaid, forcing them into the emergency rooms, because doctors frequently cannot afford to see them in their offices. So the question is: Will these 18 million more Americans who have been locked into Medicaid be able to find a physician to treat them? If not, how will the emergency rooms of this country cope when these patients use the ER as their primary care provider?

We all know that the health care law was modeled after the Massachusetts State health reform plan. The Boston Globe reported on July 4 of this year that recent State data proved emergency room visits rose in Massachusetts by 9 percent, from 2004 to 2008—about 3 million visits a year. According to the Massachusetts Division of Health Care Finance and their policy plan, providing insurance coverage may have actually contributed to the ER visit increase. But the goal was to lower the number of visits to the emergency room.

Let's look at another chart that talks about what health care coverage Members of Congress have. It says:

Supporters of the law and those campaigning need to highlight that Members of Congress will participate in the same plan.

It is important to remember that the only reason Members of Congress are on the same plan is because Senators COBURN and GRASSLEY fought for this. It is also important to remember that members of the congressional leadership, their staffs, White House employees, and other Federal employees will not be on the plan. Then let's look at the new head of Medicare and Medicaid, Dr. Berwick, who is someone named to that post in a recess appointment. His name didn't surface during the entire debate of the health care bill. Nobody was in charge of Medicare and Medicaid during the health care debate. Why? Because the President chose to not even name someone. When he finally named someone, this is someone who is in love with the British health care system. He made a number of quotes about rationing of care and ways that he envisioned the British health care system to be so much better than the U.S. health care system.

Yet, Dr. Berwick has, as a result of his contract, from the group he worked with in Boston before taking this new job—a job that the President made a recess appointment for—somebody who never came to Congress to testify, never presented himself to the American people—I don't know what he is hiding. He doesn't have to live under the plan forced down the throats of the American people because his contract, when he left Boston, said that he will get care under them for life. So will his wife. So he is making rules and regulations that apply to the rest of the country but not to him.

Let's look at another slide having to do with Medicare cuts. The new Democratic spin says:

It is critical to reassure seniors that Medicare will not be cut.

Then it says:

Free preventive care.

This is absolutely absurd and untrue. It is clear that the new law cuts $500 billion from our seniors on Medicare. It is not to save Medicare. It doesn't just start a whole new government program for someone else, but when I talk to seniors—and I have done this all over the last month, traveling around the State of Wyoming, visiting parades, picnics, fairs, and rodeos—the seniors say: If you want to change Medicare to save Medicare, we can deal with that, but not to start a whole new government program for someone else.

The final slide I think is most telling. It is a slide that is a list of the don'ts. The new Democratic spin says:

Don't assume that the public knows the health reform law passed, or if they know it passed, understand how it will affect them; don't list benefits outside of any personal context; don't barrage voters with a long list of benefits; don't use complex language or insider jargon; don't use heated political rhetoric or congratulatory language.

And believe it or not, it also says on the slide the Democrats' pollsters put out:

Don't say the law will reduce costs and deficit.

Well, let's take a look at some of the quotes we heard leading up to passage of the law—promises by the President of the United States, by House Speaker

PELOSI, and by Majority Leader REID. The President met with Senate Democrats in December of 2009, before a vote in the Senate. He said:

We agree on reforms that will finally reduce the costs of health care.

He says:

Families will save on their premiums.

He said:

This will be the largest deficit reduction plan in over a decade.

Now the Democrats are being told:

Don't say the law will reduce costs and the deficit.

Isn't that what the President said to the Democrats in December of 2009?

The American people have been misled. They can see through this. That is why they were screaming: Do not pass this law. Yet what the President said and now what the American people know to be the truth is the exact opposite.

Let's look at what House Speaker PELOSI said. In March of this year she said:

This is a triumph for the American people in terms of deficit reduction.

This isn't going to reduce the deficit. Now, finally 6 months after it has been passed into law, the Democrats are admitting that this is not a triumph for the American people in terms of deficit reduction.

Then Senator REID, from that desk on the Senate floor, in November of last year, said:

One of the major goals of the Patient Protection and Affordable Care Act is to lower Federal health care costs and reduce the deficit.

He then said:

Our bill does that.

The bill signed into law does not do that. And now even the Democrats, with their new spin, are saying that we better not keep saying it because the American people don't believe it. That is why 56 percent of the American people want this law repealed and replaced.

The American people are sick of the spin. They deserve the truth about the new law and how it will impact their lives. It is clear that this law is not good for patients, it is not good for providers—the nurses and doctors who take care of the patients—and it is not good for the payers—the taxpayers of this country and the people who pay their own health care costs. We need to repeal and replace this new law with a plan that will actually help our country.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. HAGAN.) Without objection, it is so ordered.

TAX CUTS

Mr. SANDERS. Madam President, just yesterday the Republican minority leader indicated that every Republican in the Senate would join him in filibustering legislation that would provide middle-class tax relief to over 97 percent of American workers and their families unless the Bush tax breaks for the wealthiest 2 percent were extended as well.

In my view, what we have to do is stand up to that filibuster no matter how long it takes. If it means being in here 24 hours a day, 7 days a week, that is what we have to do. Senate Republicans should not be allowed to hold middle-class tax cuts hostage in order to give even bigger tax breaks to millionaires and billionaires at a time when this Nation has a $13 trillion national debt and a widening gap between the very rich and everyone else.

In fact, we have the most unequal distribution of wealth and income of any major country on Earth. The dumbest thing we could probably do at this moment is to provide hundreds of billions of dollars in tax breaks to some of the wealthiest people in this country. That would be totally absurd.

Today, the top 1 percent earns more income than the bottom 50 percent. The top 1 percent owns more wealth than the bottom 90 percent, and the gap between the very rich and everyone else is growing wider. We have the dubious distinction—not a good distinction—of having, by far, the most unequal distribution of wealth and income of any major country on Earth.

In 2007, the wealthiest 1 percent took in 23½ percent of all income earned in the United States. That is not an issue we talk about in the Senate. Apparently, in polite organizations, polite groups, we are not allowed to talk about that. But let me repeat it. The top 1 percent in 2007 earned 23½ percent of all the income earned in the United States.

That is the latest data available. There is no reason to believe that income is not even greater right now. It is not a coincidence that the last time that income was this concentrated was in the year 1928. 1928. Those of us who remember history know what happened in 1929. The stock market crashed, and we plunged into the Great Depression.

Louis Brandeis, one of the great Supreme Court Justices in the history of this country who served on the Supreme Court during both the Roaring Twenties and the Great Depression once said: ''We may have democracy, or we may have wealth concentrated in the hands of a few, but we cannot have both.''

Mr. Brandeis was right then and his words ring true today. Today, the wealthiest 400 Americans make an average of $345 million a year—$345 million a year, on average, for the top 400 American earners.

Under the Bush administration, these 400 individuals saw their incomes double—double—while their Federal tax rate was cut almost in half over the last 15 years, before Bush, through Bush. So during the Bush years their incomes doubled while their tax rates went way down.

Now our Republican friends, and maybe some Democrats, are saying: We should give these people huge tax breaks at this moment. We have a Federal Tax Code that is so absurd, that is so unfair that Warren Buffett, one of the wealthiest Americans and certainly one of the wealthiest people in the entire world, who is worth tens of billions of dollars, himself, what he has often stated is that he, one of the richest people in the world, pays a lower effective tax rate than does his secretary.

Hedge fund managers who made $1 billion last year now pay a lower effective—by ''effective'' I mean real because of all the loopholes—a lower effective tax rate than many teachers, nurses, firefighters, and police officers, and our Republican friends want to make that absurd situation even worse by maintaining huge tax breaks to millionaires and billionaires.

During the Bush years, the wealthiest 400 Americans saw their wealth increase by some $400 billion. Let me repeat that. Four hundred families—not a whole lot of people—saw their wealth increase by some $400 billion, and all the while, while the people on top have seen an explosion in their incomes and in their wealth, the middle class is rapidly disappearing, poverty is increasing, and we are moving toward an oligarchic form of society, where so few have so much, so many have so little.

Our Republican friends have argued that these massive tax breaks, some $700 billion in a 10-year period for the top 2 percent, would trickle down, trickle down to all Americans. Give tax breaks to billionaires and it is going to trickle down and improve our economy and do well by everybody.

We have been told over and over by Republican colleagues that millionaires and billionaires would use the massive tax breaks they received under President Bush to create jobs in the private sector. Well, guess what. The results are in. During the 8 years of the Bush administration, a time in which the wealthiest Americans received one of the largest tax cuts in this Nation's history, the United States of America lost over 600,000 private sector jobs and only gained, over that 8-year period, a net total of 1 million new jobs, all of them, by the way, government jobs.

So we saw the experiment in action. We gave huge tax breaks to the rich, and we ended up having one of the worst job creation records in the history of the United States—losing over 600,000 jobs. It is an interesting theory. We have seen it in practice. It does not work.

In addition, under President Bush, median family incomes went down by over $2,000. Let me repeat that. Do you know why people are angry in North Carolina, Vermont or all over this

country? They are angry because during an 8-year period, their median family income went down by $2,000 a family, and we lost 600,000 private sector jobs.

During those same 8 years, more than 8 million Americans slipped out of the middle class and into poverty, over 7 million lost their health insurance, more than 4 million manufacturing jobs were lost, and over 3 million Americans lost their pensions. In other words, we went through that exercise. It failed. How could anybody want to go back to those policies?

Our Republican friends do. That is what they want. That is what they want to see us move toward—more tax breaks for the wealthy, more inequality, more power concentrated in the hands of a few, and more middle-class Americans slipping into poverty. Do we provide tax breaks to millionaires and billionaires or do we invest in the middle class? That is what this debate is all about.

My Republican friends have told us the worst thing you can do in a recession is to increase taxes on the wealthy. Well, the Republicans told us the same thing when Bill Clinton was President.

When Bill Clinton's economic plans were signed into law in 1993—as a Member of the House I voted for it, it won by one vote—a plan which increases taxes by a few percentage points, guess what happened. We raised taxes on the wealthy. We lowered the deficit. Guess what happened. Unlike the Bush years, where we lost 600,000 private sector jobs, during the Clinton years, over 22 million jobs were created. We had the longest peacetime expansion in our economy in our Nation's history, and budget deficits turned into budget surpluses. Those are the facts. No one can deny them.

Further, what conservative and progressive economists of all stripes have told us is that providing tax breaks for the rich is the least effective way—the least effective way—to stimulate or improve the economy.

That is not Senator BERNIE SANDERS talking. That is what both the nonpartisan Congressional Budget Office and Senator JOHN MCCAIN's top economic adviser during the Presidential campaign, Mark Zandi, have told us. According to Mr. Zandi, again, an economic adviser to Presidential Candidate MCCAIN, every $1 provider in tax breaks to the wealthy pumps only 32 cents into the economy.

On the other hand, we know that one of the best ways to grow the economy and to create decent-paying jobs is to invest in our Nation's crumbling infrastructure so we build the roads, the bridges, the railways, the culverts, the tunnels we desperately need.

According to Mr. Zandi, for every $1 invested in infrastructure, it generates $1.57 in economic activity. Without a strong and vibrant transportation system, businesses fail, the Nation fails. Increasingly, as people travel around the world, go to airports, ride on trains, use roads, they tell us the United States has an infrastructure which is falling way behind much of the rest of the world.

The American Society of Civil Engineers gave us a D several years ago and has told us we need to invest trillions of dollars in our crumbling infrastructure in order to bring us to the level we have to be.

Not only is rebuilding our infrastructure good for our future, it is also good for the moment in dealing with the need to create jobs in this terrible recession. Every $1 billion invested in infrastructure creates or saves over 45,000 American jobs. Not only is investing in infrastructure good for the economy, it is something we have to do sooner or later.

I am a former mayor. What I can tell you is, you can ignore your roads and bridges this year or the next year, but at some point you are going to have to deal with them. They do not get better by not rebuilding them. In fact, it is often more expensive to have to rebuild them than it is to maintain them.

As I mentioned a moment ago, the American Society of Civil Engineers tells us that over the next 5 years we need to invest $2.2 trillion in our Nation's infrastructure. Why not do this work now when we have millions of Americans who desperately want to go back to work? We are going to have to do it sometime. Let's do it now.

Allowing the Bush tax breaks to expire for the wealthiest 2 percent will bring in $700 billion in revenue over the next 10 years—$700 billion. In my view, what we should do with that $700 billion is pretty simple. I would take half of that—$350 billion—and use it for deficit reduction so that we begin to cut back on our national debt and our deficit. The other thing I would do is invest the other half—$350 billion—in our infrastructure so we create the desperately needed jobs that our economy calls for.

Our Republican friends are dead wrong, are irresponsible, are not keeping faith with our kids and grandchildren when they want to maintain these tax breaks for the top 2 percent, for many millionaires and billionaires, which would result in increasing the deficit by nearly $1 trillion over a 10-year period counting interest and that would provide an average break of over $100,000 a year to some of the wealthiest people in this country.

So that is what the choice is: Do we put money into deficit reduction, lowering our interest costs, helping our kids and grandchildren a little bit in terms of the kind of debt they are going to have to assume—$350 billion over a 10-year period for deficit reduction is significant—do we use another $350 billion to invest in our infrastructure so we can create millions of jobs rebuilding America or do we make the richest people in this country even richer?

I think the answer is pretty clear. I think the American people have spoken out with their views on this issue. They do not believe, when the middle class is collapsing, the wealthiest people are becoming richer, and when we have a $13 trillion national debt, it makes any sense at all to give huge tax breaks to the rich.

With that, Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

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

LEARNING FROM HISTORY

Mr. BROWN of Ohio. Mr. President, yesterday on the floor of the Senate I told the story of something that happened in Lordstown, OH, a community not too far from Youngstown, in the Mahoning Valley in northeast Ohio 1 week ago today. This story was a celebration of the first car coming off the line in the Lordstown Chevrolet-GM plant, the car the Chevy Cruz. It is a high mileage car, I believe the highest mileage car GM ever produced. It is a relatively inexpensive car. They expect it to be a huge seller all over the United States. It is a good economy car with a lot to it that recommends itself.

I am not here to endorse the car or even endorse the company. I am here to say that this celebration was a direct result of what the Presiding Officer and others in this body and the President of the United States did a year and a half ago.

Turn the clock back to the beginning of the Presiding Officer's service in the Senate in early 2009. President Obama had just taken office. We were losing 800,000 jobs a month. The banking industry almost collapsed. President Bush had begun the bailout of the banks to make sure they did not collapse. President Obama continued working on this issue.

We know where the auto industry was at the same time. Sales were down 40 percent in the auto industry, 1 million jobs were at risk of being lost, on top of the 8 million jobs that had already been lost by the time President Obama raised his right hand to be sworn in on January 20, 2009.

It was not just the Big Three—Chrysler, Ford, and GM—that were in trouble, two of which declared bankruptcy. It was also the tier 1 suppliers, those large companies that made products that go directly into the assembly of a car. It was also all the other component manufacturers—tier 2, tier 3 companies—that make everything from door handles to tires to bolts to hold the car together to windshields to side

panels, the stamping plants, the component plants, the engine plants, and ultimately the automobile itself.

I take special pride in the Chevy Cruz because it is such an Ohio car. The engine is made in Defiance, OH. The transmission is made in Toledo, OH. The bumpers are made in Northwood, OH. Most of the metal is stamped in Parma, OH. Some of the rest of the metal is stamped in Lordstown, and the assembly is done in Lordstown. The Cruz is really an Ohio car.

The good news is that 1,100 jobs were added for a third shift on the Cruz. That is the Lordstown plant alone. That is just that plant. That is not counting all the job increases for the component manufacturers.

Again, looking back a year and a half when there was so much trauma in this country, when we were losing 800,000 jobs a month—we had already lost 8 million jobs the last year of President Bush's term. The auto industry was about to go belly up. Conservative politicians, the naysayers, the doom-and-gloom crowd in this body and across the way and others were saying: Let the market work. If the auto industry fails, that is the market's decision. If the dealers go out of business—dealers not just in Ohio but in Colorado and everywhere else—that is the market. If the suppliers go out of business, that is the market speaking. If the communities where these companies are lose jobs and lose revenue and they lay off teachers, firefighters, police officers, and mental health counselors, that is the free market working. If the auto dealer in Lima, OH, goes out of business, that means the Little League that car dealer used to sponsor will not have new uniforms. That is the market working.

In spite of the naysayers, in spite of the conservative politicians in this country and in this body who said, Wash our hands, we didn't cause it, we are not going to do anything about it, we did not do that. We did not turn our back on that. Mr. President, 400,000 Ohio jobs are directly or indirectly dependent on the auto industry. Tens and hundreds of thousands of jobs in every State of this country depend on the auto industry, not to mention the retirees, many of whom get pensions because of their 25, 30, 40, sometimes 45, years of work in this industry.

We did not turn our backs. We invested in the auto industry. That is why we had that celebration last Tuesday in Lordstown, OH, because the naysayers lost, the doom-and-gloom crowd was cast aside, and those of us who thought we should invest in the auto industry were successful. We were successful in that 1,100 people in Lordstown are back at work and hundreds of thousands of others did not lose their jobs because of that. And we are all in a much better position because of that.

We need to learn from our history. If we had turned our back on this industry, we would have been in a depression. Almost any economist thinks that. Auto and housing are, I believe, the two biggest industries in our country.

I want to go back a little further to the whole idea of letting the market work and the government never being involved. Let me take—and do it very fairly—January 20, 1993, to January 20, 2001, the 8 years of Bill Clinton's Presidency, then January 20, 2001, to January 20, 2009, the 8 years of George Bush's Presidency. I am not shading this. I am just taking these 8 years.

During the 8 years of President Clinton's Presidency, we increased taxes on the wealthy, balanced the budget, and had smart—not too much regulation—had smart regulation. During the 8 years of President Clinton, a net 22 million jobs were created in this country, more than a 22 million net increase of jobs during Bill Clinton's 8 years. During George Bush's 8 years, there was a net increase of 1.1 million: 22 million during President Clinton's 8 years; 1.1 million during President Bush's 8 years.

During President Clinton's 8 years, incomes went up for the average person in this country. During President Bush's 8 years, income for the average person went down.

At the end of President Clinton's 8 years—in other words, January 20, 2001—when he left the White House, we had the largest budget surplus in American history. When George Bush left the White House on January 20, 2009, we had the largest budget deficit in this Nation's history.

Yet too many people in this body think that we should go back to the years of deregulation of Wall Street, cutting taxes on the rich, and passing trade agreements that send jobs to China, Mexico, and all over the world.

I will take you back further. If you do not quite believe that—although it is provably true—go back to the Reagan tax cuts. Ronald Reagan staked his whole reputation on them. When he was campaigning, he said: We are going to cut taxes. In 1981, the Reagan administration pushed through a tax cut. Congress voted for it. It was a major tax cut, overwhelmingly for corporations and the wealthiest wage earners of the country.

For the next 16 months, we lost jobs in this country. For the next 16 months, we had a net decrease in employment—for 16 months. Only when President Reagan signed a tax increase to balance the budget did we begin to have job growth.

The same thing happened with President Obama. President Obama came in and passed the stimulus package. We were losing a lot of jobs. We kept losing jobs because that is what was happening to the economy.

When we passed the Recovery Act, we began to see the economy get better. It has not gotten better quickly enough. We have gotten no help from the other side of the aisle, which opposed everything because they wanted to go back to the Bush ideas and tax cuts for the wealthy, deregulation of Wall Street, and passing trade agreements that outsource jobs.

We are not going to do that with President Obama. We are not going to do that with the Democrats in the majority in the House and the Senate. We are not going back to tax cuts for the rich, deregulation of Wall Street, and trade agreements that send jobs overseas.

Instead, we are beginning the recovery. For the last several months, we have seen a net increase every month in private sector job creation. That increased not as fast as we wanted. Too many 22-year-olds come home from the Army and college and cannot get a job. I know that. There are too many people laid off who cannot get a job. There are too many people working but not working as many hours, not working 40 hours, even though they want to.

We know this economy is not where it should be. If the voters this year elect people who subscribe to the George Bush philosophy of tax cuts for the wealthy and deregulation of Wall Street and more trade agreements that outsource jobs to China and Mexico, we are making a terrible mistake. We do not want to look back. We want to look forward.

We can learn from history, and the best way to learn from history is to see who has been President, what their governing philosophy has been and what works. Twenty-two million jobs during the Clinton years and one million jobs during the Bush years. When President Bush cut taxes—at the beginning of his 2001 and 2003 tax cuts—you know what happened? Wealthy Americans saved their money. They didn't invest it or spend it on job creation; they saved it. Good for them. But why would we pass a tax cut instead of doing it right, the way we have done it, and put people to work on bridge projects and water and sewer projects and helping small businesses?

We are passing legislation this week that Senator LANDRIEU has pushed so hard on. My colleague, Senator VOINOVICH, is one of only two Republicans to support it, even though the Chamber of Commerce is a strong supporter of it. It will make a difference in creating jobs because we know most jobs—two out of three—are created by small business.

Facts are facts, Mr. President. We can learn from history. We shouldn't turn back the clock and do things the way we did in the first part of this decade.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

MORNING BUSINESS

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

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

## HONORING OUR ARMED FORCES

SPECIALIST CHAD DEREK CLEMENTS

Mr. BAYH. Mr. President, I rise today to honor the life of SPC Chad Derek Clements of the U.S. Army and Huntington, IN.

Specialist Clements was assigned to F Company, 4th Brigade Support Battalion, 4th Infantry Division. He was only 26 years old when he lost his life on August 30th while serving bravely in support of Operation Enduring Freedom in the Arghandab River Valley in Afghanistan. He was only 3 weeks into his first deployment.

A Huntington, IN, native, Chad graduated from Huntington North High School in 2002. He enlisted in the Army in February 2009 and arrived in Afghanistan the second week of August. He followed in the proud military tradition of his father, Daniel, a Navy veteran who passed away in 2001.

Those closest to him described Chad as having a big heart. He deeply valued his family and his friends. Chad was an avid fan of the local Fort Wayne Komets and the Pittsburgh Penguins hockey teams, and he enjoyed collecting memorabilia of NASCAR driver Dale Earnhardt.

Today, I join Chad's family and friends in mourning his death. He is survived by his mother, Anne Beady Tarter; his stepfather, Ed Tarter; his sister, Danielle Clements; his grandmother, Betty Beady; his grandfather and step-grandmother, Marvin and Carol Beady; his grandfather, Everett Clements; his stepbrother, Corey Tarter; and his stepsister, Heather Tarter.

We take pride in the example of this American hero, even as we struggle to express our sorrow over this loss. We cherish the legacy of his service and his life.

As I search for words to honor this fallen soldier, I recall President Lincoln's words to the families of the fallen at Gettysburg: ''We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.''

It is my sad duty to enter the name of SPC Chad Derek Clements in the RECORD of the U.S. Senate for his service to our country and for his profound commitment to freedom, democracy and peace.

SERGEANT CHRISTOPHER NEAL KARCH

Mr. President, I also rise today to honor the life of SGT Christopher Neal Karch of the U.S. Army and Indianapolis, IN.

Sergeant Karch was assigned to the 2nd Battalion, 508th Parachute Infantry Regiment, 4th Brigade Combat Team, 82nd Airborne Division. He was only 23 years old when he lost his life on August 11 while serving bravely in support of Operation Enduring Freedom in Afghanistan. He was 20 days from completing his second tour of duty.

Sergeant Karch graduated from Lawrence Central High School in 2005 and was pursuing a degree from the University of Maryland with plans to graduate in 2012. He joined the Army 2 months after his high school graduation, where he served in the same division and lived in the same barracks as his father Pat—also a veteran. A decorated soldier, Sergeant Karch earned the Bronze Star Medal, the Purple Heart and the Army Good Conduct Medal. His platoon leader described him as the ''epitome of an airborne paratrooper.''

Today, I join Sergeant Karch's family and friends in mourning his death. He is survived by his father, Pat Karch; his mother Lynn Kersey; his grandparents, Nick and Dian Nicholson, Bill and Joyce Seal, Norman and Denise Karch, and Jerry Hallgarth; and his uncle, Vince Karch.

As we struggle to express our sorrow over this loss, we take pride in the example of this American hero and cherish the legacy of his service and his life.

As I search for words to honor this fallen soldier, I recall President Lincoln's words to the families of the fallen at Gettysburg: ''We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.''

I pray that Christopher's family finds comfort in the words of the prophet Isaiah, who said: ''He will swallow up death in victory; and the Lord God will wipe away tears from off all faces.''

It is my sad duty to enter the name of Sergeant Christopher Neal Karch in the RECORD of the U.S. Senate for his service to our country and for his profound commitment to freedom, democracy and peace.

SPECIALIST JUSTIN B. SHOECRAFT

Mr. President, today I also wish to honor the life of SPC Justin B. Shoecraft of the U.S. Army and Elkhart, IN.

Specialist Shoecraft was assigned to the 1st Squadron, 2nd Stryker Calvary Regiment and was only 28 years old when he lost his life while serving bravely in support of Operation Enduring Freedom in Kakarak, Afghanistan. He had been in Afghanistan for 5 weeks.

An Elkhart native, Justin graduated from Elkhart Memorial High School in 2000. He shared a passion for working on old bicycles and cars with his father, Blue, who described his son as hardworking and dependable.

Today, I join Justin's family and friends in mourning his death. He is survived by his wife, Jessica; his mother and father, Donna and Carroll ''Blue'' Shoecraft; his sister, Sherry Schoonover; and his half-brother, Michael Garver, Jr.

We take pride in the example of this American hero, even as we struggle to express our sorrow over this loss. We cherish the legacy of his service and his life.

As I search for words to honor this fallen soldier, I recall President Lincoln's words to the families of the fallen at Gettysburg: ''We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.''

It is my sad duty to enter the name of Army SPC Justin B. Shoecraft in the RECORD of the U.S. Senate for his service to our country and for his profound commitment to freedom, democracy and peace.

SPECIALIST CHRISTOPHER SHANE WRIGHT

Mr. President, today I also honor the life of U.S. Army SPC Christopher Shane Wright.

Specialist Wright was assigned to C Company, 1st Battalion, 75th Ranger Regiment. He was only 23 years old when he lost his life on August 19 while serving bravely in support of Operation Enduring Freedom in Pech, Afghanistan.

Chris grew up near Jeffersonville, IN, where he attended Sacred Heart School. He later moved to Tollesboro, KY, and graduated in 2005 from Lewis County High School. Chris enlisted in the Army shortly after his 18th birthday and went on to serve in both Iraq and Afghanistan.

Specialist Wright was highly regarded among his fellow servicemen. His regiment commander, COL Michael E. Kurilla, described Specialist Wright as ''the epitome of a Ranger'' and called him ''a hero to our Nation, the Army and his family.'' Specialist Wright received the Army Good Conduct Medal, the National Defense Service Medal, and the Iraq Campaign Medal. He was posthumously awarded the Bronze Star, the Army Commendation Medal, and the Purple Heart.

Today, I join Specialist Wright's family and friends in mourning his death. He is survived by his mother, Linda Wright-Dennis; his father and stepmother, James Cochran and Michele Cochran; his grandmothers, Carol Cochran and JoAnn Stockton; his brothers, Zachary Pope, Zane Pope, and Andrew Dennis; and his sisters, Marianne Dennis and Katie Dorman.

We take pride in the example of this American hero, even as we struggle to

express our sorrow over this loss. We cherish the legacy of his service and his life.

As I search for words to honor this fallen soldier, I recall President Lincoln's words to the families of the fallen at Gettysburg: ''We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.''

It is my sad duty to enter the name of SPC Christopher Shane Wright in the RECORD of the U.S. Senate for his service to our country and for his profound commitment to freedom, democracy, and peace.

PFC BRYN T. RAVER

Mrs. LINCOLN. Mr. President, today I honor PFC Bryn T. Raver, 20, of Arkansas, who died on August 29, 2010, in Nangahar, Afghanistan, in support of Operation Enduring Freedom. According to initial reports, PFC Raver died of injuries sustained on August 28, 2010, when his military vehicle was hit by rocket-propelled grenade fire

My heart goes out to the family of PFC Raver who made the ultimate sacrifice on behalf of our Nation. Along with all Arkansans, I am grateful for his service and for the service and sacrifice of all of our military servicemembers and their families.

More than 11,000 Arkansans on active duty and more than 10,000 Arkansas reservists have served in Iraq or Afghanistan since September 11, 2001. These men and women have shown tremendous courage and perseverance through the most difficult of times. As neighbors, as Arkansans, and as Americans, it is incumbent upon us to do everything we can to honor their service and to provide for them and their families, not only when they are in harm's way but also when they return home. It is the least we can do for those whom we owe so much.

PFC Raver was assigned to the 1st Brigade Special Troops Battalion, 101st Airborne Division, Fort Campbell, KY. He is survived by his wife, who resides at Joint Base Lewis-McChord in Washington; a daughter in Alpena, AR.; and his father of Everton, AR.

## 50TH ANNIVERSARY OF REAL ESTATE INVESTMENT TRUSTS

Ms. STABENOW. Mr. President, I wish to commemorate the 50th anniversary of the legislation that allowed for the formation of real estate investment trusts, now commonly known as REITs.

On September 14, 1960, President Dwight D. Eisenhower signed into law the Cigar Excise Tax Extension Act. Included in that law were the critical provisions that first enabled investors from all walks of life to benefit from the income generation and diversification advantages of commercial real estate investments. Our predecessors in Congress recognized that without this innovation such investments would continue to be limited to institutions and wealthy individuals.

The law signed by President Eisenhower enabled the creation of the first REITs. However, the groundwork for the modern REIT era was truly laid in the Tax Reform Act of 1986, when REITs were given the ability to operate and manage real estate, rather than simply owning or financing it. As a result, the great majority of today's REITs are owners, operators, and developers of properties in the office, retail, industrial, health care, apartment, lodging and self-storage sectors—properties used by a broad range of tenants from across the economy.

Reflecting the evolving real estate market, Congress and the Treasury have implemented incremental changes to the REIT approach to real estate investing over the years. For example, laws such as the REIT Simplification Act of 1997, the REIT Modernization Act of 1999, the REIT Improvement Act of 2004, and the REIT Investment Diversification and Empowerment Act of 2008 have been enacted with the support of Congresses and Presidents of both parties.

While the REIT model has evolved, the original legislative intent of making large-scale, income-producing commercial real estate investment available to all types of investors remains at the core.

For example, by definition in the Internal Revenue Code, 75 percent of a REIT's assets must be in qualifying real estate, 75 percent of its income must come from rents and other qualifying sources, and 90 percent of its taxable earnings must be distributed to shareholders in the form of dividends. Among active businesses, the requirement to pay out 90 percent of taxable earnings is unique to the REIT industry, which distributed approximately $13.5 billion to shareholders in 2009.

Additionally, the income, asset, and distribution requirements, when combined with the disclosure and other regulations that govern public companies, protect shareholders and provide transparency in a way that other real estate investments do not. With 132 REITs traded on the New York Stock Exchange, ownership of shares in these companies also provides a significant liquidity advantage over alternative real estate investments.

Michigan has played an important role in creating the vibrant REIT industry that exists today. Taubman Centers, Inc., based in Bloomfield Hills, is a leading owner of regional malls. In the 1990s, when they pioneered a new way to take public a portfolio of real estate that had been privately held, they unleashed a wave of initial public offerings by REITs in the 1990s.

Three other REITs—Agree Realty Corporation, Ramco-Gershenson Properties Trust, and Sun Communities, Inc.—also call Michigan home. And, more than 620 properties across my home State are owned by REITs.

Commercial real estate accounts for more than 6 percent of the gross domestic product of the United States, and my colleagues and I are all too aware of the challenges facing this sector. In the face of this challenge, REITs have been well-served by staying true to their core values of careful investment, transparency, and liquidity. While commercial real estate is not yet out of the woods, I believe policymakers and the other participants in the commercial real estate market can learn a great deal from this business model, which has been emulated by more than two dozen countries around the world.

I thank you for this opportunity to commend the REIT industry on its 50th anniversary. Allow me to also commend our predecessors in Congress for having the foresight to enable all Americans to access and benefit from investments in real estate. I look forward to working with my colleagues to continue this work that began more than 50 years ago.

Mr. ISAKSON. Mr. President, 50 years ago today, President Eisenhower signed into law legislation that established real estate investment trusts, commonly known as REITs. His action gave the final stamp of approval to what our colleagues in this Chamber envisioned at that time for the general public: A secure and efficient way to invest in high-quality commercial real estate in the United States. I want to recognize the 50th anniversary of REITs and their significant contribution to the overall economic vitality of our Nation over the past 50 years.

As my colleagues know, REITs allow any investor, no matter their financial resources, to secure all of the advantages of investing in real estate in the United States. Prior to 1960, access to the highly desirable investment returns of commercial real estate assets was limited to institutions and wealthy individuals who had the financial wealth to make direct real estate investments. By creating REITs, Congress recognized that small investors should be afforded the same opportunity to invest in portfolios of large-scale commercial properties and achieve the same investment benefits—diversification, liquidity, performance, transparency—as those able to make direct investments in real estate.

REITs are companies dedicated to the ownership and development of income-producing real estate, such as apartments, regional malls, shopping centers, office buildings, self storage facilities, and industrial warehouses. Federal tax law requires that REITs meet specific tests regarding the composition of their gross income and assets. Specifically, 95 percent of their annual gross income must be from specified sources such as dividends, interests, and rents; and 75 percent of their gross income must be from real estate related sources. Similarly, at

the end of each calendar quarter, 75 percent of a REITs assets must consist of specified real estate assets. Consequently, REITs must derive a majority of their gross income from commercial real estate.

While REITs have played a major role in the U.S. economy since 1960, their mark in the investing world has been achieved since passage of the Tax Reform Act of 1986, a time period many refer to as the modern REIT era. This law removed most of the tax-sheltering capability of real estate and emphasized income-producing transactions, allowing REITs to operate and manage real estate as well as own it. I am pleased that over the years, Congress has adopted legislation to perfect the REIT method of investing in real estate. Among many proposals, these include the REIT Simplification Act of 1997, the REIT Modernization Act of 1999, the REIT Improvement Act of 2004, and the REIT Investment Diversification and Empowerment Act, or RIDEA, passed in 2008.

I am pleased that my home State of Georgia is home to several REIT companies that are engaged in the daily business of creating wealth and employment for many investors across the country and my constituents. These companies include Cousins Properties Incorporated, Gables Residential Trust, Piedmont Office Realty Trust, Incorporated, Post Properties, Incorporated, and Wells Real Estate Investment Trust. In total, there are more than 1,400 REIT properties located in Georgia, with an estimated historical cost in the billions of dollars.

Commercial real estate represents more than 6 percent of this country's gross domestic product and is a key generator of jobs and other economic activities. Today, because of what Congress did five decades ago, anyone can purchase shares of real estate operating companies, and do so in a manner that meets their investments needs by focusing on a particular sector in the commercial real estate world and a specific region of the country. That is the beauty of the REIT method of investing, whose influence has now spread abroad to more than two dozen countries that have adopted a similar model encouraging real estate investment.

In closing, I want to again congratulate the REIT industry on its 50 years of leadership in the real estate investing market. REITs have fulfilled Congress's vision by making investments in large scale, capital intensive commercial real estate available to all investors. I look forward to continuing to work with them on issues of importance to REIT investors.

## NOMINATION OF JANE STRANCH

Mr. COBURN. Mr. President, I rise today to speak on the nomination of Ms. Jane Stranch to the United States Court of Appeals for the Sixth Circuit. I am concerned about Ms. Stranch's nomination to the court of appeals because, like many recent judicial nominees, she embraces the use of foreign law by the courts, which is contradictory to the Constitution, the judicial oath, and the intent of our Founders.

I reached this conclusion after carefully reviewing her record, her hearing testimony, and her responses to written questions following her hearing. For example, in response to my question asking her whether it is ever proper for judges to rely on foreign or international laws or decisions in determining the meaning of the Constitution, Ms. Stranch admitted she believes using foreign law in limited circumstances is appropriate.

First, she stated that she is ''aware of only a very few cases in which [the Supreme Court] has referenced non-U.S law in a majority opinion, including Roper [v Simmons],'' but, then she continued: ''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. None of these cases used foreign or international law to interpret a constitutional text. The Supreme Court's restraint on this issue is a model for the lower courts.'' Ms. Stanch's misleading answer fails to recognize that, by looking to foreign law to determine whether the imposition of the death penalty for those under 18 has become ''unusual,'' the Court is allowing foreign law to influence its interpretation of a constitutional text. Her statement that the Court is merely confirming American views or refuting contrary assertions is disturbing because foreign countries' views on the interpretation of the U.S. Constitution are irrelevant to what our Founders wrote and believed. Also, Ms. Stranch commended the Supreme Court for its ''restraint'' in its use of foreign law when an appropriate answer would be to condemn the Court for using foreign law at all. Her answer implies that she believes using foreign law is appropriate in some cases, as long as it is limited use.

Ms. Stranch compounded my concern about her views on the appropriate use of foreign law when she responded to my next question asking under what circumstances she would consider foreign law when interpreting the Constitution. She responded that, as a judge, foreign law ''would be used as confirmatory only'' in her cases. This answer suggests a judicial activist approach where she will use foreign law to confirm whatever result she deems appropriate. Ms. Stranch further states that because ''references [to foreign law] are so rare at the Supreme Court level [it] suggests even rarer usage in the lower courts.'' Allowing that the lower court should use foreign law rarely is deeply concerning. Judges should not be using foreign law at all.

Ms. Stranch's answers to questions relating to the proper interpretation of the eighth amendment are also problematic. In response to a question asking how she would determine what are the ''evolving standards of decency'' with regard to the eighth amendment's prohibition of cruel and unusual punishment, she responded by citing the language in the opinion that the Court has ''established the propriety and affirmed the necessity of referring to the 'evolving standards of decency that mark the progress of a maturing society' to determine which punishments are so disproportionate as to be cruel and unusual.'' But, she then continues stating: ''The Court held that the beginning point of that determination is its review of objective indicia of consensus as expressed by enactments of legislatures. The exercise of the Court's independent judgment regarding the proportionality of the punishment followed.'' While she is merely reciting what the Supreme Court did in the Roper opinion, she fails to acknowledge what is concerning about the Court's opinion.

First, it is concerning that when the Court in Roper was looking to ''objective indicia of consensus as expressed by enactments of legislatures,'' it was not only looking at other States' laws—as opposed to the law of the State in question—but also to foreign legislatures' laws. Rather than look to other legislatures for ''evolving standards,'' the proper analysis in this case would have been to look to the meaning of the text when the Founders wrote it. Thus, the Court should be determining whether capital punishment for persons under 18 was considered ''cruel and unusual'' when the Constitution was written. To do otherwise embraces an evolving and ever changing Constitution. Ms. Stranch fails to acknowledge this concern. Second, Ms. Stranch admits that the ''exercise of the Court's independent judgment regarding the proportionality of the punishment followed,'' but does not acknowledge that a Court should not be making these types of ''independent'' determinations.

Ms. Stranch's answers on foreign law are concerning because she not only misstates how the Supreme Court has used foreign law in its cases, but she also refuses to pledge not to use foreign law herself. In fact, she believes that ''rare'' usage of foreign law by the lower courts is appropriate. For these reasons, I will vote against her nomination and urge my colleagues to do the same.

I also would note that I believe Ms. Stranch is just one of many concerning nominees by this administration who embrace the use of foreign law by judges. This trend first became apparent with the nomination of Judge Sonia Sotomayor last year. Prior to her hearing, Judge Sotomayor stated that outlawing the use of foreign law would mean judges would have to ''close their minds to good ideas'' and that it is her ''hope'' that judges will continue to consult foreign law when interpreting our Constitution and statutes. She also said ''I share more the

ideas of Justice Ginsburg in thinking, in believing that unless American courts are more open to discussing the ideas raised by foreign cases, and by international cases, that we are going to lose influence in the world.''

Similarly, Ms. Elena Kagan asserted that ''it may be proper for judges to consider foreign law sources in ruling on constitutional questions.'' She further stated that judges can get ''good ideas'' from the decisions of foreign courts. For this reason among others, I opposed both Supreme Court nominees.

Even lower court nominees, such as Third Circuit Judge Thomas Vanaskie, have embraced the trend. In his testimony, Judge Vanaskie implied that he believed the Supreme Court used foreign law correctly in the much criticized cases of Lawrence v Texas and Roper v Simmons, and said the ''opinions of international tribunals and foreign courts may be relevant'' when interpreting our Constitution. Because of his statements on the use of foreign law and his expansive view of the commerce clause, I opposed his nomination.

Looking to foreign law is a tool of activist judges who seek to reach the outcomes they desire, based on their personal sympathies and prejudices, rather than on the law. As Justice Antonin Scalia aptly described it, the Court is merely ''look[ing] over the heads of the crowd and pick[ing] out its friends.'' Further, judges who do so violate their judicial oath. A circuit court judge must swear to ''faithfully and impartially discharge and perform all the duties incumbent upon her as a judge under the Constitution and laws of the United States.'' The oath requires our judges to evaluate cases based on U.S. laws and the U.S. Constitution, not the decisions of foreign countries who do not treasure the same liberties and fundamental freedoms enshrined in our Constitution. The decisions of foreign countries should have no bearing on an American judge's decisions.

This progressive trend of looking to foreign law is deeply disturbing and is something I hope my colleagues will consider when voting on this nomination and the administration will consider when nominating individuals in the future.

## ADDITIONAL STATEMENTS

### IRON COUNTY COURTHOUSE 150TH ANNIVERSARY

• Mr. BOND. Mr. President, on behalf of my fellow Missourians, I extend my warmest congratulations to the citizens of Iron County and Ironton upon their celebration of the 150th anniversary of the Iron County Courthouse.

Courthouses like the one in Iron County symbolize the basis of America's freedoms: a fair and independent judiciary. America is a nation based on laws and not men.

While it is not perfect, to be sure, our system of justice makes it possible for all Americans to live in relative peace and prosperity most of the time.

The Iron County Courthouse has long stood as a mark of this community's history. The county from which the courthouse takes its namesake was originally established from portions of the counties of St. Francois, Madison, Washington, Dent, Reynolds, and Wayne by an act of the legislature approved February 17, 1857. According to county records, the Iron County Courthouse was the product of an order which called for the construction of a courthouse and the issuing of county bonds, bearing 10 percent interest, for $10,000. The courthouse's cornerstone was laid on July 4, 1858, and the structure was completed just 2 years later in October 1860.

In its 150-year history, the Iron County Courthouse has been the site of countless hearings and trials in addition to serving as the home of county offices ranging from soil and water to university extensions. The circuit court for Iron County was organized on May 16, 1858, by Judge John H. Stone. In September 1864, during the Civil War, the courthouse received damage in the Battle of Pilot Knob.

The courthouse has been featured on the cover of several local and regional publications and, even more notably, has earned the honor of inclusion in the National Register of Historic Places.

We recognize the important role the courthouse has played in Iron County's history and congratulate local residents on its 150th anniversary.•

### REMEMBERING JANET FAIRBANKS

• Mrs. BOXER. Mr. President, today I wish to offer a few words in memory of Janet Fairbanks, a California regional planner who passed away last month in her beloved hometown of San Diego.

Janet Fairbanks was a visionary planner who brought people and communities together to plan for sensible, sustainable growth while protecting the natural environment.

From 1980 until her retirement in 2006, Ms. Fairbanks helped guide the development of growth management and habitat conservation plans, first at the city of San Diego and later at the San Diego Association of Governments, SANDAG. Along with her technical skills and expertise, Janet was known for her outstanding ability to educate public officials and a wide array of stakeholders about the virtues of smart growth, conservation, and biodiversity—and then to bring these often divergent individuals and groups together to create plans that enabled communities to grow and thrive while preserving San Diego County's unique natural areas and resources.

As a longtime member of the California Planning Roundtable, Ms. Fairbanks brought city and regional planners together with conservationists to protect some of California's most precious and endangered natural areas. And as an active member of the California Biodiversity Council, she brought a planner's comprehensive perspective to the Council's mission of protecting California's fragile biodiversity.

Janet Fairbanks helped to make San Diego County a nationally recognized leader in regional planning and conservation. She will be sorely missed, but her work and legacy will live on in the beautiful communities she helped to create and the natural landscapes she helped to preserve.•

### ARKANSAS'S ''BLUE RIBBON SCHOOLS''

• Mrs. LINCOLN. Mr. President, today I recognize four Arkansas schools that were recently designated as ''National Blue Ribbon Schools'' by the U.S. Department of Education. These schools represent the best of our State, and I am proud to congratulate them on this significant achievement.

Arkansas's Blue Ribbon Schools for 2010 are Arnold Drive Elementary School in Jacksonville, Calico Rock Elementary School in Calico Rock, Kingston Elementary School in Kingston and Salem Elementary School in Salem.

The national Blue Ribbon designation honors public and private elementary, middle and high schools whose students achieve at very high levels or have made significant progress and helped close gaps in achievement, especially among disadvantaged and minority students. Nationally, 254 public and 50 private schools received the designation.

I commend Arkansas's Blue Ribbon Schools for their extraordinary efforts helping students receive a high-quality education and reach their full potential. Education is key to a bright future, and I am proud of these schools for encouraging students to achieve their dreams and goals through a high-quality education.•

### HONORING ARKANSAS'S WORLD WAR II HONOR FLIGHT VETERANS

• Mrs. LINCOLN. Mr. President, today I recognize more than 80 Arkansas World War II veterans who will travel to Washington, DC, this weekend to visit the national World War II Memorial and other memorials dedicated in their honor.

The group is traveling as a part of the second Northwest Arkansas Honor Flight. They will fly free of charge from Northwest Arkansas Regional Airport to Washington, DC, and back. Without the efforts of the Northwest Arkansas Honor Flight program, many of these veterans would never be able to visit our Nation's military memorials, including the World War II, Korea, Vietnam and Iwo Jima memorials, and Arlington National Cemetery.

This year's veterans range in age from 88 to 98 and include four women

who served in the military during World War II. They will receive cards and letters of appreciation from local school groups and other members of the community. To date, more than 700 cards and letters from the northwest Arkansas community have been collected.

In Arkansas, there are approximately 26,714 living World War II veterans, and each one has a heroic tale. World War II was one of America's greatest triumphs, but was also a conflict filled with individual sacrifice and tragedy. More than 60 million people worldwide were killed, including more than 35 million civilians, and more than 400,000 American servicemembers. The ultimate victory is a testament to the valor of American soldiers, sailors, airmen and marines.

I salute these World War II veterans, along with all of our 260,000 Arkansas veterans. My father and both grandfathers served our Nation in uniform and taught me from an early age about the sacrifices our troops and their families make to keep our Nation free. All of our veterans—from the greatest generation to Vietnam war veterans to the new generation of servicemembers in the Middle East and across the globe—have sacrificed greatly on behalf of our country. I thank them for their service and sacrifice.●

## FORT SMITH'S RIVERFRONT BLUES FESTIVAL

● Mrs. LINCOLN. Mr. President, today I recognize the Fort Smith Riverfront Blues Festival in my home State of Arkansas for being named one of the Top 100 Events in North America by the American Bus Association.

Each year, the association compiles a list of the most appealing events across the continent for tour operators who are planning trips for the coming year. More than 600 events competed for inclusion on the 2011 list. This year marks Fort Smith's first appearance on the list.

Riverfront Blues Fest will celebrate its 21st year in 2011, and is known as ''The Best Little Bluesfest in America.'' The festival draws thousands of music lovers to enjoy top musical talent on the banks of the Arkansas River on two summer nights.

Fort Smith Riverfront Blues Fest's entry in the 2011 Top 100 Events in North America reads:

> The Fort Smith Riverfront Blues Fest is the premier blues event on the Arkansas River. It's big enough to draw national and international musical talent, yet intimate that you don't have to fight the crowds to enjoy the music. Set on the banks of the Arkansas at Fort Smith Riverpark, this blues festival brings people from several states to enjoy two low-cost nights of family entertainment. Because the festival gets started after 4 p.m., this leaves plenty of time to see the sights in and around historic Fort Smith.

Two other Arkansas events made the 2011 Top 100 Events list: the World's Shortest St. Patrick's Day Parade in Hot Springs and the Arkansas Trail of Holiday Lights, which occurs in 60 communities across the state, including Fort Smith.

I congratulate all of these Arkansas events and communities for preserving and promoting the history and heritage of our State.●

## RECOGNIZING KELD RADIO

● Mrs. LINCOLN. Mr. President, today I recognize radio station KELD 106.5 in El Dorado, AR, as they celebrate their 75th anniversary.

As the longest and oldest continuous radio station in Arkansas, KELD has educated and informed residents across South Arkansas for more than seven decades. From music to news and community events, KELD offers a mix of programming to meet the needs of its listeners.

Radio stations like KELD are an important part of Arkansas's culture, providing essential information to listeners across our State. I am proud of their efforts to broadcast thoughtful, educational, and entertaining programming.

KELD represents the best of Arkansas, and I am proud of the station for reaching this historic milestone. Along with all Arkansans, I thank KELD for their many contributions to the El Dorado community and South Arkansas over the past 75 years.●

## TRIBUTE TO KATHY MANIS FINDLEY

● Mrs. LINCOLN. Mr. President, today I congratulate Kathy Manis Findley for being named Arkansas Business' Nonprofit Executive of the Year. Kathy serves as the executive director of Safe Places of Little Rock, which she founded in 2002.

Safe Places is a 501(c)3 nonprofit organization that provides individual and group support, counseling, education and training, criminal justice advocacy and other services to encourage and strengthen the healing process for survivors of violence. Many of Safe Places' services, including its Crisis Line, are provided throughout the State.

Located in Little Rock's Governor's Mansion Historic District, Safe Places serves children and families who live in areas of Pulaski County that present the highest risk for violent victimization.

Safe Places' mission speaks volumes about the work they do each and every day to keep Arkansas's children safe:

> We envision a world without violence, a world in which every child can experience safety, nurture, and opportunities that ensure a future filled with hope.
>
> From that Vision our Mission takes its form.
>
> In fulfilling our vision of a world without violence, Safe Places works in the community to help children, young people and families create safe homes, schools, and communities through counseling, advocacy, support, and education.

I commend the entire team at Safe Places for their efforts to protect our most vulnerable young citizens. Their efforts have improved the lives of countless young Arkansans, and I am proud of their hard work and dedication.●

## NASHVILLE JUNIOR HIGH SCHOOL'S QUIZ BOWL TEAM

● Mrs. LINCOLN. Mr. President, today I recognize Nashville Junior High School in my home State of Arkansas for winning the Junior High Quiz Bowl National Championship in New Orleans, LA, earlier this summer. Along with all Arkansas, I congratulate the Nashville team for this tremendous accomplishment.

Under the leadership of coach Tammy Alexander, the school competed in the event as two separate teams, A team and B team.

The A team came out national champions with the only undefeated record of 9–0 at the tournament. The group included Jonathon Lance, Hayden Kirchhoff, Cameron Alexander, Alex Perrin, Alex Kwok and Tyler Tollett. I also wish to recognize student Jonathon Lance, who was named national MVP at the tournament.

The B team included Luke Dawson, Blake Hockaday, Kathleen Lance, Sydney Hughes, Braden Bowman, Nicole Drummond and Dillon Roberts.

I am proud of the hard work and talent of these students, who exemplify the best of our state. Not only are they to be commended for achieving this championship, they are also to be commended for their teamwork and dedication to sportsmanship and education. They set a fine example for all Arkansas students, and I commend them for their exemplary efforts.

I also salute the entire community of Nashville for providing support and encouragement to these young students. Nashville is a strong, thriving community, and I am proud of the community's efforts to encourage education and learning.

I join all Nashville residents in congratulating the Junior High School Quiz Bowl Team on this significant achievement.●

## ROGERS HISTORICAL MUSEUM

● Mrs. LINCOLN. Mr. President, today I congratulate the staff of the Rogers Historical Museum in my home State of Arkansas for being awarded accreditation through the American Association of Museums. The Rogers Historical Museum joins an impressive group of 778 institutions currently accredited nationwide. This accreditation represents the highest recognition of the Rogers Historical Museum's commitment to public service, professional standards, and excellence in education.

Museums like the Rogers Historical Museum play an important role in promoting lifelong education, travel and tourism, and quality of life. They offer a center of exploration, discovery, and lifelong earnings for students and citizens of all ages and all walks of life.

I commend the Rogers Historical Museum's leaders and the entire community for their efforts to maintain the history and heritage of their community. Their tireless efforts helped make this accreditation a reality. They represent the best of our State, and I am proud of their accomplishments. I join all Arkansans to congratulate the Rogers Historical Museum for this distinguished recognition.●

## RECOGNIZING NORTHWEST ARKANSAS'S ''40 UNDER 40''

● Mrs. LINCOLN. Mr. President, today I honor and congratulate 40 of Arkansas's brightest young professionals, who were recently named to Northwest Arkansas Business Journal's ''40 Under 40'' list for 2010.

These young adults represent the best of our State, and I am proud to see them earn this recognition. They now join an elite group of business and community leaders, and I look forward to working with them as they continue to grow in their careers.

I also commend the editors and readers of Northwest Arkansas Business Journal for highlighting these young individuals and their efforts for our State.

Members of the 2010 ''40 Under 40'' group, as named by Northwest Arkansas Business Journal, are:

Adam Rutledge, 29—First Security Bank; Annette Nichols, 38—Hyatt Place Hotel; Barry Graves, 39—Weichert Realtors—The Griffin Co.; Brandon Pinkerton, 32—HP Engineering Inc.; Brent Farmer, 36—Flintco Inc.; Brian Henry, 36—Wal-Mart Stores Inc.; Bryan Billingsley, 36—HEBCO Inc.; Christie King, 34—Wittenberg Delony & Davidson Architects; Clint Lazenby, 37—ConAgra Foods Inc.; Cody Crawford, 31—C.R. Crawford Construction LLC; Erin Rushing, 39—CEI Engineering Associates; Greg Primm, 36—WellQuest Medical & Wellness Corp.; Heather M. Bell, 35—Mitchell Williams Selig Gates & Woodyard PLLC; Hernan Muntaner, 38—Wal-Mart Stores Inc.; James Brandenburg, 36—JVS International; Jason Carter, 39—Simply Home Lending Inc.; Jeremy Wilson, 38—Rockfish Interactive; Jody Dilday, 39—Single Parent Scholarship Fund of Northwest Arkansas Inc.; John Sampson, 32—Cox Communications; Jonathan Janacek, 28—Janacek Construction Inc.

Justin Mills, 39—Justin Mills Insurance Agency Inc.; Kyle Jack, 33—Rapid Prototypes LLC; Laura Kellams, 38—Arkansas Advocates for Children and Families; Luke Briggs, 31—Ghirardelli Chocolate Co.; Mark McWhorter, 37—Clorox Co.; Mark Wagstaff, 37—AAA Business Systems Inc.; Martine Downs Pollard, 37—Rogers-Lowell Area Chamber of Commerce; Marty Shell, 38—Five Rivers Distribution LLC; Melanie Arterbury, 38—Mitchell Communications Group Inc.; Patrick Curry, 32—WACO Title Co.; Paul D. Morris, 35—Wright Lindsey & Jennings LLP; Rebecca Hurst, 31—Friday Eldredge & Clark LLP; Robyn Goforth, 35—BiologicsMD, University of Arkansas; Ryan Gribble, 38—ISP Sports LLC; Ryan Hale, 35—The Soderquist Center for Leadership and Ethics; Tim Singleton, 36—Simmons Prepared Foods; Tina Winham, 35—Cott Beverage; Troy A. Kestner, 39—Arvest Private Banking; Ulanda Terry, 30—Tyson Foods Inc.; and Wendi Phillips, 39—Arvest Bank Group Inc.●

## REMEMBERING JEFFERSON THOMAS

● Mrs. LINCOLN. Mr. President, with the passing of Jefferson Thomas, my home State of Arkansas has lost a true legend and leader. My heart goes out to his family, friends, and loved ones, and I pray for them as they mourn this loss. They can be proud of the legacy that Jefferson has left behind for our State and Nation.

A member of the ''Little Rock Nine,'' Jefferson bravely stood up for what he believed was right, at a time when it wasn't easy or popular to break against convention. His courage set an example for future generations, who learned that education and equality go hand in hand. His desire to follow his educational dreams inspired countless Arkansans and Americans, and we all suffer his loss.

Throughout his life, Jefferson was committed to service. He bravely served his country in the U.S. Army from 1966 to 1968 as a staff sergeant and an infantry squad leader in Vietnam. He later worked as an accounting clerk with the U.S. Department of Defense.

According to those who knew him best, Jefferson's humor and light heart helped fellow members of the Little Rock Nine stay strong as they pursued their studies. Jefferson maintained that strong sense of humor even in his final days.

Arkansas has lost a cherished member of its community. Jefferson represents the best of our State, and our world is a better place because of his courageous actions and commitment to equality.●

## MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

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–7223. A communication from the Department of State, transmitting, pursuant to law, a report relative to the transfer of detainees (OSS Control No. 2010–1251); to the Committee on the Judiciary.

EC–7224. A communication from the Department of State, transmitting, pursuant to law, a report relative to the transfer of detainees (OSS Control No. 2009–1392); to the Committee on the Judiciary.

EC–7225. A communication from the Department of State, transmitting, pursuant to law, a report relative to a foreign terrorist organization (OSS Control No. 2010–1250); to the Committee on the Judiciary.

EC–7226. A communication from the Department of State, transmitting, pursuant to law, a report relative to the transfer of detainees (OSS Control No. 2010–1002); to the Committee on the Judiciary.

EC–7227. A communication from the Department of State, transmitting, pursuant to law, a report relative to foreign terrorist organizations (OSS Control No. 2010–1321); to the Committee on the Judiciary.

EC–7228. A communication from the Management and Program Analyst, Citizenship and Immigration Services, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Employment Authorizations for Dependents of Foreign Officials'' (RIN1615–AB87) received during adjournment of the Senate in the Office of the President of the Senate on August 11, 2010; to the Committee on the Judiciary.

EC–7229. A communication from the Deputy Assistant Attorney General, Torts Branch of the Civil Division, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Radiation Exposure Compensation Act; Allowance for Costs and Expenses'' (RIN1105–AB33) received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2010; to the Committee on the Judiciary.

EC–7230. 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: Extended Care Health Option'' (RIN0720–AB33) 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–7231. 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 ''Perishable Agricultural Commodities Act: Increase in License Fees'' ((RIN0581–AC92) (Docket No. AMS–FV–08–0098)) received during adjournment of the Senate in the Office of the President of the Senate on September 8, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7232. 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 ''Walnuts Grown in California; Changes to the Quality Regulations for Shelled Walnuts'' (Docket No. AMS–FV–09–0036; FV09–984–4 FR) received during adjournment of the Senate in the Office of the President of the Senate on September 13, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7233. A communication from the Administrator of Dairy Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Milk in the Northeast and Other Marketing Areas; Order

Amending the Orders'' (Docket No. AMS–DA–09–0062) received during adjournment of the Senate in the Office of the President of the Senate on September 13, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7234. A communication from the Administrator of the National Organic Program, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''National Organic Program; Amendment to the National List of Allowed and Prohibited Substances (Livestock)'' ((RIN0581–AD04) (Docket No. AMS–NOP–10–0051; NOP–10–04IR)) received during adjournment of the Senate in the Office of the President of the Senate on September 13, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7235. 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 ''Special Demonstration Programs—Model Demonstration Project to Improve Outcomes for Individuals Receiving Social Security Disability Insurance (SSDI) Served by State Vocational Rehabilitation (VR) Agencies'' (CFDA No. 84.235L) received in the Office of the President of the Senate on August 12, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC–7236. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Food and Drug Administration's annual report on the performance evaluation of FDA-approved mammography quality standards accreditation; to the Committee on Health, Education, Labor, and Pensions.

EC–7237. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Prescription Drug User Fee Act of 1992 (PDUFA) for fiscal year 2009; to the Committee on Health, Education, Labor, and Pensions.

EC–7238. A communication from the Director of Regulation Policy and Management, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Technical Revisions to Conform with the Veterans' Mental Health Care Act of 2008 and Other Laws'' (RIN2900–AN52) received during adjournment of the Senate in the Office of the President of the Senate on September 1, 2010; to the Committee on Veterans' Affairs.

EC–7239. A communication from the Director of Regulation Policy and Management, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Disenrollment Procedures'' (RIN2900–AN76) received during adjournment of the Senate in the Office of the President of the Senate on August 24, 2010; to the Committee on Veterans' Affairs.

EC–7240. A communication from the Director of Regulation Policy and Management, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Deceased Indebted Servicemembers and Veterans: Authority Concerning Certain Indebtedness'' (RIN2900–AN14) received during adjournment of the Senate in the Office of the President of the Senate on August 30, 2010; to the Committee on Veterans' Affairs.

EC–7241. A communication from the Director of Regulation Policy and Management, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Diseases Associated with Exposure to Certain Herbicide Agents (Hairy Cell Leukemia and Other Chronic B Cell Leukemias, Parkinson's Disease and Ischemic Heart Disease'' (RIN2900–AN54) received during adjournment of the Senate in the Office of the President of the Senate on August 27, 2010; to the Committee on Veterans' Affairs.

EC–7242. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A330–201, –202, –203, –223, –243, –301, –302, –303, –321, –322, –323, –341, –342, and –343 Airplanes, Model A340–211, –212, –213, –311, –312, and –313 Airplanes, and Model A340–541 and –642 Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2010–0041)) received during adjournment of the Senate in the Office of the President of the Senate on August 27, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7243. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Model 767–300 Series Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2010–0762)) received during adjournment of the Senate in the Office of the President of the Senate on August 27, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7244. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Rolls-Royce plc RB211–524C2 Series Turbofan Engines'' ((RIN2120–AA64) (Docket No. FAA–2010–0521)) received during adjournment of the Senate in the Office of the President of the Senate on August 27, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7245. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A380–800 Series Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2010–0763)) received during adjournment of the Senate in the Office of the President of the Senate on August 27, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7246. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Agusta S.p.A. Model A119 and AW119 MKH Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2010–0806)) received during adjournment of the Senate in the Office of the President of the Senate on August 27, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7247. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas Corporation Model MD–90–30 Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2010–0433)) received during adjournment of the Senate in the Office of the President of the Senate on August 27, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7248. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Model 737–600, –700, –700C, –800, and –900 Series Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2008–0269)) received during adjournment of the Senate in the Office of the President of the Senate on August 27, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7249. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; PILATUS AIRCRAFT LTD. Model PC12/47E Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2010–0583)) received during adjournment of the Senate in the Office of the President of the Senate on August 27, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7250. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A330–223, –321, –322, and –323 Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2010–0278)) received during adjournment of the Senate in the Office of the President of the Senate on August 27, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7251. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Various Aircraft Equipped with Rotax Aircraft Engines 912 A Series Engines'' ((RIN2120–AA64) (Docket No. FAA–2010–0329)) received during adjournment of the Senate in the Office of the President of the Senate on August 27, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7252. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Eurocopter France (Eurocopter) Model AS350B, BA, B1, B2, C, D, and D1 Helicopters and Model AS355E, F, F1, F2, and N Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2010–0782)) received during adjournment of the Senate in the Office of the President of the Senate on August 27, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7253. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Schweizer Aircraft Corporation (Schweizer) Model 269D Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2010–0758)) received in the Office of the President of the Senate on August 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7254. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A330–200 and –300 Series Airplanes, and Model A340–200, –300, –500, and –600 Series Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2009–1215)) received in the Office of the President of the Senate on August 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7255. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Model 737–300, –400, –500, –600, –700, –800 Series Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2010–0046)) received in the Office of the President of the Senate on August 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7256. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747–400, 747–400D, 747–400F, 747SR, and 747SP Series Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2010–0045)) received in the Office of the President of the Senate on August 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7257. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Model 767–200, –300, and –300F Series Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2010–0044)) received in the Office of the President of the Senate on August 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7258. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas Corporation Model DC–9–10 Series Airplanes, DC–9–30 Series Airplanes, DC–9–81 (MD–81) Airplanes, DC–9–82 (MD–82) Airplanes, DC–9–83 (MD–83) Airplanes, DC–9–87 (MD–87) Airplanes, MD–88 Airplanes, and MD–90–30 Airplanes, Equipped with Flight Deck Doors Installed in Accordance with Supplemental Type Certificate ST02463AT'' ((RIN2120–AA64) (Docket No. FAA–2010–0702)) received in the Office of the President of the Senate on August 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7259. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB135ER, –135KE, –135KL, and –135LR Airplanes, and Model EMB–145, –145ER, –145MR, –145LR, –145XR, –145MP, and –145EP Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2008–1079)) received in the Office of the President of the Senate on August 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7260. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; GROB–WERKE GMBH and CO KG Models G102 ASTIR CS and G102 STANDARD ASTIR III Gliders'' ((RIN2120–AA64) (Docket No. FAA–2010–0458)) received in the Office of the President of the Senate on August 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7261. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Eurocopter France Model EC 130 B4 Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2010–0713)) received in the Office of the President of the Senate on August 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7262. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Dassault–Aviation Model FALCON 7X Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2010–0800)) received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7263. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Rolls–Royce plc (RR) RB211–22B and RB211–524 Series Turbofan Engines'' ((RIN2120–AA64) (Docket No. FAA–2009–1157)) received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7264. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Rolls-Royce Deutschland Ltd. and Co. KG. (RRD) Models Tay 650–15 and Tay 651–54 Turbofan Engines'' ((RIN2120–AA64) (Docket No. FAA–2007–0037)) received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7265. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pratt and Whitney Canada Corp (PandWC) PW615F–A Turbofan Engines'' ((RIN2120–AA64) (Docket No. FAA–2010–0245)) received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7266. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pratt and Whitney Canada Corp. PW617F–E Turbofan Engines'' ((RIN2120–AA64) (Docket No. FAA–2010–0246)) received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7267. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Aircraft Industries a.s. (Type Certificate G24EU Previously Held by LETECKE ZAVODY a.s. and LET Aeronautical Works) Model L–13 Blanik Gliders'' ((RIN2120–AA64) (Docket No. FAA–2010–0839)) received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7268. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A330–200 and –300 Series Airplanes, and A340–200, –300, –500, and –600 Series Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2009–0003)) received in the Office of the President of the Senate on August 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7269. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A300 B4–600, B4–600R and F4–600R Series Airplanes, and Model C4–605R Variant F Airplanes (Collectively Called A300–600 Series Airplanes); and A310 Series Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2010–0281)) received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7270. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Ontic Engineering and Manufacturing, Inc. Propeller Governors, Part Numbers C210776, T210761, D210760, and J210761'' ((RIN2120–AA64) (Docket No. FAA–2010–0102)) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7271. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Rolls-Royce plc (RR) RB211–Trent 900 Series Turbofan Engines'' ((RIN2120–AA64) (Docket No. FAA–2010–0748)) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7272. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; BAE SYSTEMS (OPERATIONS) LIMITED Model Avro 146–RJ and BAe 146 Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2010–0222)) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7273. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; BAE SYSTEMS (OPERATIONS) LIMITED Model BAe 146–100A and –200A Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2010–0434)) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7274. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Model 777–200LR and –300ER Series Airplanes Equipped with GE90–100 Series Engines'' ((RIN2120–AA64) (Docket No. FAA–2010–0704)) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7275. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A330–200 and –300 Series Airplanes, and Model A340–200, –300, –500 and –600 Series Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2009–1215)) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7276. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–135 Airplanes; and Empresa Brasileira de Aeronautica S.A.

(EMBRAER) Model EMB–145, –145ER, –145MR, –145LR, –145XR, –145MP, and –145 EP Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2009–0716)) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7277. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, Inc. Model DHC–8–400, –401, and –402 Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2010–0382)) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7278. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Piper Aircraft, Inc. Models PA–32R–301T and PA–46–350P Series Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2010–0122)) received in the Office of the President of the Senate on August 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7279. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (70); Amdt. No. 3385'' (RIN2120–AA65) received in the Office of the President of the Senate on August 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7280. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (193); Amdt. No. 3386'' (RIN2120–AA65) received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7281. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (32); Amdt. No. 3387'' (RIN2120–AA65) received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7282. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (177); Amdt. No. 3384'' (RIN2120–AA65) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7283. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Pine Mountain, GA'' ((RIN2120–AA66) (Docket No. FAA–2010–0498)) received in the Office of the President of the Senate on August 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7284. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Williamson, WV'' ((RIN2120–AA66) (Docket No. FAA–2010–0416)) received in the Office of the President of the Senate on August 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7285. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Kulik Lake, AK'' ((RIN2120–AA66) (Docket No. FAA–2010–0270)) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7286. A communication from the Acting Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Jurisdictional Separations and Referral to the Federal-State Joint Board'' (FCC 10–89) received in the Office of the President of the Senate on August 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7287. A communication from the Policy Advisor/Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Maritime Communications—Part 80 GMDSS 4th Report and Order and Second Memorandum Opinion and Order'' (FCC 10–110) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7288. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Atlantic Herring Fishery; Specifications'' (RIN0648–AY14) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7289. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Atlantic Deep-Sea Red Crab Fisheries; 2010 Atlantic Deep-Sea Red Crab Specifications In-season Adjustment'' (RIN0648–AY88) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7290. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Pollock Catch Limit Revisions'' (RIN0648–AY86) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7291. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel Lottery in Areas 542 and 543'' (RIN0648–AY14) received during adjournment of the Senate in the Office of the President of the Senate on August 25, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7292. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Implementation of Trip Limit for Witch Flounder and Removal of Trip Limit for Pollock'' (RIN0648–XY03) received during adjournment of the Senate in the Office of the President of the Senate on August 25, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7293. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock for American Fisheries Act Catcher Vessels in the Inshore Open Access Fishery in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XX93) received in the Office of the President of the Senate on August 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7294. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States; Modifications of the West Coast Commercial and Recreational Salmon Fisheries; Inseason Actions No. 5, No. 6, No. 7, and No. 8'' (RIN0648–XX92) received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7295. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States; Modifications of the West Coast Commercial and Recreational Salmon Fisheries; Inseason Actions No. 1, No. 2, No. 3, and No. 4'' (RIN0648–XX18) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7296. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Trip Limit Reduction and Trawl Gear Restriction'' (RIN0648–XX64) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7297. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska: Pacific Ocean Perch for Catcher/Processors Participating in the Rockfish Limited Access Fishery in the Central Regulatory Area of the Gulf of Alaska'' (RIN0648–XX71) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7298. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries'' (RIN0648–XX26) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7299. A communication from the Acting Director of Sustainable Fisheries, National

Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Closure'' (RIN0648–XX54) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7300. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch for Catcher Vessels Participating in the Rockfish Entry Level Trawl Fishery in the Central Regulatory Area of the Gulf of Alaska'' (RIN0648–XX65) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

## 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. CORNYN (for himself, Mrs. HUTCHISON, Ms. LANDRIEU, and Mrs. MCCASKILL):

S. 3774. A bill to extend the deadline for Social Services Block Grant expenditures of supplemental funds appropriated following disasters occurring in 2008; to the Committee on Finance.

By Mr. TESTER (for himself and Mr. VOINOVICH):

S. 3775. A bill to improve prostate cancer screening and treatment, particularly in medically underserved communities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KERRY:

S. 3776. A bill to provide for safe and humane policies and procedures pertaining to the arrest, detention, and processing of aliens in immigration enforcement operations; to the Committee on the Judiciary.

By Ms. LANDRIEU:

S. 3777. A bill to amend the Internal Revenue Code of 1986 to increase the threshold amount subject to information reporting at source, and for other purposes; to the Committee on Finance.

By Mr. ISAKSON (for himself and Mr. CHAMBLISS):

S. 3778. A bill to authorize the Secretary of the Interior to lease certain lands within Fort Pulaski National Monument, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. THUNE:

S. 3779. A bill to provide for comprehensive budget reform in order to increase transparency and reduce the deficit; to the Committee on the Budget.

By Mrs. SHAHEEN (for herself and Ms. LANDRIEU):

S. 3780. A bill to establish a building efficiency retrofit loan credit support program, a State building revolving fund grant program, and a commercial and large building grant program; to the Committee on Energy and Natural Resources.

By Mrs. HAGAN (for herself and Mr. BURR):

S. 3781. A bill to require the Secretary of the Interior to convey the McKinney Lake National Fish Hatchery to the State of North Carolina, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. MCCASKILL:

S. 3782. A bill to amend the National Defense Authorization Act for Fiscal Year 2010 to extend the authority of the Secretary of the Navy to enter into multiyear contracts for F/A—18E, F/A—18F, and EA—18G aircraft; to the Committee on Armed Services.

By Ms. LANDRIEU (for herself and Ms. MIKULSKI):

S. 3783. A bill to amend the Internal Revenue Code of 1986 to increase the threshold amount subject to information reporting at source, and for other purposes; to the Committee on Finance.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mrs. LINCOLN (for herself, Mr. CRAPO, Mr. DODD, Mr. KOHL, Ms. LANDRIEU, Mr. MERKLEY, and Mrs. MURRAY):

S. Res. 618. A resolution designating October 2010 as ''National Work and Family Month''; to the Committee on the Judiciary.

By Mr. UDALL of New Mexico:

S. Res. 619. A resolution expressing the sense of the Senate that the Senate of each new Congress is not bound by the Rules of previous Senates; to the Committee on Rules and Administration.

By Mr. PRYOR (for himself and Mrs. LINCOLN):

S. Res. 620. A resolution designating September 12, 2010, as ''National Day of Encouragement''; considered and agreed to.

By Mrs. MURRAY (for herself, Mr. ISAKSON, Mr. BEGICH, and Mr. CASEY):

S. Res. 621. A resolution expressing support for designation of October 7, 2010, as ''Jumpstart's Read for the Record Day''; to the Committee on Health, Education, Labor, and Pensions.

## ADDITIONAL COSPONSORS

S. 260

At the request of Mr. DORGAN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 260, a bill to amend the Internal Revenue Code of 1986 to provide for the taxation of income of controlled foreign corporations attributable to imported property.

S. 535

At the request of Mr. NELSON of Florida, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 535, a bill to amend title 10, United States Code, to repeal requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 654

At the request of Mr. BUNNING, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 654, a bill to amend title XIX of the Social Security Act to cover physician services delivered by podiatric physicians to ensure access by Medicaid beneficiaries to appropriate quality foot and ankle care.

S. 833

At the request of Mr. SCHUMER, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from Pennsylvania (Mr. CASEY) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 833, a bill to amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low-income individuals infected with HIV.

S. 1156

At the request of Mr. HARKIN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1156, a bill to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to reauthorize and improve the safe routes to school program.

S. 1183

At the request of Mr. DURBIN, the names of the Senator from Indiana (Mr. LUGAR) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 1183, a bill to authorize the Secretary of Agriculture to provide assistance to the Government of Haiti to end within 5 years the deforestation in Haiti and restore within 30 years the extent of tropical forest cover in existence in Haiti in 1990, and for other purposes.

S. 1428

At the request of Mr. WHITEHOUSE, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 1428, a bill to amend the Toxic Substances Control Act to phase out the use of mercury in the manufacture of chlorine and caustic soda, and for other purposes.

S. 1553

At the request of Mr. GRASSLEY, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor 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. 1674

At the request of Mr. WYDEN, the names of the Senator from Illinois (Mr. BURRIS) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 1674, a bill to provide for an exclusion under the Supplemental Security Income program and the Medicaid program for compensation provided to individuals who participate in clinical trials for rare diseases or conditions.

S. 1834

At the request of Mr. AKAKA, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1834, a bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally.

S. 2821

At the request of Mr. BROWN of Ohio, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 2821, a bill to require a

review of existing trade agreements and renegotiation of existing trade agreements based on the review, to establish terms for future trade agreements, to express the sense of the Congress that the role of Congress in making trade policy should be strengthened, and for other purposes.

S. 2982

At the request of Mr. KERRY, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2982, a bill to combat international violence against women and girls.

S. 3112

At the request of Ms. KLOBUCHAR, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 3112, a bill to remove obstacles to legal sales of United States agricultural commodities to Cuba and to end certain travel restrictions to Cuba.

S. 3181

At the request of Mrs. BOXER, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 3181, a bill to protect the rights of consumers to diagnose, service, maintain, and repair their motor vehicles, and for other purposes.

S. 3227

At the request of Mr. HATCH, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 3227, a bill to authorize the Archivist of the United States to make grants to States for the preservation and dissemination of historical records.

S. 3234

At the request of Mrs. MURRAY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of 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.

S. 3284

At the request of Mrs. BOXER, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 3284, a bill to designate a Distinguished Flying Cross National Memorial at the March Field Air Museum in Riverside, California.

S. 3304

At the request of Mr. PRYOR, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 3304, a bill to increase the access of persons with disabilities to modern communications, and for other purposes.

S. 3339

At the request of Mr. KERRY, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor 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. 3486

At the request of Mr. BROWN of Ohio, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of 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.

S. 3508

At the request of Mr. UDALL of New Mexico, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 3508, a bill to strengthen the capacity of the United States to lead the international community in reversing renewable natural resource degradation trends around the world that threaten to undermine global prosperity and security and eliminate the diversity of life on Earth, and for other purposes.

S. 3528

At the request of Ms. SNOWE, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 3528, a bill to promote coastal jobs creation, promote sustainable fisheries and fishing communities, revitalize waterfronts, and for other purposes.

S. 3540

At the request of Mr. WHITEHOUSE, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 3540, a bill to amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program, and for other purposes.

S. 3641

At the request of Mr. WHITEHOUSE, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 3641, a bill to create the National Endowment for the Oceans to promote the protection and conservation of United States ocean, coastal, and Great Lakes ecosystems, and for other purposes.

S. 3657

At the request of Mr. WYDEN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 3657, a bill to establish as a standing order of the Senate that a Senator publicly disclose a notice of intent to objecting to any measure or matter.

S. 3661

At the request of Mr. LAUTENBERG, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 3661, a bill to amend the Federal Water Pollution Control Act to ensure the safe and proper use of dispersants in the event of an oil spill or release of hazardous substances, and for other purposes.

S. 3708

At the request of Mr. SCHUMER, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 3708, a bill to amend titles XVIII and XIX of the Social Security Act to clarify the application of EHR payment incentives in cases of multicampus hospitals.

S. 3748

At the request of Mr. WYDEN, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 3748, a bill to amend title 10, United States Code, to provide for the retention of members of the reserve components on active duty for a period of 45 days following an extended deployment in contingency operations of homeland defense missions to support their reintegration into civilian life, and for other purposes.

S. 3752

At the request of Mr. DORGAN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 3752, a bill to amend the Energy Policy Act of 1992 to streamline Indian energy development, to enhance programs to support Indian energy development and efficiency, to make technical corrections, and for other purposes.

S. 3772

At the request of Mr. REID, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of 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

At the request of Mr. BENNETT, his name was added as a cosponsor of 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.

At the request of Mr. RISCH, his name was added as a cosponsor of S. 3773, supra.

At the request of Mr. SHELBY, his name was added as a cosponsor of S. 3773, supra.

S. CON. RES. 39

At the request of Mr. MENENDEZ, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor 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 Oregon (Mr. WYDEN) 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. CON. RES. 71

At the request of Mr. FEINGOLD, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from

Maryland (Mr. CARDIN) were added as cosponsors of S. Con. Res. 71, a concurrent resolution recognizing the United States national interest in helping to prevent and mitigate acts of genocide and other mass atrocities against civilians, and supporting and encouraging efforts to develop a whole of government approach to prevent and mitigate such acts.

S. RES. 607

At the request of Mr. DORGAN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. Res. 607, a resolution recognizing the month of October 2010 as ''National Principals Month''.

AMENDMENT NO. 4596

At the request of Mr. JOHANNS, the names of the Senator from Utah (Mr. BENNETT) and the Senator from Tennessee (Mr. ALEXANDER) 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.

AMENDMENT NO. 4608

At the request of Mr. BEGICH, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of amendment No. 4608 intended to be proposed to H.R. 5297, an act to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

At the request of Mrs. MCCASKILL, her name was added as a cosponsor of amendment No. 4608 intended to be proposed to H.R. 5297, supra.

AMENDMENT NO. 4609

At the request of Mr. UDALL of Colorado, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of amendment No. 4609 intended to be proposed to H.R. 5297, an act to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. SHAHEEN (for herself and Ms. LANDRIEU):

S. 3780. A bill to establish a building efficiency retrofit loan credit support program, a State building revolving fund grant program, and a commercial and large building grant program; to the Committee on Energy and Natural Resources.

Mrs. SHAHEEN. Mr. President. I rise today to join with my colleague and fellow member of the Senate Energy and Natural Resources Committee, Senator MARY LANDRIEU of Louisiana, to introduce the Recovery Through Building Renovation Act of 2010.

There is enormous potential to reduce our nation's energy consumption and create jobs by investing in energy efficiency, especially through renovating existing buildings.

According to the Energy Information Administration, buildings account for more than 48 percent of total energy consumption in the United States. That is more than transportation sector and more than the industrial sector. More than 70 percent of the commercial buildings in this country are older than 20 years and these buildings are significantly less efficient than buildings built today. Improvements to these types of buildings can improve efficiency by 20 to 40 percent using widely available technologies and the payback period can be as little 5 years.

These investments in building efficiency pay for themselves and then some.

Most importantly, Senator LANDRIEU and I view this legislation as part of our broader effort here to create jobs and contribute to our economic recovery.

Updating buildings with modern energy efficiency technologies not only saves money on energy costs, it also creates jobs. Jobs in the construction industry. Jobs in the manufacturing industry. Jobs in the retail sector of the economy. These jobs can't be outsourced and they are jobs that can serve as an important part of our clean, alternative energy economy.

Yet despite all this potential, there is actually very little of this energy efficient renovation taking place because of financial barriers. Most commercial buildings are leased and investments in energy efficiency by building owners are uncertain because the tenant, not the owner, will capture the energy savings. This is often referred to as a ''split incentive.'' Likewise, lenders typically will not accept projected energy savings—even if guaranteed by an energy services company—as sufficient collateral to finance a building renovation.

Our legislation would use the DOE loan guarantee program to help unlock private capital and encourage investment in building retrofit projects and programs.

The Recovery Through Building Renovation Act expands the existing DOE loan guarantee program to cover buildings in the commercial and industrial sectors, in schools and universities, and hospitals so that they can be renovated to be more energy efficient.

Our legislation also establishes a competitive grant program within DOE to allow states to capitalize revolving loan funds to renovate municipal buildings. This program is modeled after the highly successful Texas LoanSTAR program. Finally, it also establishes a DOE grant program to capitalize loan loss reserve funds for tax-district financing programs, such as property assessed clean energy, or ''PACE'' programs, which a number of states are utilizing.

There is so much potential that exists here and I think we need to put existing programs to work, like the loan guarantee program, to unlock private capital and reap the benefits that will come from making these buildings more energy efficient.

I encourage my colleagues to support our legislation.

Mr. President, 1 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. 3780

*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 ''Recovery Through Building Renovation Act of 2010''.

**SEC. 2. BUILDING EFFICIENCY RETROFIT LOAN CREDIT SUPPORT PROGRAM.**

Title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.) is amended by adding at the end the following:

**''SEC. 1706. BUILDING RETROFIT FINANCING PROGRAM.**

''(a) DEFINITIONS.—In this section:

''(1) CREDIT SUPPORT.—The term 'credit support' means a guarantee or commitment to issue a guarantee or other forms of credit enhancement to ameliorate risks for efficiency obligations.

''(2) EFFICIENCY OBLIGATION.—The term 'efficiency obligation' means a debt or repayment obligation incurred in connection with financing a project, or a portfolio of such debt or payment obligations.

''(3) PROJECT.—The term 'project' means the installation of efficiency or renewable energy measures in a building (or in multiple buildings on a given property) that are expected to increase the energy efficiency of the building (including fixtures) in accordance with criteria established by the Secretary.

''(b) ELIGIBLE PROJECTS.—

''(1) IN GENERAL.—Notwithstanding sections 1703 and 1705, the Secretary may provide credit support under this section, in accordance with section 1702.

''(2) INCLUSIONS.—Buildings eligible for credit support under this section include commercial, industrial, municipal, university, school, and hospital facilities that satisfy criteria established by the Secretary.

''(c) GUIDELINES.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary shall establish guidelines for credit support provided under this section.

''(2) REQUIREMENTS.—The guidelines established by the Secretary under this subsection shall include—

''(A) standards for assessing the energy savings that could reasonably be expected to result from a project;

''(B) examples of financing mechanisms (and portfolios of such financing mechanisms) that qualify as efficiency obligations;

''(C) the threshold levels of energy savings that a project, at the time of issuance of credit support, shall be reasonably expected to achieve to be eligible for credit support;

''(D) the eligibility criteria the Secretary determines to be necessary for making credit support available under this section; and

''(E) any lien priority requirements that the Secretary determines to be necessary.

''(3) EFFICIENCY OBLIGATIONS.—The financing mechanisms qualified by the Secretary under paragraph (2)(B) may include—

''(A) loans, including loans made by the Federal Financing Bank;

''(B) power purchase agreements, including energy efficiency power purchase agreements;

''(C) energy services agreements, including energy performance contracts;

''(D) property assessed clean energy bonds and other tax assessment-based financing mechanisms;

''(E) aggregate on-meter agreements that finance retrofit projects; and

''(F) any other efficiency obligations the Secretary determines to be appropriate.

''(4) PRIORITIES.—In carrying out this section, the Secretary shall prioritize—

''(A) the maximization of energy savings with the available credit support funding;

''(B) the establishment of a clear application and approval process that allows private building owners, lenders, and investors to reasonably expect to receive credit support for projects that conform to guidelines; and

''(C) the distribution of projects receiving credit support under this section across States or geographical regions of the United States.

''(5) MINIMUM ENERGY SAVINGS REQUIREMENT.—

''(A) IN GENERAL.—In carrying out this section, the Secretary shall establish an initial minimum energy savings requirement for eligible projects that, to the maximum extent practicable, results in the greatest amount of energy savings on a per project basis.

''(B) ADJUSTMENTS.—

''(i) IN GENERAL.—Not less than once each year, the Secretary shall adjust the minimum energy savings requirement described in subparagraph (A) and any other credit support terms the Secretary determines to be necessary, including the maximum percentage of the efficiency obligation that may be guaranteed, taking into account market conditions and the available funding.

''(ii) ADVANCED NOTICE.—If the Secretary adjusts the energy savings requirement, the Secretary shall provide at least 90 days advanced public notice.

''(d) LIMITATION.—Notwithstanding section 1702(c), the Secretary shall not issue credit support under this section in an amount that exceeds—

''(1) 90 percent of the principal amount of the efficiency obligation that is the subject of the credit support; or

''(2) $10,000,000 for any single project.

''(e) AGGREGATION OF PROJECTS.—To the extent provided in the guidelines developed in accordance with subsection (c), the Secretary may issue credit support on a portfolio, or pool of projects, that are not required to be geographically contiguous, if each efficiency obligation in the pool fulfills the requirements described in this section.

''(f) APPLICATION.—

''(1) IN GENERAL.—To be eligible to receive credit support under this section, the applicant shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary determines to be necessary.

''(2) CONTENTS.—An application submitted under this section shall include assurances by the applicant that—

''(A) each contractor carrying out the project—

''(i) meets minimum experience level criteria, including local retrofit experience, as determined by the Secretary; and

''(ii) beginning on the date on which credit support is issued, will comply with subchapter IV of chapter 31 of title 40, United States Code (commonly known as the ''Davis-Bacon Act'');

''(B) the project is reasonably expected to achieve energy savings, as set forth in the application using any methodology that meets the standards described in the program guidelines;

''(C) the project meets any technical criteria described in the program guidelines;

''(D) the recipient of the credit support and the parties to the efficiency obligation will provide the Secretary with—

''(i) any information the Secretary requests to assess the energy savings that result from the project, including historical energy usage data and detailed descriptions of the building work, as described in the program guidelines; and

''(ii) permission to access information relating to building operations and usage for the period described in the program guidelines; and

''(E) any other assurances that the Secretary determines to be necessary.

''(3) DETERMINATION.—Not later than 90 days after receiving an application, the Secretary shall make a final determination on the application, which may include requests for additional information.

''(g) FEES.—

''(1) IN GENERAL.—In addition to the fees required by section 1702(h)(1), the Secretary may charge reasonable fees for credit support provided under this section.

''(2) AVAILABILITY.—Fees collected under this section shall be subject to section 1702(h)(2).

''(h) UNDERWRITING.—The Secretary may delegate the underwriting activities under this section to 1 or more entities that the Secretary determines to be qualified.

''(i) REPORT.—Not later than 1 year after commencement of the program, the Secretary shall submit to the appropriate committees of Congress a report that describes in reasonable detail—

''(1) the manner in which this section is being carried out;

''(2) the number and type of projects supported;

''(3) the types of funding mechanisms used to provide credit support to projects;

''(4) the energy savings expected to result from projects supported by this section;

''(5) any tracking efforts the Secretary is using to calculate the actual energy savings produced by the projects; and

''(6) any plans to improve the tracking efforts described in paragraph (5).

''(j) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $500,000,000 for the period of fiscal years 2011 through 2020, to remain available until expended.

''(2) ADMINISTRATIVE COSTS.—Not more than 1 percent of any amounts made available to the Secretary under paragraph (1) may be used by the Secretary for administrative costs incurred in carrying out this section.''.

**SEC. 3. MUSH BUILDING REVOLVING FUND.**

(a) DEFINITIONS.—In this section:

(1) PROJECT.—The term ''project'' means an energy efficiency retrofit project that meets the terms of this section and criteria determined to be necessary by the Secretary.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(3) STATE.—The term ''State'' has the meaning given the term in section 412 of the Energy Conservation and Production Act (42 U.S.C. 6862).

(b) ESTABLISHMENT.—The Secretary shall establish the MUSH Building Efficiency Program to provide grants to State revolving funds to finance projects.

(c) ELIGIBILITY.—To be eligible to receive a grant under this program, a State shall have, or propose to establish, a program to finance or support building improvement projects on buildings that are owned or controlled by—

(1) a municipality;

(2) a State or public university, including a community college;

(3) a school or school district, including a technical school or a vocational school; and

(4) a State, city, or other publicly owned hospital.

(d) TERMS AND CONDITIONS.—

(1) IN GENERAL.—As a condition of receiving a grant under this section, a State shall—

(A) develop technical energy assessment report guidelines for each project to be carried out under this section;

(B) develop procedures—

(i) to monitor energy consumption prior to, and for at least 3 years after, the completion of each project carried out using State revolving funds;

(ii) to make data publicly available in aggregated summary reports regarding the performance of each project carried out using State revolving funds; and

(iii) to analyze energy savings, in kilowatt hours and dollars, before and for at least 3 years after the completion of each project carried out using State revolving funds; and

(C) incorporate training on audit techniques in any guidelines or procedures developed for State revolving funds that receive a grant under this section.

(2) MAXIMUM REPAYMENT TERM.—A State receiving a grant under this section shall not enter into any obligations with a repayment term that exceeds 15 years.

(3) CONFLICT OF INTEREST.—A commissioning organization or individual that receives compensation for professional services relating to a project carried out under this section shall not acquire any direct or indirect financial interest in the sale of energy efficiency equipment or products that are directly related to the project.

(e) REPORT.—Not later than 1 year after commencement of the MUSH Building Efficiency Program, the Secretary shall submit to the appropriate committees of Congress a report that—

(1) describes in detail the manner in which this section has been carried out;

(2) aggregates the project performance data of the State programs receiving a grant under this section; and

(3) includes any recommendations of the Secretary on modifications that may improve the grant program.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary.

**SEC. 4. ENERGY EFFICIENCY SUPPORT PROGRAM.**

(a) DEFINITIONS.—In this section:

(1) PROJECT.—The term ''project'' means an energy efficiency retrofit project that meets the criteria described in subsection (c).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(b) ESTABLISHMENT.—The Secretary shall establish a program that provides grants to State or tribal governments to support property assessed clean energy bonds and other tax assessment-based financing mechanisms to support building retrofits that meet the criteria described in subsection (c).

(c) AUTHORIZATION, TERMS, AND CONDITIONS.—

(1) AUTHORIZATION.—

(A) IN GENERAL.—In carrying out this section, the Secretary shall provide grants to capitalize loan loss reserves for property assessed clean energy bonds and other tax assessment-based financing mechanisms managed by State or tribal governments.

(B) MAXIMUM.—No eligible entity shall receive a grant under this section that exceeds a total amount of $10,000,000.

(2) ELIGIBLE PROGRAMS.—

(A) IN GENERAL.—A grant under this section shall be used to finance building retrofit projects that are expected to produce significant energy efficiency gains.

(B) USE OF FUNDS.—A State or tribal government that receives a grant under this section shall use the funds to provide credit enhancements or establish other loan loss reserve funds approved by the Secretary.

(C) CONDITIONS.—As a condition of receiving a grant under this section, a State or tribal government shall provide to the Secretary such assurances as the Secretary determines to be necessary, including assurances that the State or tribal government shall—

(i) provide support for each financing mechanism approved by the Secretary, including property assessed clean energy bonds and tax lien financing;

(ii) for each project receiving financial assistance under this section, develop comprehensive procedures for—

(I) monitoring energy consumption prior to the commencement of, and at least 3 years after completion of, each project; and

(II) analyzing energy savings achieved, measured in kilowatt hours and dollars, prior to the commencement of, and at least 3 years after completion of, each project; and

(III) making data recorded from each project publicly available in aggregated summary reports describing the performance of each project; and

(D) incorporate training on audit techniques in any guidelines developed for the capital loan loss reserves.

(d) PROGRAM COORDINATION AND AGGREGATION.—Subject to subsection (c)(1) and approval of the Secretary, eligible State or tribal governments may combine grants provided under this section to create multijurisdictional programs to support projects that meet the requirements of this section.

(e) REPORT.—Not later than 1 year after the commencement of the program, the Secretary shall submit to the appropriate committees of Congress a report that—

(1) describes in detail the manner in which this section has been carried out;

(2) aggregates the project performance data of the State, local, and tribal government programs receiving funding under this section; and

(3) includes any recommendations of the Secretary on modifications that may improve the grant program.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 618—DESIGNATING OCTOBER 2010 AS ''NATIONAL WORK AND FAMILY MONTH''

Mrs. LINCOLN (for herself, Mr. CRAPO, Mr. DODD, Mr. KOHL, Ms. LANDRIEU, Mr. MERKLEY, and Mrs. MURRAY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 618

Whereas, according to a report by WorldatWork, a nonprofit professional association with expertise in attracting, motivating, and retaining employees, the quality of workers' jobs and the supportiveness of their workplaces are key predictors of workers' job productivity, job satisfaction, and commitment to employers and of employers' ability to retain workers;

Whereas, according to the 2008 National Study of Employers by the Families and Work Institute, employees in more flexible and supportive workplaces are more effective employees, are more highly engaged and less likely to look for a new job in the next year, and enjoy better overall health, better mental health, and lower levels of stress than employees in workplaces that provide less flexibility and support;

Whereas, according to a 2004 report of the Families and Work Institute entitled ''Overwork in America'', employees who are able to effectively balance family and work responsibilities are less likely to report making mistakes or feel resentment toward employers and coworkers;

Whereas, according to the ''Best Places to Work in the Federal Government'' rankings released by the Partnership for Public Service and American University's Institute for the Study of Public Policy Implementation, work-life balance and a family-friendly culture are among the key drivers of engagement and satisfaction for employees in the Federal workforce;

Whereas, according to a 2009 survey of college students by the Partnership for Public Service and Universum USA entitled ''Great Expectations! What Students Want in an Employer and How Federal Agencies Can Deliver It'', attaining a healthy work-life balance was an important career goal of 66 percent of the students surveyed;

Whereas a 2008 study by the Partnership for Public Service entitled ''A Golden Opportunity: Recruiting Baby Boomers into Government'' revealed that workers between the ages of 50 and 65 are a strong source of experienced talent for the Federal workforce and that nearly 50 percent of workers in that age group find flexible work schedules ''extremely appealing'';

Whereas finding a good work-life balance is important to workers in multiple generations;

Whereas employees who are able to effectively balance family and work responsibilities tend to feel healthier and more successful in their relationships with their spouses, children, and friends;

Whereas 85 percent of wage and salaried workers in the United States have immediate, day-to-day family responsibilities outside of their jobs;

Whereas, in 2000, research by the Radcliffe Public Policy Center revealed that men in their 20s and 30s and women in their 20s, 30s, and 40s identified a work schedule that allows them to spend time with their families as the most important job characteristic for them;

Whereas, according to the 2006 American Community Survey by the United States Census Bureau, 47 percent of wage and salaried workers in the United States are parents with children under the age of 18 who live with them at least half-time;

Whereas job flexibility often allows parents to be more involved in their children's lives and research demonstrates that parental involvement is associated with children's higher achievement in language and mathematics, improved behavior, greater academic persistence, and lower dropout rates;

Whereas the 2000 Urban Working Families study demonstrated that a lack of job flexibility for working parents negatively affects children's health in ways that range from children being unable to make needed doctors' appointments to children receiving inadequate early care, leading to more severe and prolonged illness;

Whereas, from 2001 to the beginning of 2008, 1,700,000 active duty troops served in Iraq and 600,000 members of the National Guard and Reserve (133,000 on more than one tour) were called up to serve in Iraq;

Whereas, because so many of those troops and National Guard and Reserve members have families, there needs to be a focus on policies and programs that can help military families adjust to the realities that come with having a family member in the military;

Whereas research by the Sloan Center for Aging and Work reveals that the majority of workers aged 53 and older attribute their success as an employee by a great or moderate extent to having access to flexibility in their jobs and that the majority of those workers also report that, to a great extent, flexibility options contribute to an overall higher quality of life;

Whereas studies show that ⅓ of children and adolescents in the United States are obese or overweight, and healthy lifestyle habits, including healthy eating and physical activity, can lower the risk of becoming obese and developing related diseases;

Whereas studies report that family rituals, such as sitting down to dinner together and sharing activities on weekends and holidays, positively influence children's health and development and that children who eat dinner with their families every day consume nearly a full serving more of fruits and vegetables per day than those who never eat dinner with their families or do so only occasionally;

Whereas unpaid family caregivers will likely continue to be the largest source of long-term care services in the United States for the elderly;

Whereas the Department of Health and Human Services anticipates that by 2050 the number of such caregivers will reach 37,000,000, an increase of 85 percent from 2000, as baby boomers reach retirement age in record numbers; and

Whereas the month of October is an appropriate month to designate as ''National Work and Family Month'': Now, therefore, be it

*Resolved,* That the Senate—

(1) designates October 2010 as ''National Work and Family Month'';

(2) recognizes the importance of work schedules that allow employees to spend time with their families to job productivity and to healthy families;

(3) urges public officials, employers, employees, and the general public to work together to achieve more balance between work and family; and

(4) calls upon the people of the United States to observe National Work and Family Month with appropriate ceremonies and activities.

## SENATE RESOLUTION 619—EXPRESSING THE SENSE OF THE SENATE THAT THE SENATE OF EACH NEW CONGRESS IS NOT BOUND BY THE RULES OF PREVIOUS SENATES

Mr. UDALL of New Mexico submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 619

Whereas section 5 of article I of the United States Constitution states ''Each House may determine the Rules of its Proceedings'', with no requirement for a supermajority to adopt or amend the rules of either House;

Whereas it is a longstanding common law principle, upheld in Supreme Court decisions such as *United States v. Ballin*, that one legislature cannot bind subsequent legislatures;

Whereas advisory rulings by Vice Presidents Nixon, Humphrey, and Rockefeller, sitting as the President of the Senate, have stated that a Senate at the beginning of a Congress is not bound by the cloture requirement imposed by a previous Senate and may end debate on a proposal to adopt or amend the Standing Rules of the Senate by a majority vote; and

Whereas the provision in rule XXII that requires a two-thirds vote of Senators present and voting to limit debate on a measure or motion to amend the Senate Rules is unconstitutional because its effect is to deny a majority of the Senate of each new Congress from proceeding to a vote to determine its own rules: Now, therefore, be it

*Resolved*, That the Senate of each new Congress is not bound by the rules of previous Senates and should, upon a motion by a Senator to bring debate to a close, if said motion receives the affirmative vote of a majority of the Senators duly chosen and sworn, proceed to determine the Rules of its Proceedings in accordance with section 5 of article I of the Constitution.

## SENATE RESOLUTION 620—DESIGNATING SEPTEMBER 12, 2010, AS ''NATIONAL DAY OF ENCOURAGEMENT''

Mr. PRYOR (for himself and Mrs. LINCOLN) submitted the following resolution; which was considered and agreed to:

S. RES. 620

Whereas negative images, stories, and influences in the day-to-day lives of Americans can detrimentally affect their emotional well-being, interactions with others, and general demeanor;

Whereas a group of teenagers participating in a leadership forum at Harding University in Searcy, Arkansas, identified a lack of encouragement as one of the greatest problems facing young people today;

Whereas the youth of our Nation need guidance, inspiration, and reassurance to counteract this negativity and to develop the qualities of character essential for future leadership in our country;

Whereas a National Day of Encouragement would serve as a reminder to counterbalance and overcome negative influences, and would also provide much-needed encouragement and support to others;

Whereas following the events of September 11, 2001, thousands of people of the United States made sacrifices in order to bring help and healing to the victims and their families, inspiring and encouraging the Nation; and

Whereas the renewed feelings of unity, hope, selflessness, and encouragement that began on September 12, 2001, are the same feelings that the National Day of Encouragement is meant to recapture and spread: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates September 12, 2010, as ''National Day of Encouragement'';

(2) acknowledges the importance of encouragement and positive influences in the lives of all people; and

(3) urges the people of the United States to encourage others, whether it be through an act of service, a thoughtful letter, or words of kindness and inspiration, and to thereby boost the morale of all.

## SENATE RESOLUTION 621—EXPRESSING SUPPORT FOR DESIGNATION OF OCTOBER 7, 2010, AS ''JUMPSTART'S READ FOR THE RECORD DAY''

Mrs. MURRAY (for herself, Mr. ISAKSON, Mr. BEGICH, and Mr. CASEY) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 621

Whereas Jumpstart, a national early education organization, is working to ensure that all children in the United States enter school prepared to succeed;

Whereas Jumpstart recruits and trains college students and community volunteers year-round to work with preschool children in low-income communities, helping the children to develop the key language and literacy skills they need to succeed in school and in life;

Whereas, since 1993, Jumpstart has engaged more than 20,000 adults in service to more than 70,000 young children in communities across the United States;

Whereas Jumpstart's Read for the Record, presented in partnership with Pearson, is a world record-breaking campaign, now in its fifth year, that harnesses the power of reading by bringing adults and children together to read the same book on the same day;

Whereas the goals of the campaign are to raise national awareness of the early literacy crisis, provide books to children in low-income households through donations and sponsorship, celebrate the commencement of Jumpstart's program year, and raise money to support Jumpstart's year-long work with preschool children;

Whereas October 7, 2010, would be an appropriate date to designate as ''Jumpstart's Read for the Record Day'' because Jumpstart aims to set the world record for the largest shared reading experience on that date; and

Whereas Jumpstart hopes to engage 2,500,000 children to read Ezra Jack Keats' ''The Snowy Day'' during this record-breaking celebration of reading, service, and fun, all in support of the preschool children of the United States: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the designation of October 7, 2010, as ''Jumpstart's Read for the Record Day'';

(2) recognizes the fifth year of Jumpstart's Read for the Record; and

(3) encourages adults, including grandparents, parents, teachers, and college students, to join children in creating the largest shared reading experience in the world and to show their support for early literacy and Jumpstart's early education programming for young children in low-income communities.

## AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON INTELLIGENCE

Ms. LANDRIEU. Mr. President, I ask unanimous conent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 14, 2010, at 2:30 p.m.

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

SUBCOMMITTEE ON CRIME AND DRUGS

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Crime and Drugs, be authorized to meet during the session of the Senate, on September 14, 2010, at 2:15 p.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Rape in the United States: The Chronic Failure to Report and Investigate Rape Cases.''

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

## PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that Ellen Montz of my staff be granted the privilege of the floor during consideration of the small business jobs bill.

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

## NATIONAL PROSTATE CANCER AWARENESS MONTH

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 597, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant bill clerk read as follows:

A resolution (S. Res. 597) designating September 2010 as National Prostate Cancer Awareness Month.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 597) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 597

Whereas countless families in the United States live with prostate cancer;

Whereas 1 in 6 males in the United States will be diagnosed with prostate cancer in his lifetime;

Whereas prostate cancer is the most commonly diagnosed non-skin cancer and the second most common cause of cancer-related deaths among males in the United States;

Whereas in 2010, 217,730 males in the United States will be diagnosed with prostate cancer, and 32,050 males will die from the disease;

Whereas 30 percent of newly diagnosed prostate cancer cases occur in males under the age of 65;

Whereas approximately every 14 seconds, a male in the United States turns 50 years old and increases his odds of developing cancer, including prostate cancer;

Whereas African-American males suffer from a prostate cancer incidence rate that is up to 65 percent higher than White males and have double the prostate cancer mortality rate of White males;

Whereas obesity is a significant predictor of the severity of prostate cancer;

Whereas the probability that obesity will lead to death and high cholesterol levels is strongly associated with advanced prostate cancer;

Whereas males in the United States with 1 family member diagnosed with prostate cancer have a 1 in 3 chance of being diagnosed with the disease; males with 2 family members diagnosed have an 83 percent chance; and males with 3 family members diagnosed have a 97 percent chance;

Whereas screening by a digital rectal examination and a prostate-specific antigen blood test can detect the disease at the early stages, increasing the chances of survival for more than 5 years to nearly 100 percent;

Whereas only 33 percent of males survive more than 5 years if diagnosed during the late stages of the disease;

Whereas there are no noticeable symptoms of prostate cancer while it is still in the early stages, making screening critical;

Whereas ongoing research promises further improvements in prostate cancer prevention, early detection, and treatment; and

Whereas educating people in the United States, including health care providers, about prostate cancer and early detection strategies is crucial to saving the lives of males and preserving and protecting families: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates September 2010 as ''National Prostate Cancer Awareness Month'';

(2) declares that steps should be taken—

(A) to raise awareness about the importance of screening methods for, and treatment of, prostate cancer;

(B) to increase research funding that is commensurate with the burden of prostate cancer so that—

(i) screening and treatment may be improved;

(ii) the causes may be discovered; and

(iii) a cure may be developed; and

(C) to continue to consider ways for improving access to, and the quality of, health care services for detecting and treating prostate cancer; and

(3) calls on the people of the United States, interested groups, and affected persons—

(A) to promote awareness of prostate cancer;

(B) to take an active role in the fight to end the devastating effects of prostate cancer on individuals, families, and the economy; and

(C) to observe National Prostate Cancer Awareness Month with appropriate ceremonies and activities.

## CITIZEN DIPLOMACY DAY

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 603, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant bill clerk read as follows:

A resolution (S. Res. 603) commemorating the 50th anniversary of the National Council for International Visitors, and designating February 16, 2011, as Citizen Diplomacy Day.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

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

The resolution (S. Res. 603) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 603

Whereas the year 2011 marks the 50th Anniversary of the National Council for International Visitors (referred to in this preamble as the ''NCIV''), originally founded as the National Council for Community Services to International Visitors (commonly referred to as ''COSERV'') in 1961;

Whereas the mission of NCIV is to promote excellence in citizen diplomacy—the concept that the individual citizen has the right and responsibility to help develop constructive United States foreign relations ''one handshake at a time'';

Whereas citizen diplomacy has the power to shape perceptions in the United States of foreign cultures and international perceptions of the United States, effectively shattering stereotypes, illuminating differences, underscoring common human aspirations, and developing the web of human connections needed to achieve more peaceful relations between countries;

Whereas NCIV is the private sector partner of the United States Department of State International Visitor Leadership Program (referred to in this preamble as the ''IVLP''), a public diplomacy initiative that brings distinguished foreign leaders to the United States for short-term professional programs under the authority of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.; also referred to as the ''Fulbright-Hays Act'');

Whereas the NCIV network comprises individuals, program agencies, and 92 community organizations throughout the United States, including approximately 80,000 volunteers who are involved in NCIV member activities each year as host families, professional resources, volunteer programmers, board members, and other supporters;

Whereas the network of citizen diplomats in NCIV has organized professional programs, cultural activities, and home visits for more than 190,000 foreign leaders participating in the IVLP, 285 of whom went on to become chiefs of state or heads of government in their countries;

Whereas the NCIV network has hosted and strengthened the relationships of the United States with notable foreign leaders who are alumni of the IVLP, including: Abdullah Gul, President of Turkey, Nicolas Sarkozy, President of France, Manmohan Singh, Prime Minister of India, Morgan Tsvangarai, Prime Minister of Zimbabwe, and Alvaro Uribe Velez, President of Colombia, as well as Willy Brandt, former Chancellor of the Federal Republic of Germany, Kim Dae-Jung, Former President of South Korea, Frederik W. de Klerk, former President of South Africa, Indira Ghandi, former Prime Minister of India, Anwar Sadat, former President of Egypt, and many others;

Whereas United States ambassadors have in repeated surveys ranked the NCIV network-facilitated IVLP first among 63 United States public diplomacy programs;

Whereas in 2001, Senator Arlen Specter nominated the NCIV network of citizen diplomats to receive the Nobel Peace Prize, stating that they ''have done . . . the best work for fraternity between nations'';

Whereas all Federal funding for the citizen diplomacy of the NCIV network is spent in the United States, where it has leveraged $6 in local economic impact for every Federal dollar expended;

Whereas NCIV member organizations provide invaluable opportunities for United States students to develop global perspectives and vividly experience the diversity of the world by bringing foreign leaders into local schools, loaning teachers cultural artifacts, and developing internationally focused curricula;

Whereas participation of United States communities, businesses, and universities in the international exchange programs implemented by the NCIV network strengthens the ability of the United States to produce a globally literate and competitive workforce;

Whereas NCIV celebrates excellence in citizen diplomacy and has honored 7 individuals—Senator J. William Fulbright in 1987, the Honorable John Richardson in 1990, Maya Angelou in 1993, Richard Stanley in 2000, Keith Reinhard in 2007, Garth Fagan in 2008, and Rick Steves in 2009—with the NCIV Citizen Diplomat Award for their exemplary work towards transcending barriers between the peoples of the world in visionary ways;

Whereas NCIV provides leadership at the national level having convened leaders of sister organizations for 2 national Summits on Citizen Diplomacy and providing funding to its member organizations for Summits on Citizen Diplomacy in communities throughout the United States, giving those organizations the opportunity to foster internationally focused dialogue and to cultivate lasting partnerships with like-minded organizations in their own communities; and

Whereas NCIV member organizations serve as international gateways, sharing their communities with the world and the world with their communities—welcoming strangers and sending home friends: Now, therefore, be it

*Resolved*, That the Senate—

(1) commemorates the 50th anniversary of the National Council for International Visitors and its extraordinary efforts to promote excellence in citizen diplomacy;

(2) commends the achievements of the thousands of citizen diplomats who have worked for generations to share the best of the United States with foreign leaders, specialists, and scholars;

(3) thanks the National Council for International Visitors citizen diplomats for their service to their communities, our country, and the world; and

(4) designates February 16, 2011, as ''Citizen Diplomacy Day''.

## NATIONAL PRINCIPALS MONTH

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent the Judiciary Committee be discharged from further consideration of S. Res. 607 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant bill clerk read as follows:

A resolution (S. Res. 607) recognizing the month of October 2010 as ''National Principals Month.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN of Ohio. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

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

The resolution (S. Res. 607) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 607

Whereas the National Association of Elementary School Principals and the National Association of Secondary School Principals have declared the month of October 2010 as ''National Principals Month'';

Whereas school leaders are expected to be educational visionaries, instructional leaders, assessment experts, disciplinarians, community builders, public relations experts, budget analysts, facility managers, special programs administrators, and guardians of various legal, contractual, and policy mandates and initiatives, as well as being entrusted with our young people, our most valuable resource;

Whereas principals set the academic tone for their schools and work collaboratively with teachers to develop and maintain high curriculum standards, develop mission statements, and set performance goals and objectives;

Whereas the vision, dedication, and determination of a principal provides the mobilizing force behind any school reform effort; and

Whereas the celebration of ''National Principals Month'' would honor elementary, middle level, and high school principals and recognize the importance of school leadership in ensuring that every child has access to a high-quality education: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the month of October 2010 as ''National Principals Month''; and

(2) honors the contribution of school principals in the elementary and secondary schools of our Nation by supporting the goals and ideals of ''National Principals Month''.

## NATIONAL DAY OF ENCOURAGEMENT

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 620, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant bill clerk read as follows:

A resolution (S. Res. 620) designating September 12, 2010, as ''National Day of Encouragement.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN of Ohio. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion 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 resolution (S. Res. 620) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 620

Whereas negative images, stories, and influences in the day-to-day lives of Americans can detrimentally affect their emotional well-being, interactions with others, and general demeanor;

Whereas a group of teenagers participating in a leadership forum at Harding University in Searcy, Arkansas, identified a lack of encouragement as one of the greatest problems facing young people today;

Whereas the youth of our Nation need guidance, inspiration, and reassurance to counteract this negativity and to develop the qualities of character essential for future leadership in our country;

Whereas a National Day of Encouragement would serve as a reminder to counterbalance and overcome negative influences, and would also provide much-needed encouragement and support to others;

Whereas following the events of September 11, 2001, thousands of people of the United States made sacrifices in order to bring help and healing to the victims and their families, inspiring and encouraging the Nation; and

Whereas the renewed feelings of unity, hope, selflessness, and encouragement that began on September 12, 2001, are the same feelings that the National Day of Encouragement is meant to recapture and spread: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates September 12, 2010, as ''National Day of Encouragement'';

(2) acknowledges the importance of encouragement and positive influences in the lives of all people; and

(3) urges the people of the United States to encourage others, whether it be through an act of service, a thoughtful letter, or words of kindness and inspiration, and to thereby boost the morale of all.

## ORDERS FOR WEDNESDAY, SEPTEMBER 15, 2010

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, September 15; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be expired, the time for the two leaders be reserved for their use later in the day, and that following any leader remarks there be a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; that following morning business, the Senate resume consideration of H.R. 5297, the small business jobs bill, postcloture, and that time during any period of morning business, recess or adjournment count postcloture; and, finally, I ask the Senate recess from 2:45 until 3:30 p.m. tomorrow.

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

## PROGRAM

Mr. BROWN of Ohio. Mr. President, the Senate will recess tomorrow in order to accommodate Senators attending the September 11 Congressional Remembrance Ceremony on the east front center steps of the Capitol.

Tomorrow, we will continue to work on an agreement that will allow us to complete business on the small business jobs bill. Senators will be notified when any agreement is reached and votes are scheduled.

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BROWN of Ohio. If there is no further business to come before the Senate, I ask unanimous consent it adjourn under the previous order.

There being no objection, the Senate, at 6:49 p.m., adjourned until Wednesday, September 15, 2010, at 9:30 a.m.