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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

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

Let us pray.

Eternal Spirit, give us hearts wide open to the joy and beauty of Your creative power. Enable the Members of this body to sense the transcendent in the beauty of the Earth and the glory of the skies. Help them hear Your music in the symphony of the seasons, in the whispering of the wind, and in the constellations of the night. May the sounds of nature's music lead our Senators to place greater trust in the movements of Your providence. Lord, give them the spiritual power they need to do Your will.

We pray in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 21, 2010.

To the Senate:

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

DANIEL K. INOUYE,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, following leader remarks, there will be a period of morning business for an hour. During that time, Senators will be allowed to speak for up to 10 minutes each. The time will be equally divided and controlled between the two leaders or their designees. The Republicans will control the first 30 minutes; the majority will control the next 30 minutes.

Following morning business, the Senate will resume consideration of the House message on unemployment insurance benefits, postcloture. If all postcloture debate time is used, the vote on passage would occur at approximately 9 o'clock tonight. I will continue to work with the Republican leader on an agreement to yield back time.

Upon disposition of the unemployment insurance legislation, we will move to the small business jobs bill. We will actually resume consideration of it; we have been on it before. Senators will be notified when any votes are scheduled.

UNEMPLOYMENT INSURANCE

Mr. REID. Mr. President, the power of our democratic system is that everyone has a voice. The responsibility of that system is that once the votes are cast and counted, everyone must then accept and abide by the outcome. I deeply regret that too many of my Republican colleagues have yet to learn that lesson.

Let me explain as clearly as I can what happened in the Senate yesterday and what is continuing to happen this morning. I want to explain it especially for the tens of thousands of Nevadans and 2.5 million Americans waiting for the emergency unemployment assistance they have been told is on the way.

Yesterday afternoon, the Senate moved, at long last, to within one step—one simple-majority vote—of passing long-overdue help for the unemployed. This is emergency help for those who have exhausted their insurance benefits because these days it takes longer than ever before in recent memory to find a job. This is help for people who have lost their jobs through no fault of their own. Although they are still out of work, it is not for lack of trying. These are people who have tried and tried and tried to find work, who scour job listings, who send out resumes, who fill out applications, who go to interviews, but who have not had any luck for weeks and months and, in some cases, multiple years. At last count, there is only one open job for every five desperate Americans to fill it.

So after several tries and with the help of two courageous and good Republican Senators from Maine—SNOWE and COLLINS—yesterday we moved closer to that last step by an overwhelming vote, a vote of 60 to 40. In the unique world of the U.S. Senate, 60 to 40 can be seen as a razor-thin margin, but by any reasonable measure, it is a landslide. That vote, by the way, was entirely in line with the wishes of the people we represent—the people of Nevada, the people of New Mexico, all 50 States—who overwhelmingly demand that we—Republicans, Democrats, and Independents—pass this aid. The support for this bill comes from all over the country, both from those fortunate enough to collect a paycheck and those desperate to get an unemployment check.

By Senate rules, the maximum of 30 hours can elapse between the second to

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

the last vote and the final vote, which requires just a simple majority of 51 or whatever the majority would be at the time. During those 30 hours, not a single letter or a single number in the bill will change. In other words, we have to wait more than a day before we can see if half of the Senate supports the exact same bill a supermajority supported the day before. That might not make much sense for those who do not follow the Senate every day or even those who follow the Senate every day. I understand that. In fact, historically, both sides have been able to come together and reasonably say: 60 is more than 51, so let's just move on. They have said it. They have said: It is not our time to waste; it is the American people's time. But that is just not how things work in the new Senate and not with this Republican leadership. The minority—which, it is worth repeating, has already lost the debate and lost the vote on this issue—has decided to squeeze out every last second of that time, until they have no more delaying tools at their disposal, until they have no more procedural tricks up their sleeves, until they can no longer forcibly keep emergency unemployment checks out of the hands of the desperately unemployed.

The Republican leadership, supported by the overwhelming majority of its caucus, has stood—actually, what they have done is stand in front of a burning house and they have said: Everyone wants us to put out the fire, but we are going to sit back and wait a while before we turn on the firehoses. This really is a dark day in the Senate and some feel brings shame to the institution. But more than that, it hurts the very people we were sent here to help. Why would someone in public service do such a thing? Why would they be so callous? I do not know. I am really at a loss.

Perhaps the overwhelming majority of Republicans think that since they have turned their backs on the unemployed for so many months, what is another few days? Perhaps they think that when unemployment goes up, their poll numbers go up also. Perhaps they look at this widespread misfortune and see an opening for their political fortunes or perhaps they have convinced themselves that the longer the unemployed suffer, the less likely they are to notice who is holding back the relief they need.

It has long since been established that the unnecessary delays the Senate Republicans have forced surpass every possible historical record and defy every historical precedent. They defy both fairness and logic. But when we look back at the unparalleled abuses of this new Senate, this will be among the lowest points.

It is abundantly clear there are differences of opinion in this Chamber on who is worthy of unemployment insurance and on how to fund the emergency assistance. Differences of opinion are why we are here. But that is no longer the debate. We have already fought that fight. In fact, we fought it over and over these past weeks. Now it is over. Whether by 60 to 40 or 100 to 0, it is done.

So this is where we stand: The votes have been cast and counted. The House has overwhelmingly voted to extend emergency aid. The Senate has overwhelmingly voted to extend emergency aid. The President sits, pen in hand, ready to sign this bill into law the minute it lands on his desk. As soon as he does, the checks will go out and so will the fire.

Millions of Americans are waiting but not for the spoils that will make them rich or jackpots that will help them buy luxuries they do not need. No, millions are waiting for a fraction of their old income, checks that will help them put food on the table this week, keep a roof over their heads this month, and keep the air-conditioning on this summer. But the clock continues to tick. The unemployed continue to suffer. And too many of our Republican colleagues—who for years have proven they have never seen an economic crisis they could not turn into a political opportunity—continue to prove they have never seen an opportunity they cannot turn into a crisis.

RECOGNITION OF THE MINORITY LEADER

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

FINANCIAL REGULATORY REFORM

Mr. MCCONNELL. Mr. President, later this morning, the President of the United States will sign a financial regulation bill that was sold to the American people as a way of reining in Wall Street. Anyone who believes that did not read beyond the cover sheet because if they did, they would discover instead a far-reaching government intrusion that was endorsed by Wall Street and opposed by Main Street. Citibank thinks it is great. Your local florist thinks it will undermine their business. When you cut through all the talking points about what financial regulation will do, the practical, real-world effect of this bill in the near term will be job loss. That is the real story.

For more than a year and a half, the President and his Democratic allies on Capitol Hill have pushed an antibusiness, antijobs agenda on the American people in the form of one massive government intrusion after another. And then they celebrate. Well, Americans are not celebrating. Three million of them have lost their jobs since the Democrats launched their stimulus. The folks who lost those jobs certainly are not celebrating. Small business owners are already being hammered by the health care bill. They are not celebrating. And the people who thought this Wall Street bill was supposed to rein in Wall Street? Well, they are not celebrating either. They are upset, and rightly so.

As I stand here this morning, millions of Americans are struggling to find jobs. Yet all they see in Washington is Democrats passing massive bills that at their core seem to have one thing in common: more job loss. It is almost as if it is a prerequisite for any Democratic legislation—if it leads to more job loss, they will pass it. Americans are tired of this kind of ''reform.'' Job-stifling taxes, regulations, government intrusion—these appear to be the three pillars of every Democratic legislative effort. They are also the three things lawmakers can do that are guaranteed to kill more jobs.

That is why it should not be a surprise to anyone that unemployment has been scraping double digits since Democrats started ramming these so-called reform bills through Congress.

As a result of the health care bill, small businesses, student loan centers, tanning salons, medical device manufacturers, hospitals, and major American employers have all either laid off employees or are trying to figure out how not to. Just this week, we read a report that during the process of the auto bailout, this administration decided to shut down auto dealers, without cause, effectively costing thousands of Americans their jobs.

And now a financial regulatory bill that does nothing to reform the government-sponsored enterprises that many people believe to have been at the root of the financial crisis this bill grew out of, that was meant to rein in Wall Street but now is supported by some of Wall Street's biggest banks, and that is meant to help the economy but which is expected to stifle growth and kill more jobs.

The American people are connecting the dots. They do not think this bill will solve the problems in the financial sector any more than they think the health care bill will lead to lower costs or better care, any more than the stimulus lowered unemployment.

Then there are all the unintended consequences of these bills. Just yesterday, we learned that the financial regulatory bill—a bill that was supposed to put an end to the notion that some institutions are too big to fail—may now have created a new set of institutions that are too big to fail. It was reported yesterday that some of the economists and experts who have studied this bill are worried it could leave taxpayers on the hook in the event a new derivatives clearinghouse takes on too much risk.

So a bill that was originally meant to prevent a situation such as the one we faced in November of 2008 that was meant to prevent bailouts will add to the list of institutions that are counting on getting bailed out.

That is on top of all the new regulations businesses are going to have to deal with as a result of this bill.

All told, this bill would impose 533 new regulations on individuals and small businesses—regulations that will inevitably lead to the kind of confusion and uncertainty that will make it even harder for struggling businesses to dig themselves out of the recession.

It is just this kind of uncertainty that will continue to deter lending and freeze credit as lenders wait to see how they will be affected by the new regulations. And it is just this kind of uncertainty that businesses cite time and again as one of the greatest challenges to our economic recovery.

The White House will declare this bill a victory. But for millions of Americans struggling to find work, for millions of small business owners bracing themselves for all the new regulations they will have to deal with, or ordinary Americans who wanted to see an end to the bailouts, this bill is no victory. When out-of-work Americans see Democrats celebrating today, what they will see are lawmakers who have completely and totally lost touch and who have lost the trust of the American people.

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

WALL STREET REFORM

Mr. REID. Mr. President, some believe that if you say something long enough, even if it is without any factual basis, people will start believing it.

To think that banks—Wall Street—liked Wall Street reform is a stretch beyond our ability to comprehend. We needed to do something because Wall Street hurt America. They had a pretty good deal going there. They could use our money and gamble it—different than Las Vegas. They could gamble our money, and if they won, they kept it; if they lost, they came back to us for help. That is a good deal, and we have stopped that.

Does anyone think we should leave things the way they are? That was a crisis waiting to happen again. George Bush's Secretary of the Treasury Hank Paulson, when this bill passed, said it was a fine piece of legislation. I am paraphrasing what he said. Knowing Hank, that is about what he said. He liked the legislation, and he should know. He was President Bush's Secretary of the Treasury when this collapse took place.

This is all so quite interesting. My friend says that the stimulus has caused job loss. Again, that is without any factual basis. In fact, it is just the opposite. It saved or created 3 million jobs. Remember, we still have low unemployment because that started during the Bush years back in 2006 when the economy started faltering. As an example, in the last 6 months of the Bush administration, 3 million jobs were lost.

Health insurance: Always they talk about health insurance. But remember, any poll we see today, the majority of the American people support what we did with health care. My friend was at a meeting we had yesterday, and we saw those numbers spread across the film we were shown.

Also, the reasoning is quite unique. My friend says we bailed out the auto industry. Isn't that a good thing we did? Isn't it a good thing today in America we have an automobile manufacturing sector? If it had been up to them, General Motors would be gone. If it were up to them, Ford Motor Company would probably be gone. Chrysler would definitely be gone. We decided they needed help, just as New York City needed help 25 years ago or so. They came out very strong. We are making money on what we did in investing in Detroit's automobile industry.

It is also interesting—I have seen this at home—some of my Republican friends criticized me for the bailout, the stimulus. Then I was criticized because I did not get more money.

In a little bit, I am going to go down to one of the Federal buildings for a signing of the Wall Street reform bill. What an important day for this country. After this financial collapse, we have reined in Wall Street. That is a day for celebration.

Think how much better this bill could have been had we had a little cooperation from our friends on the other side of the aisle. But we did plenty and, as has been said and written, it is the most significant change in the financial world since the Great Depression.

The mere fact that one says something that is without foundation a lot of times and simply is untrue does not make it truthful the more times one says it.

Will the Chair announce the business for the day?

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now be in a period for the transaction 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 30 minutes and the majority controlling the final 30 minutes.

The Senator from Kentucky is recognized.

KAGAN NOMINATION

Mr. BUNNING. Mr. President, today I rise to speak on the nomination of Solicitor General Elena Kagan to be a Justice on the United States Supreme Court.

After much consideration, I cannot support this nomination. I have been following this progress very closely. I have been reading her memos and other documents from her career, and I watched her confirmation hearings before the Senate Judiciary Committee. I met with her one on one and was able to ask her eight different questions. Unfortunately, I find her unsuitable to serve a lifetime appointment as a member of the U.S. Supreme Court.

When I spoke on the nomination of Justice Sotomayor last year, I pointed out the problems of the Supreme Court and other judges trying to replace Congress and State legislatures. Important social issues have been taken out of the political process and decided by unelected judges. I can say for certain that this is not the way the Founding Fathers and the authors of the Constitution intended for it to work. The creation of law is reserved for elected legislatures chosen by the people. The Supreme Court is not a nine-person legislature created to interact with or replace the U.S. Congress.

When judges and Justices take the law into their own hands and act as if they are a legislative body, it flies in the face of the Constitution. Because of this, whether it is the Supreme Court or the lower courts, many people have lost respect for our judicial system. This cannot continue to happen.

In addition to the obvious constitutional concerns, if some day the public and the rest of the political system begin to tune out the courts and ignore their decisions altogether, it would be very dangerous for our country. I opposed Justice Sotomayor's nomination because I did not feel she understood this. I am afraid I have to say the same for Ms. Kagan.

The first problem I wish to discuss is her lack of experience. According to a Congressional Research Service analysis, Justices without prior judicial experience practiced law for an average of 21 years before their appointment to the Supreme Court. Recent polls have shown that an overwhelming majority of Americans feel that prior judicial experience is an important qualification to be a Justice on the Supreme Court.

Of modern Supreme Court Justices, former Chief Justice William Rehnquist was the last person nominated without judicial experience, and that was almost 40 years ago. However, Chief Justice Rehnquist was a practicing attorney for years prior to his nomination.

Ms. Kagan herself said:

> It is an embarrassment that the President and Senate do not always insist, as a threshold requirement, that a nominee's previous accomplishments evidence an ability not merely to handle but to master the ''craft'' aspects of being a judge.

Prior to her appointment to the Solicitor General's job in 2009, Ms. Kagan was a stranger to the courtroom. She never tried a case to verdict or served as a judge. She argued her first case as

a lawyer less than 1 year ago. While Ms. Kagan has a very extensive background in the law, both academically and politically, I do not believe she has mastered the craft of judging.

I have serious concerns that Ms. Kagan will have a very hard time separating her personal views from the legal interpretation of the Constitution. While Ms. Kagan was dean of Harvard Law School, she banned military recruiters from the Harvard campus during a time of war because she believed the don't ask, don't tell law, developed by the Clinton administration in which she served—she called it a ''moral outrage'' of the ''first order.''

She worked for Bill Clinton in his administration. She argued that the Solomon amendment, which Congress passed, despite its plain text and plain congressional intent behind it, allowed law schools to bar access to military recruiters. Ms. Kagan herself wrote an e-mail to the Harvard community that in barring recruiters, she was acting in the hope that the Federal Government would choose not to enforce the law of the land. I find it very troubling that a nominee to the Supreme Court would change school policy and disregard Federal law during a time of war because of her own personal beliefs. Fortunately, not a single Supreme Court Justice agreed with her position and noted that her interpretation was rather clearly not what Congress had in mind.

As associate White House counsel to President Bill Clinton, Ms. Kagan played a critical role in the debate over partial birth abortions and did everything she could to halt legislation going through Congress to ban that horrible procedure. She worked with the medical groups supporting the practice, rewriting their scientific conclusions to better reflect her preference on partial-birth abortion. The Supreme Court relied on this language in their decision to overturn a Nebraska law banning this procedure. It appalls me that someone with no medical background would try to alter scientific conclusions to defend such a monstrosity of a procedure.

In one memo, she advised President Clinton to support a Democratic alternative in order to ''sustain [his] credibility on [the issue] and prevent Congress from overriding [his] veto.'' This is concerning behavior from someone who now wishes to serve on the highest Court in the land. If she was willing to rewrite scientific conclusions, who is to say how far she would go with rewriting the Constitution?

I also have serious concerns about Ms. Kagan's hostility to second amendment rights. While she was clerking for the Supreme Court Justice Thurgood Marshall, Ms. Kagan was asked to consider a case similar to the 2008 Heller case, in which the Court struck down the DC gun ban and found that the second amendment confers an individual right to keep and bear arms. In examining this earlier case, Sandidge v. U.S., she wrote that:

> Mr. Sandidge's sole argument is that the District of Columbia's firearm statute violates his constitutional right to ''keep and bear arms.'' I am not sympathetic.
>
> Those were her words.

It is not the job of the Supreme Court or any other court of the land, for that matter, to be sympathetic. That belongs best in legislatures which can reflect the wishes of the people who voted for the Members of those bodies.

Recently, supporters of individual rights and liberties won an important victory when the Supreme Court ruled in the McDonald case that the second amendment was a fundamental right that is binding to all the States. I fear her appointment to the Supreme Court could undo the progress from the Heller and McDonald decisions that recognize Americans have the right to defend themselves. Throughout her confirmation hearings, Ms. Kagan repeatedly stated she would accept the Heller and McDonald decisions as settled law. In her confirmation hearings, Justice Sotomayor also appeared to accept the second amendment rights. Specifically, Justice Sotomayor said she understood '' . . . the individual right fully that the Supreme Court recognized in Heller.'' However, in her first year on the Court, she joined the dissenting opinion in McDonald saying:

> I can find nothing in the Second Amendment's text, history, or underlying rationale that could warrant characterizing it as ''fundamental'' insofar as it seeks to protect the keeping and bearing of arms for private self-defense purposes.

Finally, I was not satisfied with Ms. Kagan's responses regarding the commerce clause and the limits of power of the Federal Government. Right now, we have the government taking over each sector of our economy, from banking, as the majority leader and minority leader spoke about, and the auto bailouts, which they both spoke about, to an unprecedented takeover of our health care system. In her testimony, Ms. Kagan left no doubt that she sees virtually no limit on congressional power. This is extremely frightening to me, to say the very least.

The Framers of the Constitution made it very clear what the role of the Court should be. Anyone appointed to the Supreme Court must be willing to evaluate laws as they are written under the plain meaning of the Constitution. A Justice should not be appointed in order to achieve specific results in any case. We have no judicial record of Ms. Kagan's to look at to see how she would rule in any of these such cases. We only have a record as an academic and a political adviser to look at as her qualifications to be a Supreme Court Justice. While Ms. Kagan has a very impressive background, I do not have faith that she would fully respect the roles of the judiciary and the legislative branch.

I am very sorry to say for just the second time while serving in the Senate that I will have to oppose a nomination to the Supreme Court, and I am not happy to do so. However, it is the constitutional role of the Senate to provide confirmation for this position and my duty as a Senator to be a part of this process. On viewing the record of Solicitor General Kagan, I do not find her to be a suitable candidate for a Justice of the Supreme Court of the United States and will vote against her whenever the Senate considers her nomination.

I thank the President, yield the floor, and note the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

UNEMPLOYMENT INSURANCE

Mr. REED. Mr. President, yesterday, the Senate voted for cloture on the unemployment insurance extension bill. Unfortunately, we are still delaying and deferring the final vote on this measure. This is essential to millions of Americans who need the money they receive—which, frankly, it is not a huge amount. In Rhode Island, the average weekly unemployment compensation is $360 a week. But they need to have some certainty that this program is going to be there at least for the next several months.

We have made a lot of points rhetorically. Now it is time to take the final vote, to move forward, and to deal with a more fundamental issue; that is, how to create the jobs—now that we are providing some assistance to those who are unemployed. How do we go ahead and further create jobs in this economy so our unemployment rolls shrink?

That task is challenging. We have taken 2 months now to get to this juncture. In the past, extending unemployment compensation was a bipartisan initiative. It was done routinely and repeatedly. It was always extended as long as the unemployment rate was at least 7.4 percent. Today the unemployment rate nationally is 9.5 percent. In my State of Rhode Island it is 12 percent. We are not alone. There are many States that are very much mired in a huge economic crisis.

The other factor of this unemployment situation is that it has been a long-term unemployment for so many people, nearly half of those unemployed. So the money they put aside, the rainy day money, the money they put in the coffee can for that special occasion or that special treat, has long been exhausted. This unemployment compensation is absolutely essential for people.

There are many on the other side who will stand and say: We are all for unemployment compensation; we just want to pay for it. Well, historically, we have not paid for it. It is truly an emergency expenditure.

The other factor that is critical to notice is that unemployment compensation does not add to the structural deficit. That is in sharp contrast to the tax cuts, which my colleagues on the other side are urging be extended without paying for them, and in sharp contrast to the largest expansion of an entitlement program since the 1960s, the Medicare Part D Program, which was not paid for. Those programs do add to the structural deficit because they are not replenished periodically in the good times because people qualify for them as soon as they hit an age—65—or as soon as they qualify by filing their income taxes. Those are structural deficit issues. Yet the other side says that is not important. I can't figure that out.

If the deficit is so overwhelming, so all-consuming, then why are my colleagues on the Republican side, first, suggesting we extend all the tax cuts of the Bush years without any offsets; and why did they, in the past, vote for the creation of Medicare Part D, really? Why did they vote for 2 wars that were unpaid for? There is something inconsistent in that.

As I pointed out, unemployment compensation is not a problem of structural deficit because, as the economy recovers, people will continue to pay into the unemployment compensation trust fund through payroll taxes. In good times those funds increase so that in the unfortunate times we can provide assistance.

What we are doing now with this legislation is recognizing that this is a particularly challenging moment for families and for States, and they need further assistance. Part of the legislation we have is fully compensating the States for the Extended Benefits program, which, in other times, are shared 50 percent by the States and 50 percent by the Federal Government. In these extraordinary times, we have to pass this legislation.

We also recognize, too, in terms of the offsets of the legislation, that this is part of our overall attempt to stimulate the economy. For every dollar of unemployment benefits, there is at least $1.60 or $1.90 in economic activity. It makes sense. When they get that $360 a week, they take whatever resources they have and they go to the store. They don't go off jetting to Europe on a vacation. They go to the store and buy food, clothes, and those things that are essential to their families.

Mr. President, I am continually baffled by the reluctance, the resistance, and the obstruction of the other side in terms of doing what has to be done, and done promptly. It will be done in a way in which it will assist the recovery that we are beginning to sense throughout the country.

I note the arrival of my colleague, the junior Senator from Rhode Island. I think he is about to take the floor.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The junior Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Mr. President, first of all, let me compliment the work of my senior Senator, JACK REED, on this issue. When I first came to the Senate 3 years ago, Senator REED had already established his reputation as somebody who fought passionately for unemployment insurance for people who were out of work. He understood that a family who is out of work, through no fault of their own, very often has the unemployment insurance they and their employers have contributed to as their only lifeline; that as our vibrant economy goes through ups and downs, there are times when individual families pay a terrible price when the economy contracts, when jobs are lost, and when individual families have to make what Vice President BIDEN called that ''longest walk'' up the stairs to tell their kids, their families, they have lost their job.

At that time, that lifeline for a hard-working family who, through no fault of their own, is out of work is all important. Senator REED knows that well. He has been a champion on this issue, not just when it has been at the forefront of national attention as it is right now, but day in and day out, constantly fighting for the people in Rhode Island and folks across this country who need this lifeline.

I wanted to say a few words to echo Senator REED's comments. Rhode Island still has 12 percent unemployment. We have the fourth worst unemployment of any State in the country. It has been that way month after month after month after month, with individual families paying the terrible price of the economic consequences of something that took place well outside of Rhode Island. It was Wall Street that collapsed. It was the big Wall Street banks. It was the bets by the Wall Street banks in a wild derivatives market, a wild mortgage security market, that tanked this economy, that required emergency action by Congress to try to put it right before a real depression ensued, and that kicked off the great recession that we have been suffering since then. That great recession washed like a tsunami across our country, and it hit particularly hard in my home State of Rhode Island.

In Rhode Island, we have 70,000 families who have somebody out of work. It is actually probably more than that because the unemployment numbers tend to undercount the actual harm. But the official count is over 70,000 families. I can promise you this: There aren't 70,000 jobs waiting around for those people in Rhode Island. They are just not there.

The notion that the Republican side has often developed, which is that unemployment insurance contributes to unemployment; that people who are looking for work need a little bit more motivation to go out there and take a job, and if you could just threaten their families' survival, threaten their ability to have food on the table, threaten their ability to stay in their homes, and threaten their ability to afford health care, they will then be motivated enough and will go out and get those jobs—I don't know where they get that from, but it is not from Rhode Island. We are a hard-working State. We don't have the jobs to take 70,000 people and put them back to work as this economy just haltingly now begins to recover.

Six-thousand Rhode Islanders have lost their emergency unemployment insurance benefits because of the stall tactics of the other side of the aisle; 2.5 million Americans across the country have lost their benefits. Those sound like big numbers. Behind every one of those 6,000 Rhode Islanders is a family story, a story about an individual who has to face some hard choices about whether they are able to pay the mortgage, whether they are able to buy new clothes for kids when the kids go back to school, whether they are able to pay for their medications, whether they are able to simply keep food on the table and a roof over their heads.

It certainly played a crucial part in preventing economic disaster for Sandy in Warwick, RI, who is 60 years old. She has a background in accounting. She has been unemployed now for 13 months and is trying to find a job in that tough, tough, tough, Rhode Island economic climate. She has applied for about 100 jobs. She is out there working. She is out there trying to find a place where she can put her skills back to work the way she always did, but no luck so far.

Her lifeline was unemployment insurance. If the Senate Republicans had been successful in their filibuster of this unemployment insurance, Sandy would have lost what is now her only remaining source of income. The consequences of that, obviously, are catastrophic for Sandy, for the other 6,000 Rhode Islanders in that position, and for 2½ million Americans around the country.

The great argument we hear our friends on the other side make is: We understand how painful this is going to be. We understand that people are going to have to come home and tell their kids we are going to have to move. We can't keep our home any longer. You are going to have to pack up your bedroom, put the stuffed animals in a box, and we are all going to have to clear out because I simply don't have the income.

Crossroads, our biggest shelter in Rhode Island, is packed. We have people sleeping in conference rooms. But the Republicans say: You know, we understand that is tough. We understand if you can't pay for medication for your spouse, that is tough. As people start to think about heading back to school in September, and you can't pay for clothes for the kids, you can't pay for pens, pencils, and schoolbooks, that is tough. But something more important is at stake here, they tell us, and

that is our national debt. We have to worry about that more than the care of American families who are out of work, through no fault of their own, because of the wild spree that Wall Street took under the Bush administration.

I would think more of that argument if it were at least consistent, but it is not consistent. It is an argument that they apply when regular working families are out of work through no fault of their own because of the Wall Street meltdown from the Bush policies. That is when they get all excited about how important the deficit is. But when it comes to, say, oh, tax cuts for billionaires, tax cuts for corporate CEOs, well, then a different rule prevails. Then the debt isn't so important. Then the deficit isn't so important. What is more important are the folks with the big salaries—the CEOs earning on average these days 400 times what a regular average salaried worker gets paid—400 times more every day than the average worker. That is the kind of tax cut that is more important than the deficit.

I saw this cartoon the other day, and I wanted to share it on the Senate floor. I thought it was a pretty good description of where we are on this. Here are our friends on the other side. It says ''Senate GOP'' on this cranky fellow's hat, and a little cat on the front of the boat says ''jobless benefits,'' if you can't read it. The fellow is saying to the little cat on the front of the boat: Too much weight. You get off the boat into the water. You are on your own. We don't care. Actually, it ends at get off the boat. I added the rest. On the back of the boat we see tax cuts for the wealthy.

But the Republicans do not see that. They do not worry about that. They are not concerned about that. Since the estate tax went to zero, four estates have been reported in the media of more than $1 billion—more than $1 billion. Each estate has gone through tax free, at a cost to the Treasury, at a cost to the deficit and the debt of hundreds of millions of dollars, and not a peep—not a peep—from the other side from those who are concerned about the deficit, when that is the issue. But you get a poor family out of work, one lifeline left keeping them in their home, one lifeline left keeping food on the table, and giving that lifeline the chop is something they are all for. That is something they are all for.

Well, fortunately, what happened here in the Senate yesterday is they lost. They didn't lose on a fair-and-square up-and-down-majority-rules vote. They lost on a 60–40 filibuster vote. They made us win by 20 points. Not just majority rules, the way it is in most places, but they forced us to 60–40 and we still won. So the unemployment insurance benefits should begin to flow to those families who are in such distress right now, and wondering how they are going to make it through the next day, through the next moment.

But it is not enough for them, once losing the debate, to simply pick themselves up, dust themselves off and, like good sports, go on to the next disagreement. We have other things we will disagree about. Nope. That is asking too much of our friends, unfortunately, to have that kind of good sportsmanship—to stand up, get back on the field and go back to the battle. We have to burn 30 hours of Senate floor time to no purpose. We can't do other work during this period. We can't do amendments during this period.

We know how the vote is going to come out. Literally, no possible purpose is accomplished by requiring us to burn the 30 hours, except two things for sure will happen. One thing for sure that happens is that all those families out there—those 6,000 Rhode Island families, those 2½ million families across the country—will have to wait a little longer. They have been stretched to the very end of their budgets and they are hanging on by their fingernails. But instead of saying: Fair and square, okay, we tried. We threw up every obstacle we could, but we lost 60–40, so let's go on to the next thing—nope, they are going to make them hang on for another 30 hours.

The other thing they accomplish through this is that they burn Senate floor time. The Good Lord only gives us so much time. You can't get minutes back when they are gone. You can't get hours back when they are gone. You can't get days back when they are gone. We have a lot of work to do in this Chamber, and our friends on the other side would like to have us do as much work as possible in as little time as possible, because, frankly, they want as little done as possible. So it actually suits their goal to burn floor time to no effect here on the Senate floor.

So that is what we are doing. I am here alone right now. Senator REED was here alone a minute ago. I suspect that when I leave, we will go back into a quorum call and time will tick, tick, tick, tick past with nothing being accomplished here. We could be working on jobs legislation. We sure need that. We could be working on energy legislation. We sure need that. There are a host of things Americans want us to be working on. But the Republican side of this Chamber has a strategy to prevent anything from getting done. Their policy is saying no, no matter what the question is—that is their answer, no matter the proposal—as long it comes from the Obama administration. That is their purpose, and they achieve that purpose when they burn this time.

So here we are on the Senate floor with time ticking away, second by second, minute by minute, accomplishing nothing other than burning 30 hours that, frankly, belongs to the American public. These are 30 hours we should be accomplishing the public's business, moving on to the next issues and going forward.

I would hope that, if nothing else, out of the spirit of good sportsmanship, our friends on the other side would call this off and say: All right, enough. We wish we had won. We want a world in which the deficit only applies to unemployment benefits for working families and we get to dig big holes in the debt and the deficit when it is our tax cuts for the wealthy, but we lost on that one. Let us move on. We will take the hand up off the field, we will dust ourselves off and move on to the next one. If for no other reason than good sportsmanship, I would hope they would do that and call off this period of delay.

That would also allow us to get to other business. We may disagree, but we might as well get to the business. We might as well have these arguments out. We might as well have our fight. Let's not just kill time here. So I hope my colleagues will reconsider. Time ticks away, awasting here. Everybody has work to be done. The American people await us, particularly on jobs legislation. There is an enormous amount we could do to help them if we could simply get to it.

We have a small business bill we are trying to tee up that would provide enormous value to the economy, including in particular Rhode Island, where small business is so important. Small business is the heartbeat of Rhode Island's economy. To the extent we can provide additional capital and support for small business, we could get to that. We could be working on that right this minute instead of being stuck in this long delay, in this empty Chamber while 30 hours ticks uselessly away because our friends simply can't dust themselves off after their defeat, stand up and go on to the next issue. They have to force this long 30-hour stall.

I thank the Presiding Officer again for the time, I yield the floor, and I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

AMERICAN JOBS AND CLOSING TAX LOOPHOLES ACT OF 2010

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

The legislative clerk read as follows:

Motion to concur in the House amendment to the Senate amendment with an amendment to H.R. 4213, an Act to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

Pending:

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

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

The PRESIDING OFFICER. The Senator from Arizona is recognized.

UNEMPLOYMENT INSURANCE

Mr. KYL. Mr. President, in the Rose Garden on Tuesday, President Obama stood with three long-time job seekers and reminded us that out-of-work Americans want to find work, and no one here, of course, questions that. I hear every day from Arizonans who look for a job day after day, week after week. They are just getting by.

I realize that few things can be more frustrating and demoralizing than struggling to find a job and that the effects of unemployment for families are deep and severe.

President Obama would have the American people believe congressional Republicans have been blocking an extension of unemployment benefits in order to make some political point. He accused us of this again on Tuesday and claimed we are refusing to help out-of-work Americans.

I wish to set the record straight. This is not a dispute about extending unemployment benefits. There is broad bipartisan agreement that we should do that. Republicans have voted several times in the past to extend benefits. I have.

The dispute, rather, is over who should pay for those benefits. Should we finance this $34 billion obligation in the short term with a loan from a foreign government and pass the tab on to our kids and grandkids or should we pay for it now by cutting other Federal spending? That is the question. It is a matter of who is going to pay for the benefits we provide to people.

I do not think we should be sending that tab to our kids. I believe we should pay it now. This is our generation. This is our problem today. We have an obligation to help take care of our fellow citizens when they are in time of need. We should find a way to pay for that. Our kids and grandkids are going to have their own problems in their day. We do not need to compound those problems by adding our obligations to those that they will need to deal with.

Republicans have offered an array of constructive solutions to the problem, proposals to pay for what we are spending, including using unspent money from the President's failed stimulus package. Almost half that money remains available.

We have tried five times to pass an extension of unemployment benefits that does not add to the debt. But our Democratic colleagues have repeatedly rejected our proposals. So the principal they are defending is not the need for unemployment insurance extension, it is that they will not pass a bill unless it adds to the debt. They will not pass a bill to extend unemployment benefits unless it adds to the debt.

The extension likely would have passed weeks ago if Democrats had simply agreed to pay for it now by cutting other Federal spending. In this $3 trillion budget that we have, obviously, there are plenty of places for us to find the offsets. Our national debt has been increased again and again during this recession. That creates long-term burdens for everyone—the employed, the unemployed, and generations to come.

While President Obama argues that we have increased the debt in the past to pay for other items, I will note that we were not in the middle of a debt crisis back then, for one thing. I suggest we pass a bill that is paid for now and recalibrate efforts to encourage private sector job creation.

As unemployed Americans know, while unemployment benefits provide a lifeline, they are only a temporary fix. They are not a substitute for new private sector jobs. I will venture a guess that everybody who is unemployed today would much rather have a job tomorrow than another check from the government for unemployment benefits.

So what do we do to create jobs and get the economy moving again? Well, you do not do it by borrowing more money. The President's job-creation initiatives have been a bust. Since his enormous stimulus bill passed in February of 2009, the private sector has lost over 2 million jobs.

While there has been some anemic economic growth since the recession started, employers are still clearly reluctant to hire. That probably has to do with the reality that businesses, both small and large, look down the road. They see massive tax increases beginning next year, on top of all the new regulations imposed by this administration.

They hear about a proposed national energy tax and proposed new pro-union policies. So they are reluctant to take a chance on the future because of all the uncertainty and the burdens we have already placed upon them. The key to job creation, and thus helping unemployed Americans, is having stable and sound policies in place for employers to make long-term decisions.

More spending, taxing, regulating, and debt are not the answers. I would hope we can find a way to extend unemployment benefits without asking our children to pay the tab for this generation's problems.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

WATER QUALITY

Mr. CARDIN. Mr. President, the oil disaster in the Gulf of Mexico has dominated the headlines since April 20. Because of that tragedy, we are more aware than ever of the important role great water bodies and the rivers that feed them play in our economy, our environment, and even our sense of who we are as a people.

Late last month, the Environment and Public Works Committee reported out a number of bills addressing America's precarious water resources. The committee approved a bill to hold BP accountable for the devastation it has caused to the people and the ecosystem of the gulf.

As all of America has seen in the morning newspapers and nightly news accounts, the current $75 million limit on oilspill liability damages represents a very small fraction of the actual costs of the damage done by BP. Senator MENENDEZ's bill, S. 3305, which the committee adopted, will make sure that BP is legally bound to honor its pledge to pay all legitimate claims. I am proud to be a cosponsor, and I look forward to the adoption of this legislation by the full Senate.

As we do everything we can to make sure the BP Deepwater Horizon disaster is not a knife through the heart of the Gulf of Mexico's ecosystem, we know that other great water bodies are also suffering. We are responding to those troubled waters as well. The Puget Sound, Columbia River Basin, Great Lakes, Long Island Sound, San Francisco Bay, and, yes, the Chesapeake Bay, are each special and iconic, yet each is threatened by degraded water quality.

Marylanders know from our experience with the Chesapeake Bay, just as the residents of the gulf are demonstrating for all Americans, that the health of these water bodies is critical to sustaining regional economies, plant and animal species, our cultural heritage, and our treasured way of life that has been passed on from generation to generation. The National Academy of Public Administration has recommended ''making large-scale ecosystem restoration a national priority.''

Large ecosystem programs, from Long Island Sound to the Great Lakes to Puget Sound, are addressing some of the Nation's most complex water resource management challenges. For this reason, EPA's strategic plan prioritizes protecting these ecosystems as a complement to their core, national water quality programs.

The Water and Wildlife Subcommittee that I chair has devoted considerable time to the Chesapeake Bay and, more recently, to the other water body bills.

I thank Chairman BOXER for her strong support on these bills, for her

help in shaping the legislation, and for marshaling these bills through the full Environment and Public Works Committee.

Throughout my career in public service, I have had no greater cause than to save the Chesapeake Bay. There has not been one dramatic incident that has killed off our fisheries, oyster beds and crab populations, so we have not seen the same sustained attention to lives and traditions ruined as we are witnessing in the gulf today.

That does not mean it isn't happening, family by family, across my State and my region. I have seen it and I am committed to doing everything I can to make sure the bay and the economy and ways of life it sustains don't die away.

The Chesapeake Bay encompasses 64,000 square miles. Its watershed is home to more than 17 million people, with tributaries in Delaware, Maryland, New York, Pennsylvania, Virginia, West Virginia and the District of Columbia.

Presidents Ronald Reagan and Barack Obama have called it a national treasure.

The Chesapeake is the economic, historic and cultural center of the region, providing commercial waterways, important fisheries, and countless recreational opportunities.

The first English settlers in the New World came here; Captain John Smith's original voyages of discovery in 1607 first mapped its borders. The capital cities of Maryland, Pennsylvania, Virginia, and the United States sit upon its major tributaries.

Since 1983, the Chesapeake Bay Program has undertaken a largely voluntary effort to restore America's largest estuary. This State-Federal partnership program has provided innovative leadership and remarkable scientific understanding of the restoration effort.

In recent years, however, it became apparent that voluntary efforts to restore water quality to the Chesapeake and its tidal segments would be unsuccessful.

The basin States agreed that the U.S. Environmental Protection Agency would be responsible for developing a basin-wide pollution reduction program. The Chesapeake Bay total maximum daily load, TMDL, would address all segments of the Chesapeake Bay and tidal tributaries that are identified on the currently applicable lists of impaired waters by nitrogen, phosphorus and sediment of the Chesapeake Bay States under section 303(d) of the Clean Water Act.

It is against that backdrop that I introduced S. 1816, the Chesapeake Clean Water and Ecosystem Restoration Act. The purpose of S. 1816 is to amend the Clean Water Act to improve and reauthorize the Chesapeake Bay Program authorized in section 117 of the Act.

The bill has four primary objectives:

1. Establish a deadline of 2025, along with appropriate milestones, for all restoration actions to be implemented throughout the Chesapeake basin that will lead to attainment of water quality in the Chesapeake Bay and its tidal segments; 2. Assure that the basin States, as delegated authorities under the Clean Water Act, be given maximum authority and flexibility to meet the restoration pollution limits through ''watershed implementation plans'' that each State designs for itself; 3. Require that the Federal Government be an active partner in the restoration effort, by developing the overall pollution reduction targets on a State-by-State basis through the Chesapeake Bay TMDL; implementing the terms of the Presidential Executive Order; paying local stormwater fees; and providing clear and meaningful accountability for the basin States; 4. Provide the States, municipalities, developers, and especially agricultural producers with significant new tools and financial resources to meet the restoration demands within the 15-year time frame contained in the legislation.

The bill authorizes a number of new grants programs, including two to assist local governments manage polluted stormwater and three to assist the agricultural community manage nitrogen, phosphorus and sediment pollution. Grants programs for States are expanded and a number of independent reviews of the program's implementation and progress are required over the next 15 years.

I am proud that the Environment and Public Works Committee reported out this bill on a voice vote, without a single Senator expressing opposition.

In fact, each of the individual great water bodies bills that the committee considered was adopted in a similar nonpartisan fashion.

S. 1311, Gulf of Mexico Restoration and Protection Act, was introduced by Senator WICKER and it addresses the long-standing issues facing the gulf that predate the oil spill disaster that has dominated headlines.

S. 3550, Columbia River Basin Restoration Act of 2010, is a bill jointly developed by the junior Senator from Oregon, Mr. MERKLEY, and the senior Senator from Idaho, Mr. CRAPO. This bipartisan legislation will address one of America's great river systems.

S. 3073, Great Lakes Ecosystem Protection Act of 2010, has several bipartisan sponsors, including Senator LEVIN and Senator VOINOVICH, who have worked for years to protect the Great Lakes, which hold 20 percent of the fresh water on the Earth.

S. 3539, San Francisco Bay Restoration Act, sponsored by California Senators Feinstein and Boxer, will help direct the restoration of that essential estuary.

H.R. 4715, Clean Estuaries Act of 2010. Senators Whitehouse and Vitter worked together on a substitute version of this House bill. It will reauthorize the program that supports the 28 estuaries around the country that are part of the National Estuaries Program.

S. 2739, Puget Sound Recovery Act of 2009, sponsored by the Senators from Washington State, Ms. CANTWELL and Mrs. MURRAY, addresses the restoration of this water body, which borders two nations.

S. 3119, Long Island Sound Restoration and Stewardship Act, sponsored by New York Senator GILLIBRAND, will help with the recovery of this body of water which serves millions of residents of New York and Connecticut.

Each of the restoration efforts takes a somewhat different approach to deal with the specific concerns of that region.

This is as it should be. Each of these great water bodies is unique, and each deserves its own restoration strategy developed by its own set of stakeholders.

I am proud of the work done by dozens of Senators from both parties who have contributed their time and legislative expertise in drafting and supporting these Great Water Body bills.

These bills prove that we can work together on substantive legislation in a constructive, bipartisan fashion. They prove that we can say ''yes'' to bipartisanship, ''yes'' to meeting America's need for clean waters, ''yes'' to locally driven restoration strategies, and ''yes'' to a bright future for some of the most iconic places in America.

Mr. President, I look forward to the opportunity to bring all of these fine bills to the Senate floor for adoption.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, I wish to take a few moments to talk about what is currently happening in the Senate, in my judgement, representing a State with now the second highest unemployment rate in the country—Michigan. We are glad not to be No. 1, but we sure would like to be No. 50. We have an awful lot of people right now who are waiting for us to complete action on extending unemployment insurance benefits.

I continue to be appalled at the lengths to which the Republican minority will go to stop people who are out of work from getting some help. We are in a situation where we finally, after eight different votes and weeks and weeks of trying, had enough votes to overcome a filibuster. As we all know, that takes 60 votes. I am very grateful to our Republican colleagues from Maine for joining with us to make that happen. We had a vote yesterday that was a supermajority vote. We

know extending unemployment benefits is going to pass because we had 60 votes to overcome a filibuster and the vote on the actual bill only takes 51.

We know we have the votes, but under the procedures of the Senate, technically, unless there is a bipartisan agreement, we have to wait 30 hours before we can actually vote. It used to be that once we secured the votes of a supermajority, then everyone would agree: OK, the votes are there, and they would agree to yield back time so we would not have to wait; we could go on to something else.

That is not what is happening now. While people in Michigan and around the country are waiting, trying to figure out: OK, can I pay the rent tomorrow, can I get gas for my car to look for another job tomorrow, can I put food on the table tomorrow, what is going to happen on Monday, what is going to happen on Tuesday—while people are waiting, we have nothing happening on the floor of the Senate. We are just burning time, 30 hours of time. In my judgment, it is just mean, because when we look at what has to happen yet—we will pass the bill. We know we are going to pass the bill. It has to go back to the House and then to the President for signature. This, at least, is the difference between families getting some help on Friday so they can feed the kids for the weekend or whether they are going to have to wait until Monday or Tuesday or Wednesday. For a lot of folks, for a lot of us—we have a salary, we have a job—that may not seem like much. For over 2.5 million people in this country who have lost their insurance benefits—and these are insurance benefits. You pay in when you are working to get some temporary help if you lose your job through no fault of your own. Mr. President, 2.5 million people think waiting from Friday to Monday is a big deal. They, in fact, think Thursday and Friday is a big deal. We have a situation that, frankly, I cannot characterize any other way than saying it is just plain mean.

Mr. DURBIN. Mr. President, will the Senator yield for a question?

Ms. STABENOW. I will be happy to yield.

Mr. DURBIN. Mr. President, first, I thank the Senator from Michigan. Her State more than any State in the Nation has been hit harder by this recession and high employment. I am sure, as I have found and the Presiding Officer has found back in Illinois, that many of these people who are out of work are desperate; that in the Senator's State of Michigan, it has been rough for a long time.

I wish to ask the Senator from the State of Michigan, for those who may not follow where we are at this moment in the Senate, if she could help refresh my recollection. Is it not true that we tried three or four times to get the Republicans to go along in a bipartisan way to extend unemployment benefits to those who lost their jobs through no fault of their own so they could keep their families together while they are searching for work?

Isn't it also true that this historically has been something where we put the party labels aside and say: This is an American emergency, just like a tornado hitting Chicago or Springfield, IL, or flooding hitting some part of Michigan; that we will stand behind the people of our country, the 8 million unemployed people who are struggling to get back on their feet? Isn't it true that historically we have done this without this kind of political rancor and argument?

Finally, yesterday, when we got the breakthrough—we have our new Senator from West Virginia, CARTE GOODWIN, who came in to succeed the legendary Robert C. Byrd. He cast the deciding vote, with two Republican Senators, I might add, who richly deserve credit for it. At that point, we could have moved forward to send these unemployment benefits, give these people in Detroit and Chicago peace of mind, and instead the other side of the aisle is insisting that we burn 30 hours off the calendar and even consider amendments on such issues as the immigration law in Arizona, the future of the estate tax—all these unrelated issues. Is it true that is where we are in this moment of time, where there are no votes taking place on the floor of the Senate?

Ms. STABENOW. Mr. President, I say to our distinguished leader in the Senate—and I thank him for his advocacy—he is exactly right. We have waited—I am not sure now if it is 10 or 11 weeks—trying to extend unemployment benefits. We have had multiple votes. We finally get the votes through all kinds of different means. We finally get the votes yesterday, and it is unheard of that we would be in this spot, after getting a supermajority of 60 people and after having this go on as long as it has. It is unheard of. Never before with a Democratic or Republican President have we ever seen this, but now we are stuck again, and I don't understand why. I cannot fathom the motivation of why the folks on the other side of the aisle, the leadership on the other side of the aisle, would say: Let's wait another 30 hours, which for most people means it is on into next week, and most people have already been without that little bit of $250 or $300 a week. We are not talking about a lot of money.

Mr. DURBIN. That is right.

Ms. STABENOW. But it is a difference between having a roof over your family's head, food on the table, and not. So now we are pushing into next week.

Mr. DURBIN. If the Senator would yield for a question, through the Chair.

I have a chart given me by my staff that says in my home State of Illinois—and the State of the Presiding Officer—137,600 people in Illinois have had their unemployment benefits cut off because of the filibusters on the Republican side, and our numbers show 104,000 people in Senator STABENOW's State of Michigan.

Ms. STABENOW. That is right.

Mr. DURBIN. Not to mention the State of the Republican minority leader, Kentucky, with 32,200 people who have had their unemployment benefits cut off.

I would say to the Senator from Michigan that I am contacted by these families, and they describe to me what life is like when they lose that $250-a-week check and they are out of work. First, they exhaust their savings, then they start putting off paying bills, and then they pray to God they don't get sick because they have lost their health insurance. Then comes the day of reckoning. One lady called and said: They are cutting off my gas to my home, and the electricity is next. Another said: I am 1 month away from moving out of my little efficiency into my car. That is where I am going to have to live.

That is the reality of life, and that is while these people are looking for work. Imagine those burdens—and anyone facing them would be preoccupied by them—at the same time trying to dress up nicely, put on a happy face, and fill out the forms to find a job.

I ask the Senator from Michigan what she is finding with these people who have been cut off from basic unemployment benefits because of the Republican filibuster.

Ms. STABENOW. Well, you are exactly right. I also hear, on top of that, about people who have done what we have told them they should do—they should go back to school and get retraining. So they go back, and the only reason they can actually afford to go back to school to go through one of the job training programs is that small check that has allowed them to have a little income for their family while they do what we have told them to do, which is to get a different skill to go into a different career and then hope there will be a job there.

I have had so many e-mails from people not only about losing their homes and what is happening to their families but that they have had to drop out of school. Well, how does it make any sense, when we are trying to make sure people are productive in the workforce and are able to find a job that people are dropping out of school because of this as well?

Mr. DURBIN. Let me ask this question of the Senator, through the Chair.

I have had heard an argument from the other side of the aisle that says these checks make people lazy; that they don't go out and look for work. With $250 a week, they take it easy.

These aren't the people I am talking to in Illinois. I would ask the Senator from Michigan, who sees thousands of people who have been out of work for long periods of time, what she thinks about this Republican argument that unemployment checks make people lazy.

Ms. STABENOW. Well, people in Michigan are extremely offended by this, and I am very offended on their behalf. The people we are talking about have never been out of work in their lives. They are mortified. The idea of having to go get food assistance is unbelievable to them. These are people who built America. They built the middle class. It is not their fault Wall Street had the crisis.

We had the good fortune to be with the President signing a bill that will change that, but it is not their fault what happened. It is not their fault there was recklessness on Wall Street and then the financial system collapsed so small businesses can't get loans and manufacturers can't get loans.

It is not their fault we went through a decade of policies where the previous administration was not enforcing trade laws so our jobs went overseas. It is not their fault they find themselves in this economy. So they are saying to me: I want to work. Hey, I want a job. I don't want to extend my unemployment benefits. Give me a job.

That is what we are focusing on too. I say to the distinguished Senator from Illinois, one of the things I find doubly insulting about wasting this time is that the legislation we are trying to get to is a small business bill so small businesses can get loans to hire people. So we are trying to create jobs and, instead, all this time is being wasted on an effort just to try to help people get by.

Mr. DURBIN. Let's get to the hot-button issue—the deficit. Because every Republican who comes to the floor tries to explain why we should change the rules when it comes to unemployment compensation, why we should deny to millions of Americans that basic unemployment check to get by while they are out of work, by saying it is all about the deficit.

I would ask the Senator from Michigan if she would reflect on the fact that many of the same Republican Senators making that argument were Senators who, when they had a chance under the previous President, added to our deficit by waging two wars without paying for them, who added to our deficit by giving tax cuts to the wealthiest people in America without paying for them, and in fact doubled the debt of the United States in 8 years' time with that economic policy and those decisions.

These same Republican Senators—such as Senator KYL of Arizona—now argue that if we give more tax cuts to the wealthy people in America and take that money out of the Treasury and add it to the deficit, it doesn't count because tax cuts for wealthy people don't count when it comes to this deficit discipline they want.

I ask the Senator from Michigan: How do you reconcile this; that all of a sudden now this is all about a deficit, which the Republican Senators virtually ignored for 8 years while we reached the stage of today.

Ms. STABENOW. Well, the Senator is absolutely correct. That is the fundamental question. It goes to a question of values and priorities. We will never get out of deficit with over 15 million people out of work, and that doesn't count people working two or three or four part-time jobs or who are underemployed. If people aren't back to work, aren't able to purchase as consumers, aren't able to contribute, we will never get out of deficit, which is why we start with jobs in the beginning.

But to add insult to injury, we hear that giving another round of tax cuts to the only part of the American public that has dramatically increased its income—those who are at the very top; the top 1 and 2 percent—doesn't matter if it adds to the debt. Adding to the debt for tax cuts for wealthy people doesn't count, but changing the rules, such as we have never done before, and focusing on helping out-of-work people does count. That counts. We can't do that, if it is somebody who is out of work. But we don't worry at all about deficits when it is helping the privileged few.

I can't imagine that. That is not the America I know and the majority of Americans care about right now.

Mr. DURBIN. I would say to the Senator from Michigan, by way of a question in closing, that it would seem to me a person who is unemployed, who doesn't get the basic check they need to survive and is forced to live in their car, that is a more compelling argument to me than giving a tax break to someone who needs to buy a newer car. That is what is being argued on the other side of the aisle. It is a complete mismatch of priorities.

What I struggle with is the notion of how many times the Senator and I have been called on, as Members of the House and Senate, to stand by some part of America that is struggling—farmers who are struggling because of drought or flood, people who are victims of flood and tornadoes or our friends in the Gulf of Mexico whose lives are changed because of BP. How many times have we said, as an American family, we stand together? When it comes to something as basic as food on the table and utility bills for the poorest people in America because they are out of work—when there are five unemployed people for every available job—why in the world our Republican friends want to take it out on them at this point in time I don't understand.

If there is anything this Congress should do, it is to rally behind those who have lost their jobs and are worrying about losing their jobs—those working part time, the Senator just referenced, and who want to work full time. If we can't stand together as a Senate behind those families, I think we have lost something very basic. I know I had to put that in the form of a question, so I am going to hazard a guess: Does the Senator?

Ms. STABENOW. Well, I absolutely agree. I wish to thank the Senator for his continuing leadership and passion on this issue.

I would simply say, if over 15 million people out of work in this country isn't an emergency, I don't know what is. Those are the folks we are fighting for right now—the people who want to work, the people who have been part of this great middle class in our country and who now find that slipping through their fingers because of a global economy, where we have not understood the rules should be fair, where we have had policies put into place that affect only the privileged few, with the theory that it will trickle down to everybody else.

You know what. I wish it had. I wish the policies of the former President and my friends on the other side had worked. I don't want people to be out of work. If trickle-down economics would work, I would celebrate it. But my folks are still waiting for the trickle down. They are still waiting. Instead, what is happening to them is they have lost their jobs or they are finding themselves with fewer hours or they are finding themselves in a situation where they are working two jobs, three jobs just trying to hold it together. I mean I have seen numbers that show almost half the families in Michigan have somebody in their immediate family who has lost their job.

The idea of saying that somehow that is all because people are lazy, well, I would not say the words I would truly like to say, but I would just say that is a bunch of bunk—the idea that somehow Americans who have worked all their lives and are caught up in this are somehow just lazy. But this goes to a broader pattern that is extremely concerning to me, and it is the difference in world view and how we view what should happen and what is important in our country.

When we had a bill in front of us—the President just signed it today—to put back some commonsense regulations on Wall Street so there are no more big bailouts and consumers can get good information to be able to protect themselves and their 401(k)s and their savings and to be able to address all the jobs—the 8 million jobs lost since the financial crisis started over a year ago—and when we have a bill on the floor that takes on the big banks, the big bonuses, the recklessness of some on Wall Street, our colleagues on the other side of the aisle vote no. Almost every single one of them sided with the big banks and the big bonuses.

We are going to have a big debate about whether to extend tax cuts for the wealthiest Americans, whether we should give even bigger tax cuts to the top couple hundred families with huge estates in this country—to do even more than President Bush did on tax cuts for the wealthy and the wealthy estates that are literally only 200 or 300 families in the country. Our colleagues on the other side of the aisle will argue for that. They will argue that is the right thing to do. That is a different

view. It is a different view than we have about what is happening in this country and where the priorities ought to be.

Middle-class families in my State are saying: What about us? What about us? The big banks got their bailout, what about us? That is why we have been focused on jobs and on innovation. While we aren't out of the hole—we are nowhere near out of the hole—we are at least digging our way out. There were 750,000 a jobs a month being lost when President Obama took office. We changed the focus to working families, to middle-class families, and by the end of the year that was zero. Now we are gaining 100,000 or 200,000 a month, but we are at least gaining.

I am not happy at all about the unemployment levels in Michigan. But when President Obama took office we were looking at 15.7 percent—unbelievable—and that is just the people being counted. Now it has come down a little bit, a little bit, a little bit, and now it is 13.2. That is still way, way too high, but at least it is moving in the right direction. We had 8 years of it moving in the wrong direction and we have turned the ship and it is beginning to turn around.

The problem we have is that while it is slow in terms of job creation, too many families are caught in the middle on this, waiting for that next job, wanting that next job that is going to pay enough so they can care for their family. They are caught in a situation they never thought they would be in, in their life and they are embarrassed and they are mortified and they are angry. They are looking at the Senate and saying: What is going on here? You can't even get it together to do what every other President, Democrat and Republican, has done in the history of our country to come together and to understand this is an emergency—15 million people plus is an emergency—and that we ought to be extending the small unemployment insurance benefits to families who are caught in this.

That is what this is all about. We find ourselves in a situation where we are wasting time right now on the floor of the Senate that we could be using after voting to extend unemployment benefits to go on to small business, which is also absolutely critical for us. The No. 1 concern from businesses is the inability to get a loan, to get the capital they need to extend their line of credit to do business or be able to expand, to get the loans they need. That is the bill we have waiting in the wings. That is the one we are trying to get done.

Instead of focusing on that, which is jobs and small business, which is the growth engine of the country, we wait. We watch the clock—30 hours. For whatever reason I do not know. But I think it is a shame.

I want to close reading a letter. I get thousands of e-mails. I am sure my colleague does too. I find them very heartbreaking. I want to read a little bit to put it in the RECORD, from Philip, from Belding, MI:

> I have just learned I exhausted my unemployment benefits. I am going to school under the worker retraining programs through Michigan Works. I have a mere 5 months left until I graduate. I am raising my daughter on my own. My life has been a rough ride, trying to do this on the limited funding already.
>
> Now I have to make a choice. This is an incredibly hard choice. I have to quit training to get a job or continue training and live with no income whatsoever. My decision must be made in the best interests of my child. I worked tremendously hard to be at the top of my class in my training and now I am faced with the fact that it was all for nothing.
>
> The last year of hard work and study is lost. The grants I received for Michigan Works were used fruitlessly. I know you are fighting for me and all the others in my position but I feel I need to let someone know . . . what is happening.

There are so many people who have sent letters and e-mails and who have called me. They are just trying to play by the rules and care for their families and get another job or go back to school or do the things we all want to do for our families to be able to live a good life, be able to have that American dream as we define it. It is extremely unfortunate that we find ourselves in a situation where we continue to see objections and blocking and efforts just to stop something as basic as temporary assistance for people who have lost their jobs.

We will get this done. We will get it done. It will pass. The difference between what is happening here and what could have been if we had gotten it done yesterday is it is going to be a few more days before somebody gets the help they need. I do not know how many people will lose their houses because those few more days mean they can't make that payment in time and they end up on the street or how many missed meals, how much hunger, how many times their kids go to bed at night hungry because we are wasting all this time on the Senate floor.

I can tell you there are many of us, those of us on our side, who understand what this means for people. We are deeply sorry families are in this situation. They need to know we are going to continue to fight, we are going to continue to be there, we are going to continue to do everything we can to support them and their families until everybody in this country who needs a job and wants a job and is able to work has one and can get themselves back on their feet and have the kind of life they want for themselves and their families.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The Senator from Nebraska is recognized.

Mr. JOHANNS. I thank the Chair.

(The remarks of Mr. JOHANNS pertaining to the introduction of S. 3622 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. CASEY. Madam President, we are spending time today in so many ways talking about where the American people are right now with regard to this horrific economy, where we had and still have some of the worst job numbers in a long time.

Fortunately, the economy is recovering. The American Recovery and Reinvestment Act, which I voted for, and many of us did, has a positive impact along with other job creation strategies. We are happy about that. But we know we still have a way to go to fully recover.

One of the best ways to ensure that those who are out of work, through no fault of their own, can get from a situation of joblessness to a job, is to make sure we use programs that we put in place over years and that workers and families have contributed to to give them the opportunity for unemployment benefits as they transition or go across that very long bridge from unemployment to a situation where they are back at work.

We have had months and months of debate about this issue. Finally, yesterday, we were able to get beyond yet another hurdle that was erected by the Republican side of the aisle, and now we are at a point where we are beyond that procedural hurdle.

Instead of allowing the Senate to finally at long last vote on unemployment insurance and to extend it, to give families some peace of mind in this terrible economy they have lived through, to give businesses some certainty in terms of what the job picture will look like in a matter of months, and also to take a step when we extend unemployment insurance, to take a step in the right direction to continue to jump-start the economy—one of the best ways to do that is by extending unemployment insurance, because when you do that, you have an additional benefit. The obvious benefit is to a worker and his or her family and, by extension, the community or neighborhood they live in.

But there is yet another benefit, a second or a third benefit, that is depending on how you count each benefit. You know, if you spend a dollar on extending unemployment insurance, you get a lot more than a dollar back.

So you spend a buck on unemployment insurance, by one estimate—Mark Zandi—you get more than a buck sixty back. The Congressional Budget Office tells us that number may be higher. It might be $1.90 that you get back if you spend a dollar. So there is an economic benefit for the whole country when we extend unemployment insurance. This isn't simply about the obligation I believe we have to help those families who don't have a breadwinner, as someone who has lost their job, to help them get through this difficult period. That is reason enough to extend it and it is reason enough to treat it as the emergency it is and to even, in my judgment, add to the deficit to do that. But there is also that other benefit, isn't there, the benefit to the economy overall—spend a buck and get a lot more back—because we know that when we extend unemployment insurance, those dollars go right back into the economy and create other jobs and other economic activity and therefore economic opportunity for people who have nothing to do—have no connection to unemployment insurance. Thank goodness a lot of people don't have to worry about unemployment insurance because they still have a job. They have some security.

So there are at least two or three basic reasons we should be extending unemployment insurance. With all of the evidence, with all of the very compelling and, I would argue, irrefutable evidence that this is good for workers and their families, it is necessary to help them, and it is also good for all of us in the larger economy because of the jump-starting and stimulating aspect of the expenditure of those dollars, you would think the folks on the other side of the aisle would agree with us. But they haven't for many, many weeks.

Now we know we have the votes to get this done. Yet they are still allowing all these hours to pass that they could waive very easily and say: We know we lost—I am speaking from the Republican side of the aisle—we have lost the procedural votes, so let's just vote on final passage and get this extension approved. They seem to want to play politics with the critically important issue for the American people. We are going to extend the unemployment insurance, and it is going to happen. So why would you insist on the hours that are required—not required but the hours that are part of the process and allow that to slow this down?

I was on the floor yesterday talking about a number of Pennsylvanians. One gentleman I spoke about, I talked about, reading from his letter, the worry he had, a gentleman out of work, worried about his family, worried about his 12-year-old daughter who has cystic fibrosis, worrying about how he is going to have insurance cover her condition, and also worrying about whether he can make ends meet, would he find a job, would he be able to provide for his family. That worry is universal when it comes to this issue, the worry a parent feels when they lose their job and lose their health care, the worry that consumes them when they feel they are helpless, almost, to provide for their own family.

We point to individuals within our States who write to us or send us an e-mail or somehow communicate with us about their own circumstances.

Not too long ago, I received an e-mail from a woman named Kimberly. She and her husband have two children in college. Her husband has been out of work for a year. It is hard to comprehend that, what it is like to need a job to provide for your family and you not only don't have a job but you don't have a job for a year or longer. So many families have been living through that.

She said:

> We have been struggling for a year while he looks for full-time employment with which he can again support our family.

Then, speaking about her job, she says:

> I don't make a lot of money. I don't make enough to support us. And I especially don't make enough to put my kids through college.

Then she goes on to say:

> We may not starve, but we won't be able to pay our creditors. We'll be looking at possible bankruptcy. I may have to pull my daughter out of her 4-year university and send her to a community college, and we won't be able to buy clothes or even enjoy simple pleasures like dining out or going to the movies.

Something as simple as that.

I spoke yesterday about a woman who had written to me, Rachel, who talked about her husband having lost his job and deciding to join the National Guard in order to be able to have some job, some livelihood, as well as be able to get a little bit better health care coverage.

These stories are real. They are not anecdotal. They are common in one sense or another. There might be differences from one family to the other, but there are a couple of universal realities here for people. Joblessness, being out of work, does, in most instances, lead to a situation where you lose your health insurance coverage. Joblessness robs people of their basic dignity. It diminishes their confidence in their own worth, their own value to their family, whether it is a mother being out of work or a father or a sibling. This kind of worry and anxiety plus the basic insecurity of not being able to pay bills is horrific, absolutely horrific, something that not many people—maybe a few, maybe a few Senators can understand it, but not many can understand what it is like not to have income and not to have health care.

Everyone here, every Senator has a steady income. It is reliable. It is there every month. You get paid every month. Every Senator gets health care coverage. We have that security for ourselves and for our families. I realize that some at some point in their lives might have an experience that would give them an insight into what someone is going through now who is unemployed, but not many, not many U.S. Senators, not many Members of the House of Representatives or those who work with us in the Federal Government.

So when folks come to this floor and talk a lot about, we want to help, the argument basically is, we want to help, we understand, but we don't want to run up the deficit. They make that argument. I wish the same folks who make that argument and the passionate arguments about the deficit and not using an emergency strategy to help the unemployed, I wish they had that same sense of worry and outrage about the deficit when they were giving tax breaks—hundreds of billions of dollars—to very wealthy Americans, hundreds of billions year after year after year to very wealthy Americans and not being too worried about the deficit in those days. In fact, some on the other side of the aisle were heard to say at the time that deficits don't matter; that if it is tax cuts, if that is your priority, if you want to vote, if you want to put forth and move forward a tax cut policy for the very wealthy, at that time, in their judgment, there was nothing wrong with running up the deficit.

Now when we make the argument that this is an emergency, the way it has been treated for years by people on both sides of the aisle—unemployment insurance in the midst of a horrific recession is, in fact, an emergency—and they voted that way, now they are inconsistent, not only inconsistent when it comes to all of a sudden insisting that they can't support anything that would increase the deficit even in a limited manner—that is inconsistent, but I believe it is even more outrageously inconsistent when you say: I will vote for tax cuts for the wealthy and run up the deficit, but I am not going to take steps to increase unemployment insurance or to extend unemployment insurance.

So what you have is not only hypocrisy and blatant inconsistency, but you have hypocrisy and inconsistency and political gamesmanship that is hurting real people. There are hundreds of thousands of people. If we look across a couple of months, literally millions of Americans have been denied unemployment insurance and will be denied unemployment insurance if these games keep playing out, if these political obstacles are erected every couple of weeks or every couple of months.

It is a very basic choice: We can vote right away and get beyond this and extend unemployment insurance or we can still have the games people are playing and the hypocrisy we have seen on display and continue playing games while people are out of work, while people are hurting, and while families are suffering. It is very simple. There is no kind of in-between here—you are either on one side of this issue or the

other. Then we can get through this period. I think we can move on to other debates about our economy, about how our job-creation strategies are working. We can have debates about the deficit and a lot of other issues. But the first thing we have to do is make sure we are taking every step necessary to help people who are out of work through no fault of their own and to continue this recovery by creating the jobs that we know have been and will continue to be created as we move forward. But we have to get beyond this. We should not be waiting hours to get this final vote in place so we can pass an extension of unemployment insurance and move forward and help those workers and help those families.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

HEALTH CARE REFORM

Mr. BARRASSO. Madam President, I come to the floor to visit about the continuation of revelations to the American people about the health bill that has been signed into law by the President. I come as someone who has practiced medicine in Wyoming, taking care of the families of Wyoming for the last 25 years. I come as someone who is the medical director of the Wyoming Health Fair, offering low-cost blood screens, low-cost preventive services to let people identify health problems early so they can get early treatment, keep down the cost of their medical care. This is something we have done all around the State of Wyoming for almost a quarter of a century now.

I come today to offer a doctor's second opinion. I have done this every week since the health care bill became law because every week there is a new revelation, a new finding, something that once again affirms what those of us who opposed this health care bill and this law had said would happen if this actually became law.

I come to the floor to tell my colleagues what I have found in the last week. After all, the goal of health care reform was to lower costs, to increase quality, and to improve access for patients around the country. I continue to believe week after week, as Americans learn more and more about this law, that this is a law that is going to be bad for patients—I heard that as I traveled the State of Wyoming this past weekend talking to folks; bad for providers, nurses and doctors taking care of patients; and something that is going to be bad for payers, people who are going to have to pay the bills for their own health care, because costs are going up, people paying for their own health insurance because costs are going up, taxpayers who are going to have to pay for this because those costs continue to go up.

I come to the floor having just taken a look at the Sunday New York Times, an article by Robert Pear: ''Changing Stance, the Administration now Defends Insurance Mandate as a Tax.'' I stood on this floor week after week hearing people on the other side of the aisle say: No, this isn't a tax. Now, all of a sudden the administration says differently. But then who can forget NANCY PELOSI, Speaker of the House, who said: You don't get to find out what is in the bill until the bill is passed.

There have been so many broken promises made by this administration and this President to the American people. It is no surprise that a majority of the American people continue to want to have this law repealed and replaced.

Well, let's review a couple of those promises. One is the President said:

The plan I'm announcing tonight—

and he said this to a joint session of Congress, with those of us here attending—

The plan I'm announcing tonight. . . .will slow the growth of health care costs for our families, our businesses, and our government.

Well, the Chief Actuary for Medicare and Medicaid said, of course, the President is wrong.

Then the President said: If you like your health care plan, you will be able to keep your health care plan, period. He said: No one will take it away, period. He said: No matter what, period.

But then the Chief Actuary of Medicare and Medicaid said 14 million Americans would lose their employer-sponsored health coverage under the law. And when the White House came out with its own recommendations and rules and regulations, even they have said a majority of Americans who receive their health coverage through work will not be able to keep the coverage the President of the United States promised them they could keep.

And now the one where the President said: I can make a firm pledge. Under my plan, no family making less than $250,000 a year will see any form of tax increase.

He went on to be specific. He said: not your income taxes, not your payroll taxes, not your capital gains taxes, not any of your taxes.

That is what the President happened to say.

Well, that was not just a candidate speaking that way. Even as President, in September of 2009, in a speech before Congress, President Obama again promised the American people:

The middle class will realize greater security, not higher taxes.

What a difference a year makes. The President's new health care law does contain tax hikes—lots of them. In fact, there are at least 18 new taxes in the health care law, and it raises approximately $500 billion over a 10-year period.

Here are a couple of examples: new taxes on medical devices and supplies, new taxes on brandname prescription drugs, new taxes on health insurance providers, increased Medicare payroll taxes on employers. But the most egregious is the individual mandate tax. That is the one that the American people are so concerned about right now. The new health care law requires all Americans to buy Washington-approved health insurance, and they have to do it by the year 2014. If they do not, they have to pay. Some call it a penalty, others call it a fine. For the first time in our Nation's history, the Federal Government is ordering the American people to use their own hard-earned money to buy a specific good or service.

Most people I talk to, who see through all of the games and the wording, say this is a tax. Even ABC News's George Stephanopoulos clearly pointed this out during a September 2009 interview with then President Obama. In that interview, Mr. Stephanopoulos pressed President Obama, pressed him to admit that the individual mandate is a tax. He asked President Obama:

But you reject that it's a tax increase?

And the President responded:

I absolutely reject that notion.

Well, Mr. President, apparently your own administration disagrees with you. And clearly your Justice Department disagrees with you. Because as the New York Times reported, on July 16—just this past Sunday—it said:

Administration officials say the tax argument is a linchpin of their legal case in defense of the health care overhaul and its individual mandate, now being challenged in court by more than 20 states and several private organizations.

It is so interesting. Just the first paragraph:

When Congress required most Americans to obtain health insurance or pay a penalty, Democrats—

In this very Chamber—

denied that they were creating a new tax. But in court, the Obama administration and its allies now defend the requirement as an exercise of the government's ''power to lay and collect taxes.''

So there you have it. The article says the Justice Department now believes—the Justice Department takes direction from the President—the Justice Department believes the individual mandate penalty is a tax precisely because it generates money, $4 billion per year through 2017. That is according to the Congressional Budget Office. So you have the President promising the American people one thing and directing his Justice Department to say exactly the opposite.

Well, you might say, is this partisan? No. We are talking about a New York Times article. The New York Times goes on to quote Jack Balkin, who is a professor of law at the Yale Law School. This is somebody who actually supports the health care law. This is a supporter of the health care law. What does he say about President Obama? He said he ''has not been honest with the American people about the nature of this bill.'' He says: ''This bill is a tax.''

So here you have a supporter of the health care law, a supporter—a Yale Law School professor—who goes on to say of President Obama, he ''has not been honest with the American people about the nature of this bill.'' He said: ''This bill is a tax.''

We have President Obama's own administration now admitting the individual mandate to buy health insurance is a tax increase. Well, this clearly violates the President's repeated promises that no one—no one—making less than $250,000 a year would see a tax increase.

Congress's Joint Committee on Taxation confirms the tax hikes in the health care law absolutely will hit millions of middle-class, working-class families struggling in this economy.

Once again, we see and hear the President of the United States promising the American people one thing and delivering something entirely different.

The President went on national TV and said his individual mandate was not a tax. Now the President's administration says it is.

So I come to the floor again today with a doctor's second opinion, outlining the broken promises of this health care law—the broken promises made by this President and this administration to the American people, and forcing through, cramming down their throats, against the wishes of the American people, a law the American people did not want, and still do not want. Because if you go to any senior center, if you go to any civic organization, if you travel around this country and you ask the question: Under this law, do you believe the cost of health care will go up, all the hands will go up. And if you ask the question: Do you think the quality of your own care under this new law will go down, the same number of hands continue to go up.

That is why it is important we repeal and replace this health care law with something that is patient centered, with something that focuses on patients, not Washington bureaucrats and not insurance company bureaucrats. There is no reason to not allow Americans to buy insurance across State lines. There is no reason not to allow Americans who want to buy individual insurance to get the same tax breaks. They should be able to get the same tax breaks as those who get their insurance through work from the big companies with those tax breaks.

We have to allow people to have individual incentives if they stay healthy and take measures to keep down the cost of their own care. We have to deal with lawsuit abuse, which was essentially neglected in this over 2,000-page health care law. We need to encourage and allow small businesses to join together to get the cost of their health care down and the cost of their insurance down.

Those are the things that will get the cost of care down—not this monstrous bill that is bad for patients, bad for providers, and bad for the payers of health care. That is why week after week I continue to come to the Senate floor to once again go over what we have learned in the past week. This week we have learned the President of the United States, who promised there would be no increased taxes, has now changed the tune of his entire administration and his Justice Department by saying: Oh, no, we are changing our stance. Now the insurance mandate is a tax.

I offer my second opinion, and it is time to repeal and replace this health care law.

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

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

Mr. KAUFMAN. Mr. President, I ask unanimous consent to speak as in morning business for up to 5 minutes.

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

PRAISING JAYNE ARMSTRONG

Mr. KAUFMAN. Mr. President, I rise once more to honor one of America's great Federal employees.

Last week, the Senate focused a lot of its attention on reforming our regulation of Wall Street. As important as that is, we must not forget that the health of our economy depends on the success of businesses on Main Street. Small businesses form the backbone of our prosperity and embody the American dream for millions of families.

From the colonial merchants at our beginning to those who opened stores in frontier towns in the 19th century, from the mom and pop shops in the postwar years to the online start-ups of our day, small businesses have driven our economy.

Over the past 57 years, the Small Business Administration has been helping small business owners obtain loans and find resources to help them prosper. By guaranteeing loans that small businesses take out from banks, the SBA enables entrepreneurs to grow and develop their businesses with confidence, which helps create jobs and improve local economies.

It was created out of the old Reconstruction Finance Corporation, which was set up during the Hoover administration to lend capital to businesses hurt by the Great Depression. The SBA was founded in 1953, on the cusp of an economic boom that saw the proliferation of new small businesses throughout the Nation.

In 1964, the SBA's Equal Opportunity Loan Program helped tackle poverty by encouraging new businesses started by entrepreneurs living below the poverty line. In the aftermath of natural disasters, the SBA provides emergency assistance to help keep small businesses running. Today, the SBA continues to play an important role in helping small business owners launch and grow their businesses.

The great Federal employee I am honoring this week has worked at the SBA for 16 years.

Jayne Armstrong currently serves as the SBA district director for Delaware. I have known her for several years, and I have seen firsthand her dedication to helping Delaware small businesses thrive.

Jayne, a native of Pittsburgh, worked in advertising, high-tech economic development, and higher education development before joining the SBA in 1994. She holds bachelor's and master's degrees from West Virginia University. First serving as the district director for West Virginia and regional advocate in the SBA's Office of Advocacy, Jayne helped organize the White House Conference on Small Businesses in 1995. She also represented the SBA in Russia during the first-ever formal exchange between American and Russian entrepreneurs the following year.

Since coming to Delaware and, Mr. President, I should add that she has lived in my home State for the past 10 years—Jayne has become one of the greatest advocates for First State entrepreneurs. She has helped hundreds of Delawareans turn ideas into businesses. Nothing, including the economic downturn, slows her down in her drive to help small business owners obtain the loans they need to open or expand.

Jayne has placed a particular emphasis on helping entrepreneurs take advantage of SBA loan programs created through the Recovery Act, such as Queen Bee Beauty Supply in Smyrna, a minority woman-owned business, and Miller Metal Fabrication in Bridgeville, a design engineering and manufacturing company.

These are just two of the hundreds of businesses that have Jayne and the SBA to thank for helping them get their start or expand into new opportunities.

Jayne is also substantially involved in our State's nonprofit community. She serves on the boards of Girls, Inc., the Caesar Rodney Rotary Club, and Delaware Tech's Entrepreneurial Advisory Consortium, among others. Former Governor Ruth Ann Miller appointed her to serve on the Delaware Commission for Women.

The SBA serves as a fitting example of how the Federal Government works with the private sector to fuel job creation—a goal we are continuing to focus heavily on in this Congress.

I hope my colleagues will join me in thanking Jayne Armstrong and all of the men and women at the Small Business Administration for their hard work to help our small business sector grow and prosper. They are all truly great Federal employees.

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

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

The bill clerk proceeded to call the roll.

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

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

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

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

AMERICAN JOBS ACT

Mrs. SHAHEEN. Mr. President, today, hopefully, we will finally extend unemployment insurance to those who can't find a job in this difficult economic climate. Our next task is to help small employers and entrepreneurs grow their businesses and hire new workers. That is the only way we will fully emerge from this recession.

Over the past 15 years, small businesses have created almost two-thirds of the new jobs in America. Small businesses are the cornerstone of New Hampshire's economy. Over 96 percent of businesses in the Granite State are small businesses with fewer than 500 employees. That is why we need, once we have passed the extension of unemployment insurance, to pass the Small Business Jobs Act as soon as possible. This is legislation that will dramatically increase lending to small businesses, it will enhance the ability of small companies to export, and it will provide tax relief to small firms.

I am proud that as a member of the Small Business Committee I helped craft this bill under the leadership of the chair of that committee, Senator MARY LANDRIEU, and ranking member Senator OLYMPIA SNOWE. I want to thank both of them for their work and for their leadership on this bill.

While many community banks in New Hampshire have increased their lending, I consistently hear from small businesses that they have run out of financing for the working capital they need. Last year, my office organized a financing fair to bring together lenders and small businesses who need financing, and over 500 people showed up. It was a huge turnout. But still, wherever I go in New Hampshire, small business owners tell me they are running out of financing options. In some cases, their only choice is to turn to credit cards, often personal credit cards, paying exorbitant interest rates to get the working capital they need to keep their businesses going.

The small business jobs bill will enhance Small Business Administration loan programs that help small businesses in New Hampshire and throughout the country as they try to access the credit they need to hire workers, to grow their businesses, and to weather the economic storm.

In the past year, many small businesses in New Hampshire have taken advantage of the enhancements to the SBA programs that were included in the Recovery Act. One business owner in New Hampshire, Janet Dunican, was able to save her business with an SBA loan. Janet owns an innovative manufacturing company in Hooksett, NH. She has over 50 employees, and what they do is help take trucks that are owned by other small businesses and transform them by adding custom-fit utility buckets—the kind we see when the cable company fixes the power lines after a storm.

When Janet needed a loan to save her company, she looked everywhere for help. But with credit tight and with this uncertain economy, she had a hard time finding a bank that would finance her project to keep the business afloat. Then she turned to a bank that participated in an SBA loan guarantee program. She was able to work with her bank to get the credit she needed to save her business.

Unfortunately, too many small businesses can't take advantage of loan guarantees because the loans have been too limited, and they do not fit their needs. But the small business jobs bill opens these programs to more businesses. It increases the size of the loans that businesses can obtain, it allows small businesses to refinance their debt at lower rates, and it extends the higher guarantee rates that were included in the Recovery Act. The SBA estimates that these provisions will put over $5 billion in credit into the hands of small businesses.

The bill also funds successful State small business lending programs—programs that have helped save many small businesses and helped others finance their growth. These programs, such as our own—the New Hampshire Business Finance Authority's Capital Access Program—and other successful small business lending programs, can quickly get credit into the hands of the small companies that need it the most.

The bill also includes a proposal that I worked very hard on to allow more small businesses in New Hampshire to access the SBA's Express Loan Program. The Express Loan Program is popular with banks in New Hampshire because it cuts redtape and allows them to use their own paperwork in making the loans. It is a simple way to quickly put working capital into the hands of small business owners.

Another important way we can increase the bottom lines of small businesses is by helping them sell their products overseas, something I have been supportive of for a very long time. Of the small- and medium-sized businesses in this country, only about 5 percent are selling into markets overseas. Yet 99 percent of those markets are outside of the United States. For many of these small businesses that would like to export, it can be very challenging because, unlike big companies, they often don't have the technical capacity or the resources to identify new markets, to go on trade missions, and to market their products to foreign buyers.

The small business jobs bill will help these small firms access new markets because it boosts Federal and State programs that help small businesses export their products. It also strengthens SBA export financing programs so that small businesses can get loans to put them in a better position to compete locally.

Finally, this legislation also provides over $12 billion in targeted tax relief for small businesses. These are tax cuts that will help free up capital for small firms to make investments and, most importantly, to hire workers because that, in fact, is what the small business jobs bill is all about. It is to help provide the boost that small businesses in New Hampshire and across the country need, not just so they can be successful and grow, but so they can create jobs—the jobs that we need to put people back to work in this country.

I am excited that we are going to be taking up this legislation. I hope it is going to be today. I urge my colleagues to join me in supporting this critical bill to help improve job prospects for people across the country.

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

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

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

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

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

ESTATE TAX

Mr. SANDERS. Mr. President, every day it becomes harder and harder for me to listen to my Republican friends who race down to the Senate breathlessly telling the American people how concerned they are about the $13 trillion national debt we have and how ''we have to get our financial house in order.'' That is what they tell us every single day. But a funny thing happened: under the leadership of President George W. Bush, these very same Republicans turned a recordbreaking Federal surplus left by President Clinton into recordbreaking deficits. Back then, as we all recall, not so many years ago, their rallying cry was ''deficits don't matter.'' That was articulated by Vice President Dick Cheney. This ''deficits don't matter'' philosophy gave us two wars that were not paid for, including the war in Iraq, which may end up costing us $3 trillion. It gave us $700 billion in tax breaks—no worry about paying for those tax breaks that went to the very wealthiest people in our country. It gave us $400 billion in an unpaid-for prescription drug Medicare Part D bill. And, of course, it gave us a $700 billion bailout of Wall Street developed by President Bush and his Secretary of the Treasury, Mr. Paulson. No worry; in those days, we did not have to pay for any of that. It is OK, just add it onto the debt of our kids and our grandchildren.

But it seems our Republican friends recently, about a year and three-quarters ago, had a change of heart. Coincidentally, that was when President

Obama came into office. I am sure it was just a coincidence, but now it appears that deficits do matter. For 8 years, deficits didn't matter. Now they do matter. Now they are telling us we cannot afford to extend unemployment benefits to over 2 million Americans who lost their jobs in the worst recession in modern history. They tell us we just cannot afford to invest in our economy to rebuild our crumbling infrastructure or transform our energy system, which would create, over a period of years, millions of good-paying jobs. We can't do that. We don't have the money to do that.

The Republican hypocrisy is about to reach a whole new level, literally, today. In the name of fiscal responsibility, while they oppose every effort to help the middle-class and working families of our country, today an amendment is going to come onto the floor which is specifically designed to provide huge tax breaks to millionaires and billionaires. In other words, there is no money available to help desperate families who have lost their jobs, but there is all kinds of money to provide huge tax breaks to millionaires and billionaires.

Finally, last night, as a result of the appointment of a new Senator from West Virginia, we got the 60 votes we needed to end the Republican filibuster so that we can extend unemployment benefits. But instead of allowing this bill to pass yesterday, as common decency would allow, so we can begin to get the money out to those families who are wondering right now how they are going to buy the food they need, pay the rent, pay the mortgage, the Republicans are forcing the Senate to wait another 30 hours before final passage.

Adding insult to injury, my good friend from South Carolina, Senator DEMINT, wants to suspend the rules so the Senate can take up legislation to permanently repeal the estate tax. This, even for the Senate, is really weird and really extraordinary. In the midst of telling us how serious the deficit is, how serious the national debt is, these folks want to give tax breaks to billionaires by permanently repealing the estate tax and, as this chart shows, adding more than $1 trillion to the deficit over 10 years. That is a very unusual way to deal with our deficit crisis, by adding $1 trillion to the national debt over a 10-year period. Furthermore, as this chart shows—and maybe this is the most important point I want to make in my brief remarks—only a tiny fraction of estates from death in 2009 owed any estate tax. In fact, 99.7 percent of Americans would not receive a nickel from Senator DEMINT's legislation.

Four years ago, every Republican except two voted to completely eliminate the estate tax, a tax that has been in existence since 1916 and impacts only the very richest families in America, the top three-tenths of 1 percent. Let me tell you who the major beneficiaries of this huge tax break would be. Would it be the average middle-class worker who during the Bush years saw a $2,200 decline in his income, people who really need the money? No, they are not being helped by Mr. DEMINT or the repeal of the estate tax. Would it be a small businessperson, the people who are creating almost all of the new jobs in our economy? Would small business be helped when we repeal the estate tax? No, not those guys. Would it be a single mom who wants to send her kid to college for the first time in their family's lifetime? No, that single mom is not going to be helped, not anybody on Social Security, not the people who need the help the most. They don't get one penny from the repeal of the estate tax, as Senator DEMINT is proposing.

Who benefits? Who are the beneficiaries of the estate tax or, as my Republican friends and their pollsters like to refer to it, the death tax? If we pass what Senator DEMINT wants us to do today, completely repeal the estate tax, it would provide an estimated $32.7 billion tax break for the Walton family, the founders and owners of Walmart—a $32.7 billion tax break for a family that is worth almost $87 billion. Some people here may think the Walton family—worth almost $100 billion—is in desperate need of a tax break at a time when we have a $13 trillion national debt. I am not one of those people. I do not think they do.

But it is not just the Walton family, obviously, who will benefit. Other very wealthy families will. Do you remember those hedge fund managers on Wall Street who made $1 billion a year or several billion a year? They are going to benefit. Those are the guys—the people who drove us into the recession, who made huge amounts of money gambling on Wall Street. They will be very happy if that amendment passes. They benefit. The Mars candy family will get an $11 billion tax break; the Cox cable family, $9 billion tax breaks.

Remember, this law has been in existence since 1916. And remember again, it only benefits the top three-tenths of 1 percent, and 99.7 percent of the American people, working people, middle-class, lower income people, upper middle-class people, don't benefit one nickel from this tax break which costs us $1 trillion over a 10-year period.

At a time when our country has a $13 trillion national debt, the highest level of childhood poverty in the industrialized world, a crumbling infrastructure, a desperate need to transform our energy system—I see Senator BOXER, who has been a leader in that effort—it is beyond comprehension to me that anyone at this moment in American history would advocate huge tax breaks for millionaires and billionaires.

This concept of the estate tax was developed by Teddy Roosevelt. He was concerned about two things. He was obviously concerned about raising revenue for the Federal Government, but he was also concerned about making sure we did not maintain an oligarchy in the United States where billionaire families—people worth tens of billions of dollars now—are able to give away their fortunes to their own heirs. He believed in a meritocracy and that it was appropriate that those people pay a fair share of taxes.

This is what he said:

> The absence of effective state and especially national restraint upon unfair money-getting has tended to create a small class of enormously wealthy and economically powerful men, whose chief object is to hold and increase their power . . . Therefore I [Teddy Roosevelt] believe in a . . . graduated inheritance tax on big fortunes, properly safeguarded against evasion and increasing in amount with the size of the estate.

Teddy Roosevelt, 1910. I think our Republican friends have kind of disowned Teddy Roosevelt, and we don't hear him quoted terribly much anymore.

In order to sell this concept of repealing the estate tax to the American people, Republican pollsters—I have to admit, we have to be honest about this—have done a very good job. They framed this tax break for billionaires into a death tax. So people on the street in Burlington, VT, come up to me and say: BERNIE, I want to leave my kids $20,000. Why are they going to tax me? The Republican pollsters have done a very good job and their lobbyists have done a very good job in misleading the public. As usual, Republicans are using the old tactic of pretending to worry about the needs of ordinary people as a smokescreen to serve the wealthy special interests.

That is what they do very well. If you are in the middle class and you want to leave your family $1 million or $2 million or $100,000, this doesn't apply to you; you don't benefit one nickel. This is for millionaires and billionaires.

The other thing they talk about is, we have to preserve the family farm and the estate tax is wiping out family farms. I am a strong advocate of family-based agriculture, and in terms of the preservation of family farms, the American Farm Bureau was asked to come up with an example of one single family farm being lost as a result of the estate tax. They could not find one farm that had to be sold as a result of the estate tax. This is not legislation to help family farmers. This is legislation to help provide tax breaks for millionaires and billionaires.

Let me quote from an article that appeared in the New York Times July 8, 2001:

> Neil Harl, an Iowa State University economist whose tax advice has made him a household name among Midwest farmers, said he had searched far and wide but had never found a case in which a farm was lost because of estate taxes. ''It's a myth,'' Mr. Harl said.

As it happens, I called up Professor Harl this afternoon, just a few hours ago. Interestingly, he told me he has conducted over 3,000 seminars on the

estate tax and agriculture. This guy is an expert on the issue. I just wanted to get an update from him. What he told me 2 hours ago is that after studying this issue for decades, he has not heard of one family farm that had to be sold because of the estate tax—not one.

When my Republican friends talk about preserving the family farm—something we have to do—this estate tax issue has nothing to do with that.

In terms of small business, the nonpartisan Tax Policy Center, as this chart indicates, has estimated that only 80 small businesses and farm estates throughout the country paid an estate tax in 2009, representing 0.003 percent of all estates.

This legislation is not for the family farmer. This legislation is not for small business. This legislation is specifically designed to provide huge tax breaks to the wealthiest people in this country, millionaires and billionaires, at the same time as we have a $13 trillion national debt.

Let me conclude by saying this.

We have heard our Republican friends week after week, month after month, coming down to the floor of the Senate and saying, no, we cannot extend unemployment benefits to desperate Americans all over this country who, through no fault of their own, have lost their jobs. We cannot afford to do that.

Finally yesterday we got the votes to go forward. But having said that, that they cannot help working families and people who have lost their jobs, they are now coming down to the floor and saying, we desperately need to give tax breaks to millionaires and billionaires.

You know, Woody Guthrie had a song some years ago. The title was: ''Whose Side Are You On?'' The Republicans have answered that loudly and clearly. But when it comes to the needs of the unemployed and uninsured, when it comes to protect the interests of the struggling middle class, the Republicans are deficit hawks. We know they are going to go after them. But if you are a billionaire family who needs a huge tax break that will cost $1 trillion over 10 years, they are on your side.

I yield the floor.

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

Mrs. BOXER. Mr. President, the Senator from Vermont speaks in very clear words. When he says this debate is about whose side are you on, he could not be more on target. We have a situation where we know that when President Obama took office and the Democrats were increasing their majority, we inherited the worst recession since the Great Depression. Those are not just words; that is a fact.

We inherited the worst deficit ever, because under the Republicans, the hugest tax cuts ever to people earning more than $1 million a year, $1 billion a year, went right on the credit card; two wars went right on the credit card; nothing paid for.

Then at the end of George Bush's term, when we started to see jobs being lost, 700,000 jobs a month, that is when we took over, and we took some tough votes. We said to the American people: We are going to focus like a laser beam on jobs and this economy, and we are going to get back on our feet. Yes, we are going to tackle that deficit.

I happen to have the privilege of having been sent here by my State when Bill Clinton was President of the United States. You know what. He inherited huge deficits, and he inherited a tough economic time, and we proved that we could both balance the budget and create 23 million jobs. When George W. Bush took the keys to that Oval Office, it took him a matter of minutes, figuratively a matter of minutes, to turn surpluses into deficits, and to bring down the jobs market until we got to a point where we were losing and hemorrhaging jobs at 700,000 a month.

This is important for us to remember, because it is this date where we say to our Republican friends, if you care about the people who are trying desperately to get jobs, if you care about people who have been hit by this great recession, then come with us. Work with us. Let's make sure we are there for those who deserve to have this help.

By the way, if I could say, the rules that go along with getting this unemployment extension, people do not talk about that much. You have to prove you are ready and willing to work. You have to prove you are actively seeking a job. You cannot have been fired for cause. And, by the way, you have to have paid into the unemployment insurance fund as well. This is unemployment insurance that the workers have paid into.

These are people who are actively seeking work. Guess what. When they get there, they find out there are five job seekers for every job. So we say to our friends on the other side of the aisle, where is your heart? Where is your heart?

A couple of them proved that. They stepped up and voted with us. That is all. When history is written, I think this time is going to go down as a time when right triumphs over wrong, because we did get these votes.

But guess what. Even though the other side knows we have those votes, they are stalling and stalling and having us vote on amendments that would give the wealthiest Americans their tax cuts, without paying for it. So when a deficit is caused by helping those who earn $1 million a year, $1 billion a year, oh, they are happy with that. But when you are trying to help mainstream America, middle-class America, the hard-working people, oh, my goodness, where are they? They are not here. Only to delay they are here. They are here to delay.

This is an important moment in history, because we always had bipartisan support for extending unemployment compensation. My God, we had it when George W. Bush was President in 2003. The Republicans joined with us and extended unemployment. No problem. So I do not know where this is coming from.

You are going to hear: Oh, the deficit. That is hogwash. They admit it. They admit it. They do not care about the deficit. When they are cutting taxes for their friends, they said: It does not matter. I have chapter and verse, quotes from their leadership. So this is about values. It is about whose side are you on? I am on the side of the American people, the working people. Most of us. BERNIE SANDERS is on that side. The Republicans who are joining us in this vote today are on that side today. This is a history-making day. It is the first time we have ever had a standoff on this issue. It is the first time we have ever seen the Republican Party walk away from working Americans like this. Again, when I was here and we balanced the budget, we created surpluses. The Republicans were not with us on that. I can honestly say, I voted to balance the budget. We did it, and we know how to do it, and we are going to do it. But do not turn your backs on people who paid into the unemployment compensation funds. It is insurance. They paid into it. And they have to be actively seeking work.

I wanted to read to you a couple of stories from my State, of real people. But before I do, I want to talk about Mark Zandi. Mark Zandi, chief economist at Moody's, was one of the top economic advisers to then-Republican Presidential candidate JOHN MCCAIN. He says that every dollar invested in unemployment benefits, such as we are going to vote on today, produces $1.61 in economic activity. The CBO estimates it is $1.90.

Why is that? It is because the people who are getting those funds to survive are going to spend it in the local economy. They are going to go out to the supermarket; they are going to go to the local gas station. Economists of all stripes agree that there is an actual return on investment here, let alone the morality of standing up for people who, through no fault of their own, cannot find a job.

Let me read what a Sacramento woman said to me.

> Days go by when I hardly sleep at all, worrying about our bills. Since my benefits were cut off on July 1 at the end of my first extension, we have had to concentrate all of our income on paying the rent and buying food and gas. I have not been able to pay any of our other bills. I don't know how long we can make it like this.

I don't know how long we can make it like this. And our friends are stalling and stalling and stalling. Two months already they have stalled.

A city planner from Los Angeles writes:

> The effects of the recession were especially acute for anyone whose industry was decimated by the financial crisis. Since municipalities are struggling and real estate development is frozen, jobs in my industry are few . . . my unemployment checks stopped abruptly last week before the 4th of July. I

called my benefits office thinking this must be a mistake, only to find that the benefits ended because Congress didn't pass the Federal extension.

Another Californian said:

I am very scared of what might happen if I lose the unemployment income. We don't want to lose our home. My children catch me crying at times and ask me why are you crying, mom? I can't tell them . . . Please pass this bill until this economy strengthens and more companies start to hire again.

If people on the other side of the aisle can have a good night's sleep knowing this is what is happening in the greatest country in the world on our watch, then fine for them. But I have to tell you, this is a defining moment of who we are as a Nation. As a Nation.

I actually had the experience of a political analyst, someone who comments on politics, say, well, you could understand why people might need two yachts, one on each coast. You know what. We better get back to the basics here: people who need to feed their families, people who need to pay their rent, people who do not want to lose their home.

We have to do everything we can to revitalize the jobs market. We have taken it from 700,000 jobs lost a month under the Republicans, and we have turned it around, but not fast enough, not far enough.

That is why the bills we passed here are so critical. But we have no cooperation on that. It would be one thing if the other side said, you know, let's not do unemployment, but let's work on jobs bills. Oh, no, they do not want to work on jobs bills. We have got a small business jobs bill. We are praying to God—I am—that we get one or two Republicans. This is a bill that is supported across the board by chambers of commerce, everybody. I know, Mr. President, how hard you have worked to make sure our community banks can start lending again to small businesses.

I have been through nine cities in my State. I have met with small businesses. They want access to credit. This small business bill is a terrific bill, and we can leverage it without it costing the Federal Government a dime, these loans to qualified small businesses through qualified and strong community banks, and leverage all of this to be a huge stimulus, and it actually has. Because of the paybacks to the government, we even make a little bit on it.

But we do not have our friends helping us with that. After they stall this unemployment bill, they will stall into the night. Hey, it is their right. It is their right. But it is my right to talk about how I feel about it.

They will start stalling small business just as they stalled the tax breaks that they claimed they wanted. They stalled the bill that would have given the research and development tax credit to businesses all over this great nation that need that tax break.

They have stalled a lot of other tax breaks to businesses. There are huge tax breaks to small businesses in the small business bill they are stalling. So this is a moment in history. This is a moment when partisanship is way ahead of the needs of the people of this great Nation.

I think it is a sad day when some of my Republican friends come down here and start to demean the people, the people like the one who wrote to me, the woman who said: I am scared of what might happen if I lose this unemployment income. We do not want to lose our home. My children catch my crying and ask me why are you crying, mom? I cannot tell them. Please pass this bill until this economy strengthens.

Well, I make this commitment: if we have to stay here through the night, until 1 or 2 a.m.—I do not know what the other side wants; they have got their plan of delaying this—fine, then we will stay here until we get it done. But we are getting this done, because it is the right thing to do, because it is the right thing to do to people who are actively seeking jobs, who have lost jobs through no fault of their own, who have paid into the unemployment compensation fund.

We are going to keep on working to create those jobs so we do not have to be here again and again doing this. There are things we can do to set the stake for economic recovery. We have done some of them. I have met the workers. I have met the workers in my State who are working on the 405 freeway, the 215 freeway, the 805 freeway, the Sacramento Airport, the Caldecott tunnel extension, the Doyle Drive extension, all up and down my State.

I have met those workers who have those jobs because of the Economic Recovery Act. Our Republican administration in California has stated that at least 150,000 jobs have been saved or created, and other studies show it is more than that. It is not enough. We have to keep working at it. I am sad to say all we can hope for are two or three Republican votes at that. We are grateful to those brave Republican Senators who helped us. We are grateful. I thank God for them that they have the courage to stand and say yes to the American people, yes to America's families, and no to partisan politics. I am so grateful to them.

When I say that, it probably hurts them on the other side. I don't mean to do that. I am just being honest about how I feel about it. If anyone ever tells you one vote doesn't make a difference, one vote makes a difference. We swore in a new Senator from West Virginia to take the place of a leader, Robert C. Byrd, who lived his life for working people, for the workers in the mines. How appropriate it was that his first vote was to help working people, working people who, through no fault of their own, can't find work.

I will wrap up at this point. I am ready, so ready for this final vote. If we have to stay here through five motions and debate the fact that the wealthiest American billionaires shouldn't have to help us with this recession, I am happy to do that. I am a believer that we all have to do our share. We all have to work together. Hopefully, tonight, whatever time it is, or in the early hours of the morning, my constituents, 200,000-plus in California, will be able to look at their kids and smile a little and say: Honey, we still have a chance. We are going to get out of these tough times. Honey, we are going to do it.

That is what this place should be about at a time such as this, creating the policies that create the jobs, working together to do so but never forgetting there are people who just need that bridge until, when they go for a job, there are not four other people there for the same job. That day will come, if we can work together. I make that commitment.

I yield the floor.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Oklahoma.

Mr. COBURN. Mr. President, I have listened to my colleague from California. I am somewhat amazed to think she would imply we don't care about the unemployed. The fact is, we do. I went through the list of the things she mentioned, as did the Senator from Vermont. I was not here in 2001. I was not here in 2003. I was not here when both the wars were initiated. I had no part in any of that. But even had I been, the fact is, we can help two groups of people with this unemployment insurance. There isn't anybody on our side of the aisle who doesn't think we ought to pass extended unemployment benefits. To state or imply that is absolutely absurd. It is not about stalling. The majority leader did not allow one amendment to allow us an opportunity to have a vote on whether we ought to pay for it.

The question isn't whether we help the unemployed. Every time we have offered ways to do so—as a matter of fact, five times it has been rejected that, in fact, our grandchildren should not have to pay for the unemployment benefits of the people who are unemployed today. Five times it has been rejected. Multiple times we have chosen to not do the responsible thing for two groups of people. It is easy to come to the Senate floor and throw darts at people who have a drastic disagreement on where we stand in this country. But to imply that they don't care is out of bounds. The people in Oklahoma who are not getting unemployment checks today I care about just as much as the people who don't have a job who aren't getting one. But there is another group of people whom I am pressed to serve in Oklahoma as well; that is, their children. The assumption that this body can't make the hard choices to eliminate things that are much less important, much more wasteful, an absolute waste of Federal dollars and eliminate those things to pay for unemployment insurance is out of the bounds of reality.

My colleague from California mentioned several times that all the people who are getting these extended benefits have paid into a fund. They paid zero. This is extended benefits. The extended benefits are 100 percent paid for by Federal tax dollars. It is the 26 weeks, the routine unemployment, that is paid for through the unemployment fund. The extended benefits, long-term benefits, don't come from any pot of money except the pot of money of our grandchildren's future.

Let's put that to rest. There is not a Republican or a Democrat or an Independent in this body who does not want these folks to get extended unemployment benefits. We do. The question is, at a time when we are going to borrow $1.6 trillion this year alone against the future of our children, whether maybe we can find $30 billion, that doesn't come anywhere close to the priorities of helping people who are unemployed today. I reject out of hand the idea that we don't have any compassion. The fact is we do.

As a matter of fact, our compassion is both short term and long term. We are thinking about the habits of Congress that continually put the credit card into the machine and borrow against the prosperity and well-being of generations that follow. Let's not have any more talk about the fact that we don't want people to have unemployment. We do. We do want them to have unemployment. Multiple times we offered ways for that. It may, in fact, pass this afternoon or early this evening that we are going to extend them and not pay for it. But as the Senator from California said: It is a defining moment. It certainly is. Is the Federal Government, in this difficult economic situation, going to at least make some small attempt to rein in the $300 billion worth of waste, fraud, abuse, and duplication in the Federal Government? The answer we get is no. Discretionary programs over the last 2 years, not counting the stimulus—we can have the stimulus debate some other time—have risen 19.6 percent, when the average wage went up less than 2 percent. The Federal Government is now twice as big as it was in 1999, not counting the stimulus. We have 6,400 sets of duplicative programs that the body will not touch. They are all designed to do good things for people. They are highly inefficient, highly ineffective. Yet what we will do is not that hard work to get rid of the things that aren't working. We will just charge our children so we can say we took care of unemployment.

Hard times require hard decisions. What we are seeing is the easy way out. The easy way out is to not pay for this. The easy way out is to charge it to our children and grandchildren. There is no difference in the level of compassion. Everybody wants to take care of those who are unemployed. The easy way is to put it on the backs of our children and grandchildren.

The question is, Will we do the right thing for the country? Will we do the best right thing for the country or will we do the easy thing, the politically expedient thing, class envy, ''I am going make somebody look bad because they don't agree with me on the timing of something'' or will we act as a body that will ensure both caring for the now and ensuring the future? It is easy in the Senate to spend money you don't have. The bias is for it. The hard thing is to take and do the best right thing. My colleagues, many on both sides of the aisle, in numerous cases over the last 5½ years, have too often done the easy thing. We have all these fingers pointing at this administration did this and this administration did this. There are plenty of problems for every administration and every political party to be considered guilty on because too often both groups have done the short-term politically expedient thing rather than the best right thing for the country.

I had, at one of the events that my staff attended this weekend, an individual in Oklahoma who lost his unemployment insurance. He said: You tell Dr. COBURN to be sure and continue to pay for it. I want my unemployment insurance. I need my unemployment. I will not be able to make my house payments unless I get that. But I don't want that to come from my children and grandchildren. I want it to come from the excesses and waste in Washington today.

So there is another viewpoint, even though we hear it is a critically nonpertinent viewpoint. This isn't a partisan issue. This isn't a delaying tactic. This is a real philosophical difference on how we get out of the mess we are in.

A lot of my colleagues are not happy that I am a Republican a lot of times because I go after my party just as much as I go after anybody else's. But the fact is, core principles matter. Go look at the history of republics. The Senator from California talks about a defining moment. The defining moment for the Athenian Republic was when they decided to start spending money they didn't have on things they didn't need.

Here is our option today. The reason we are going to have motions is because we were given no opportunity to amend. That is the only reason we will have motions to suspend the rules. It has nothing to do with a delaying tactic. It has to do with a debate and a Senator's right to offer amendments. The Senator from California would be doing the same thing if the shoe was turned the other way. If she was precluded from offering amendments, she would find a way to offer an amendment, if she believed from a position, a conscientious position that can be defended on the basis of facts. You don't have to agree with it, but you can't deny there are economic factors that should play in how we pay for unemployment insurance.

You can demean us. You can say we are mean. You can say we don't care. But the fact is, none of that is true. It is an absolute untruth.

The defining moment is, Will we embrace the quality that built this country in the first place? That is, being responsible for the problems that are in front of us and not shifting that responsibility to generations that follow. That is what this debate is all about. When we left here for one break, we had agreed with Senator REID and Senator LEVIN about extending unemployment insurance. We were told by the Speaker of the House that she wasn't about to set the precedent of starting to pay for unemployment insurance. Why not? When we have a $1.6 trillion deficit, when we have $13.3 trillion worth of debt, when we are mortgaging the future of our children, we are stealing opportunity away from them as we do it, why not? Why not meet the challenges that are in front of us by responding in a way that says meeting people's needs today is important, and it is important we not take away from the needs of the future as we do so. Yet we are lectured that it is a partisan debate.

There is nothing partisan about this. In my soul, I want to help everybody out there who is unemployed and facing the tough times. But also in my soul is that I do not want to mortgage the future of any more American children, when we have tremendous amounts of waste, fraud, and duplication that can easily be eliminated.

One of the motions I am going to offer is to cut $40 billion from the Federal Government. America, tell me what part of this you do not agree with. The fact is, we are going to ask that we quit wasting money on real property. We spend $8 billion a year maintaining property we do not want. We have $80 billion worth of empty buildings. It is costing us $8 billion a year. Should we continue to spend that $8 billion or should we not spend that $8 billion and take that $8 billion and pay for unemployment insurance?

How about collecting unpaid taxes from Federal employees and Members of Congress. That is $3 billion. As to currently hired Federal employees, it is already adjudicated they owe $3 billion. I think we ought to pay it back. I do not think we ought to borrow from the future of our children and grandchildren because we do not have the guts to say: Pay up. Quit cheating the Federal Government, employee of the Federal Government. That is a small number in terms of the number of employees, but that is a big number: $3 billion. Let's have them pay up.

Why is it we are not going to eliminate $8 billion in bonuses to Federal contractors who did not meet the requirements to get a bonus, yet we gave the bonus anyway? Why not eliminate that rather than charge this to our children? Tell me why you will not vote for that? Do you think we ought to be paying bonuses to people who do not deserve them, contractors? It is $6 billion over a 4-year period in just the

Defense Department alone. But you do not want to get rid of that? You would rather charge the money to our kids than make the hard choice of alienating some defense contractor or some government contractor because they got something they did not deserve in the past, when somebody is unemployed who deserves to get unemployment insurance? I do not understand it. Or eliminating nonessential government travel—one of the things President Obama wants to do. We spend billions—$14.8 billion, in excess of that—on Federal travel. We are some of the worst abusers. Yet we will not discipline ourselves and set an example that we can use a teleconference rather than getting on an airplane and going somewhere—a video teleconference. At a time such as this, when we are having an economic problem, we will not make the hard decision to make tough choices that are maybe not as fun, maybe not as easy. What I have found is a video teleconference is a whole lot easier than travel, but we will not make that hard choice. We are not going to tell the agencies they are going to have to do it.

We will not even put on a Web site all the times we violate our own rules on pay-go. On February 12, we passed a law. It used to be a rule in the Senate, but now we passed a law. It is called pay-go. It says you cannot have new spending unless you pay for it. Since February 12, when the President signed that law, we have violated it to the tune of $223 billion, where we said: Oh, time out. The pay-go statute does not apply. We don't have to pay for it. We don't have to eliminate all the inefficiencies, all the duplication. We don't have to go after any fraud. We are just going to charge it to our children and grandchildren.

Where is the integrity in that? Where is the integrity? Where is the character in that? Where is the courage to do the tough thing that accomplishes both helping the people who are unemployed but helping our kids and helping our Nation? There is not any. There is none. It is the easy way out.

Lest you think I am making up this stuff, let me give you some examples of Federal duplication. I will just give you four easy examples. We have 70 different government programs—70 different sets of bureaucracies—that spend billions of dollars a year, and on none of them is there a metric to measure whether they are effective to help people with food who are hungry. Why 70? Why across six or seven different agencies? Why not one or two programs keenly focused with metrics on saying: Are we feeding them or not? Why not eliminate 68 sets of bureaucracy and overhead? That is a small one.

We have 105 different sets of programs to incentivize our young people to go into math, engineering, science, and technology. It costs $3 billion a year, for 105 different programs, in 9 different Federal agencies. They are not in the Department of Education. They are everywhere.

Nobody knows the data, but nobody will vote to make them accountable, make them transparent, eliminate the overhead, streamline the bureaucracy. No, we do not want to do that. This body has voted against doing that multiple times when those amendments have been offered.

We have a total of 78 job training programs outside the Department of Labor, costing billions of dollars a year, none of which have a metric on them. Yet we do not want to streamline that, eliminate it, get it down to two or three that are focused—some on the chronically unemployed, some on the new workers coming in, some on those who are handicapped who might need special assistance. No, we are going to keep the 70-plus programs we have because they are somebody's baby, all of which are highly inefficient and none of which can prove effectiveness when you measure them with a metric because they do not have a metric. They cannot demonstrate they are effective.

So the debate is not about whether we want to help people who are unemployed. The debate is about whether we want to help the people who are unemployed as well as the generations that follow us.

I am amazed, and continue to be so, how easily this body can abandon common sense. I do not know if we do not have it to begin with or if we are similar to a magnet, and it is two positives, so we repel any common sense. But nobody would run any organization—private, public—business or anything else the way we run the agencies in the Federal Government.

When you start wanting to do something about it, the only thing you get is: We can't. Well, the American people are asking us today: Please, do what you can. Do what you can. What we can do is we can pay for unemployment for the next multiple periods of months by eliminating things that are absolutely unnecessary.

Do you realize we can save $4.5 billion over the next 10 years by not printing stuff that people do not want. It is all online. We can save $450 million a year just by putting common sense into the Government Printing Office. It has been voted down three times on this floor this year. Why not? Why do we continue to take the easy task when the future of our country is going to be determined on whether we take the hard road and do the hard thing that benefits both the coming generations and those who are experiencing problems today?

I tell you why it is. It is because we say we care, but we do not. We play the game, but we do not get in the game. Getting in the game means that you get criticized, that you offer ideas, some of which may work and some of which may not, but you are not afraid to change the game because our kids' future, our country's future depend on changing the game.

What we have heard today is the resistance to changing the game. We do not have a future if we do not start making hard choices. It is an easy choice for me to vote with the Senator from California to pay for unemployment benefits. I want those people to get it. It is a hard choice for me to vote against it and say: Let's pay for it. If, in fact, you will pay for it, I will vote with you. It is not like we cannot find $40 billion. Every third grader in this country can find $40 billion in this budget. There is no rocket science to it. There is so much waste, so much duplication, and so much fraud that anybody can find it.

The question is, Do we have the will to do the best right thing for this country? One of the things I have learned in 5½ years in this body is that when people use straw men and people use half-truths, it is usually because they are hiding something. What is being hidden from the American public today? What is this debate truly all about? Is it just about unemployment or is it about we like the way things are?

We do not want to change the way things are, we do not want to get out of our comfort zone to solve the real problems of America, so, therefore, we will use all sorts of tactics to deflect what the real issues of the day are.

What are they? The Senator from California rightly outlines that millions of Americans need unemployment compensation right now. I am all for it. What is the other truth about where we are? The truth is, this country is on an absolute unsustainable course. The American people have awakened to it. They know it.

As the Senator from California knows, this is not new for me. I have been doing this for 5½ years. So it did not matter if it was the ''bridge to nowhere,'' which a Republican authored, or unemployment compensation today, I think we use common sense and do the best right thing for America, not the politically easy thing.

So the challenge before us today is to go home and explain, when this bill passes, why we charged it to the least of us. That is whom we are charging it to: to the least of us.

I told a story not long ago. In my profession as a physician, I have delivered nearly 4,000 babies—maybe over that. I quit counting. But the thing that has always gotten me, when I am delivering a baby—and I have a mother there and a father there and that baby comes out—is to see the glow on the face and in the eyes of those parents. The glow is about hope and promise for the future and about what things can be and the potential that is unlimited when that new life is here. You see it in the parents, and you see them puff up and say: Wow, what a phenomenon.

As I think about what we do today, we are stealing that. We are taking it from those kids because we refuse to have the backbone and courage to do the hard, yet the best right thing for this country.

We will hear a lot of speeches about how bad we are because we want to pay

for it. We will be talked down. It will be said that we want to obstruct. I honestly admit I don't want anything to go through this body that isn't paid for. You can count on it every time. Everybody on that side of the aisle, and most on my side of the aisle, have run in cross-wise with me on things that aren't paid for. They know. It is not a fetish; it is that I actually recognize the long-term future of this country depends on us getting our fiscal house in order.

So it is a defining moment, as the Senator from California said. But it is not the defining moment she thinks it is. It is the defining moment of whether this body is going to grab onto and truly accept the responsibility given to us by the American people. Will we truly accept it? How we act on it determines our commitment to this country.

I don't disagree with those who just want to get it through and get people paid. They have a right to have that position. I am not demeaning that position. I am just saying the country can't last if we keep doing it. Our kids don't have a future if we keep doing it. If we look at the budget projections for our country, we will run—even with the tax increases that are coming at the end of this year—we are going to run $1 trillion deficits until 2020.

Let me close with one final thought. We have a $4 trillion budget. We are going to run a $1.6 trillion deficit this year. That means we are going to borrow that from our children. The deficit by this time next year will be close to $14 trillion.

Have my colleagues ever thought about what $1 trillion is? My colleague from Georgia explained it to me. I didn't believe him, so I did the math.

If we spend $1 a second, so that means we spend $60 a minute, or $3,600 an hour—$3,600 an hour, the wealthiest in our country probably don't spend that, but let's say we did—how long would it take us to spend $1 trillion? The answer is 31,709 years spending $3,600 an hour before we ever get to $1 trillion. We get $1 trillion deficits $30 billion, $40 billion at a time, which is the cost of this bill. The way we start getting out of debt is to stop adding to it.

If we go back to February 12 when the law went into effect on pay-go, and we add this bill to it, we are going to be at $¼ trillion since February 12 that this body will have added to our children's deficit. It is not our debt. Nobody in this room and probably very few people listening to this debate are going to pay one penny against it. It is all going to be borne by the children coming.

So what is pay-go about? Pay-go is about this, America: You pay and we will go spend. We are seeing evidence of it today on the Senate floor. It is not just that we pay; We pay, our children pay, and our grandchildren pay. We are going to pay with real dollars, but our grandchildren are going to pay with lost opportunity, lower levels of education, lower levels of everything in the future.

There is not one problem in front of this country we can't solve. We can't solve them by borrowing money that we don't have to spend on a good thing, let alone a bad thing, but on a good thing while we allow hundreds of billions of dollars to be wasted every year in this country.

So when we hear the cry that somebody doesn't care, we have to ask the question, What do they care about? Can we care for those who are unemployed today as well as care for our kids? Yes, we can. It is really not all that hard, with the examples of waste and duplication. There is $100 billion worth of fraud in Medicare that we can document. So there are all sorts of things we can do. The question is, Do we have the courage? Will we step to the line? Will we do what is best for our children and the unemployed? That is the question. It is not that somebody doesn't have compassion for the unemployed.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from California.

Mrs. BOXER. Thank you so much, Mr. President. As Senator COBURN was talking about the need to balance the budget, I was remembering that I voted to do that. With the leadership of Bill Clinton and the Democrats, we not only balanced the budget but we created surpluses. It was a great feeling. We did it, we know how to do it, and we will do it again.

Let's talk about what is before us right now. It is not about the unemployed versus our children. Our long-term unemployed have children, and these children are seeing their dads and moms with their heads in their hands, they see tears, and they don't know why. I have letters from my constituents. They don't know what to tell their kids. They are working so very hard.

So let's talk about what is before us today. We know how to get to the balanced budget. That is why we have budgeting. That is why we have authorizing. That is why we have appropriations. That is why President Obama has said he will cut the deficit in half at the end of his first term, and I am confident that will be the case, and maybe we can even do more. We know how to do that.

Hearing the Senator from Oklahoma say we are being partisan makes no sense at all. I sang the praises of my Republican friends who have joined with us in making sure we can extend unemployment benefits today. I thank God for them, frankly. So this isn't about partisanship. It is about pulling together as a country and recognizing that we are in the worst recession since the Great Depression. It is no time for partisanship. It is time to pull together and help our kids and help our families and help those who, through no fault of their own, find themselves in this predicament.

Why are we treating this like an emergency? That is what we are doing. It is something that has always been done because it is an emergency. President Ronald Reagan signed three extensions of unemployment compensation without paying for it because he believed it was an emergency and because he understood what we understand. He understood that when we, in fact, make sure unemployed people have this insurance—which they paid into, by the way—they will spend it locally, and every dollar of that unemployment compensation brings to the economy either $1.61 under calculations done by JOHN MCCAIN's economic adviser, Mark Zandi, or CBO, the Congressional Budget Office, which said it yields $1.90.

Some of the proposals we have seen from the other side are to cut other jobs in order to pay for extending unemployment benefits. That is not going to help us at this time.

So, yes, I remember the wonderful feeling I had when we balanced the Federal budget when Bill Clinton was President, when we created surpluses as far as the eye could see. The debt was on the way down. The minute the Republicans took over, they put tax cuts to the wealthiest on their credit card. They put two wars on their credit card. Spend, spend, spend, spend, spend. All that work we did was, unfortunately, reversed.

What is before us today is a very simple proposition. My friend from Oklahoma says he cares deeply about the unemployed. I have no reason to doubt that. He should join us today in voting to extend these benefits. Ronald Reagan saw it clearly. He extended them three times as emergencies because it is an emergency. He knew it was counterproductive to cut other jobs to pay for the extension of unemployment benefits.

We know how to balance this budget. Pay-go is a part of it. Pay-go: Pay for everything you do except emergencies. That is what we should be doing because to do otherwise is counterproductive.

I am so grateful we are nearing the point where we can extend these benefits. Yes, we have been delayed. We have been delayed for 2 months. I read letters into the RECORD before. Here is one:

> I have kept up a relentless job search. I have applied for at least 600 jobs. This is discouraging, not receiving any information back. Days go by when I hardly sleep at all worrying about the bills. We have had to concentrate all of our income on paying the rent and buying gas. I can't pay for other bills.

Another Californian:

> I am very scared of what might happen if I lose the unemployment income. We don't want to lose our home. My children catch me crying at times and ask me: Why are you crying, Mom? I can't tell them. Please pass this bill until this economy strengthens.

So, again, this isn't about the way the Senator from Oklahoma phrases it.

He makes it sound as though children aren't involved in this situation. They are. They are the children of the unemployed. So it is clear that, yes, we are going to have to tackle the deficit. Of course, we are going to have to tackle the deficit. We don't need to be lectured about that because we are the party that did it. We are the party that created the balanced budget. We are the party that created the surpluses, plus 23 million jobs, and the other side, unfortunately, didn't take very long to turn that whole thing around. This economy went into a ditch, and we are working hard to get it out of that ditch.

So I wish to close with this: Let's take care of this emergency. It is going to help our families. It is going to help our children. It is going to help our local communities when people can go down and buy the gas at the local gas station, buy the food at the local grocery store, and be able to be stable in the community. Then let's get back immediately to working on bills that are going to create jobs.

The small business bill that the Senator from Oregon has worked so hard on and the Senator from Louisiana has worked so hard on, and many of us have worked with them, that is a good bill and it is 100 percent paid for. It even has a plus to it. It is going to create jobs through small business. Small business creates more than 60 percent of the jobs in this Nation. We have a chance to help those who are struggling.

So we need to get this bill behind us and go to the small business bill. We are going to need 60 votes. They are filibustering that as well. So everything we do takes 60 votes.

If I read the list of supporters for the small business bill, it includes the Chamber of Commerce, the regional Chambers of Commerce, and businesses and community banks. They want to see this bill happen because our small businesses need access to credit. Our very good small businesses are being turned away. I visited so many of them. They are thriving even in this climate, but they need to expand and they can't get access to the capital.

So, please, let's not see a filibuster there as well. Please, let's not see delay there as well. Let's do this unemployment compensation, get the assistance to the people who deserve it, those who are actively seeking work, who can't find it through no fault of their own, and who paid into the unemployment compensation fund. Let's get that behind us. That will help our communities. Then let's get to the small business bill. It is a small business jobs bill. Let's do the right thing. We can get this economy back on its feet, but we need to work together.

Thank you very much, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. MERKLEY. Mr. President, during the debate, I had a chance to sit in the chair for a while and listen to one of my colleagues from across the aisle. In the space of just a short period of time, that colleague turned this into a debate about courage, about integrity, about character, and about easy versus hard choices. In other words, he took all of his time to use attacks on those who do not share his version of economic policy and where our country should go. Rather than making the arguments, he made the personal attacks.

He also said something that struck me as right-on, which is that often when people are using personal attacks, they are trying to camouflage and only give half the story and trying to set up a straw man. That is certainly accurate.

What is the real debate we are having on the floor? Well, on one side, there is the argument—an argument I would weigh in favor of—that says we need to put this economy back on track, put families to work, and that it is through jobs for American families, and that we will restore the financial foundations not only of families but of our communities and of our Nation as a whole.

There are certain key things we can do now to accomplish that. Those things include helping our school districts create a bridge through this recession so we don't see thousands of teachers being laid off. There is a provision to assist our school districts in the Defense supplemental bill we will have in the Senate in the near future.

Second, we can assist families who are unemployed through no fault of their own and help them create a bridge through this recession.

Third, we can help our small businesses create jobs because there is a dysfunction right now in which our community banks that best understand Main Street are at their leverage limits and therefore cannot make additional loans. Indeed, the Chairman of the Federal Reserve was speaking to this challenge in the Capitol just an hour ago—the systemic dysfunction in which capital is hung up and unavailable to our small businesses. It is our small businesses that, by utilizing that capital, can seize economic opportunity and put people back to work. It is a good strategy to enable those funds to be available to small businesses and help recapitalize community banks. It makes money for the Treasury. The CBO estimated it will make $1 billion for the Treasury. It does it by enabling $300 billion in liquidity to small businesses. The CBO estimate of the funds that come back to the Treasury doesn't include the revenue created by families who are put back to work and pay income taxes or by small businesses that are more successful and pay more in business taxes.

So it is a win-win. We create a path by supporting our States through funds for education, and we create a path through this recession by helping families who are unemployed because the economy is in such a mess. We create a path out of this recession by creating jobs for American families by supporting our small businesses through our community banks. That is one version of how we can go forward.

My colleague across the aisle has a different version. The different version is—and this is the leadership of the Republican side that has been talking about this all this week. Their version is, no, instead of helping families, small businesses, and schools, we want to extend the Bush tax cuts to the wealthiest Americans. That is the path out of this recession, say my colleagues across the aisle.

There is a fundamental difference of economic strategy involved. What is striking to me is that we have a lot of information about the strategy being proposed by my colleagues across the aisle because this was the Bush Presidency strategy. We tried it. We found out that when you give away the National Treasury to the wealthiest Americans, you drive this Nation into debt. In fact, under the Bush administration, we doubled our national debt.

Under the very idea and plan for which my colleagues across the aisle are advocating, we drove this Nation's economy into the ground. To counteract that, the Bush administration said: Let's deregulate the banks and Wall Street and make everything move a little faster, and maybe consumers will spend a little more and banks will take more risk, and we will take away all the lane markers and the traffic signals in our financial system, and, by golly, somehow we will make this economy flourish.

Do you know what. They built a house of cards. It was a house of cards built on predatory mortgages and the securitization of those mortgages, with extraordinary leverage of up to 40 to 1 under that deregulation. That house of cards came down, and that house crashed on the American family, and that American family lost their savings for retirement. Families in my State lost their jobs, and the unemployment rate is huge. The families lost the health care that went with their jobs. Well, that is not a very pretty picture. But my colleagues, who brought us that Bush economic nightmare that crashed on the heads of the American families, are coming to this floor and saying: We want more of the same.

Earlier, my colleague across the aisle characterized that strategy as the ''tough'' choice, while he characterized the strategy of helping American families and small businesses and schools as an ''easy'' choice. Well, let's try to set these pejoratives or characterizations aside and just say that they are different choices—one, the revival of the Bush strategy, which is something like the summer sequel to a cheap horror story that wrecks the economy of the United States. That strategy is sitting as a potential idea and threat to our Nation.

Mr. REID. Mr. President, I ask, through the Chair, if my friend will

yield for me to make a unanimous consent request.

Mr. MERKLEY. I am pleased to yield to the majority leader for that purpose.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I ask unanimous consent that all postcloture time be considered expired, after the use or yielding back of time specified in this agreement; that upon the expiration of time, amendment No. 4426 be withdrawn; that debate on the motions to suspend the rules with respect to H.R. 4213, and that the motions not be divisible, as specified here, be limited to 20 minutes each, with the time divided equally between the proponents and the majority leader or his designee; that upon the expiration of all time, the Senate proceed to vote on the motions to suspend in the order in which offered; that after the first vote and prior to each succeeding vote in this sequence, there be 2 minutes of debate equally divided as specified above, with succeeding votes limited to 10 minutes each; that upon disposition of the motions, the motion to strike, which is at the desk, be agreed to; no further motions or amendments be in order; that the pay-go statement from the Budget Committee be read into the RECORD, and without further intervening action or debate, the Senate proceed to vote on the motion to concur with amendment No. 4425, as amended; further, that the motions to suspend be those which appear on pages S6034 and S6035 of the CONGRESSIONAL RECORD of July 20: two Coburn motions, the Brown motion, and two DeMint motions.

I also ask that my friend from Oregon now have whatever time necessary to complete his statement. How much time does he need?

Mr. MERKLEY. Five minutes.

Mr. REID. I ask that my request be amended in that regard.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, for everyone's information, we should be able to proceed through these pretty quickly. It is likely—and this doesn't take away from the statements to be made by my friends on the other side, and we may not use much of our time—that we can move these along fairly quickly. There will be five votes, and, as indicated in the consent agreement, the first will be the regular time, and after that there will be 10 minutes on the final four.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. MERKLEY. Mr. President, I note that there are a couple of issues raised that really are false issues. One is in regard to the debt. My colleagues across the aisle are proposing a massive increase of the debt by extending the Bush tax cuts, and they are saying that helping those who are unemployed through no fault of their own is an increase to the debt. This is coming from the same folks who brought us the Bush policy, the ones who doubled our national debt during the Bush administration and created the house of cards that crashed down upon the American families over the last 2 years.

So it is not about debt. When it comes to our children—and I hate to see the abuse of this argument—sound economic policy is the right thing. If we put families to work, those families are far healthier, those families have a foundation, they have a future, and they recognize there is a horizon that is brighter. They recognize they will be able to move forward to create opportunity for their children. That is the foundation of a successful family. But giveaways to the wealthiest at the expense of helping families is wrong for our children. If you don't put people back to work, you don't create an economic revival, you don't create revenues in the Treasury, and therefore you don't create the ability to pay down that debt.

So do we want the Bush policy 2, the nightmare that doubled our debt, or do we want the investment in families and education that we had under the Clinton administration and that we have under the Obama administration, which will put money back into the Treasury? I think the choice is clear: Let's shore up small businesses and our families, let's shore up education, let's put this economy back on track, and let's put people to work, and in so doing we will address and resolve the issue of the deficit.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. BROWN of Massachusetts. Mr. President, I enjoyed the prior speeches. I don't necessarily agree with them, but I enjoyed them. There is plenty of blame to go around. We can go back to the fact that the majority party has been in charge for 4 years and President Bush is no longer in charge, so saying Bush this and Bush that—that gets old. We need to focus on problem-solving today.

One of the prior speakers mentioned that it takes 60 votes for cloture to move things forward. Sometimes you have those 60 votes. Other times, there are going to be 41. There are going to be 41 when you try to overspend, overtax, and overregulate and, I feel, make it so businesses cannot move forward to create those jobs that were just referenced and that we need to start to focus on.

Since I have been here, with all due respect, we haven't done much on jobs at all. That is frustrating not only for me but for the American people and the people of Massachusetts.

I am standing before you today to once again consider legislation to extend the unemployment benefits, and once again this legislation, as we know, will add approximately $30 billion to our Nation's debt, which is currently $13 trillion and rising. To put that into perspective, I have been here about 6 months, and I remember that when I first got here, the debt calculator was about $11.95 trillion. It is now $13.1 trillion—give or take—and rising, with no end in sight. I find that deeply troubling.

While it is clear that it appears we have the votes to advance this measure and it will pass the Senate, I have felt—and I have talked about it for a month now—that there is a better way. I stand before you to propose an alternative that will be fully paid for by using the bank account and not the credit card because rather than putting the cost on that credit card and passing it on to our children and grandchildren, it is the great-grandchildren who are being affected as well.

Listen, we on this side of the aisle want to help as well, and my colleagues on the other side of the aisle do too. It is not a partisan issue. I agree with the Senator who spoke before me. I agree with her. But no one is disputing the value of these programs, not only what it means to the citizens of Massachusetts and across the country who are having a difficult time, but our economy, as we know, is slow. It is showing signs every once in a while of recovering, but it is very slow. People out of work need extra assistance while they search for that new employment.

What I want to debate is whether we continue our spending ways to add to the credit card, to the debt, versus finding ways to pay for it with the money we have. I can tell my colleagues as the ranking member on the contracting subcommittee, looking at the amount of waste in Federal Government, we can find a way to pay for this program by using the bank account, not the credit card.

I am flabbergasted as to why we do not think outside the box. Some of the speakers before me said the Republicans are doing this; the Republicans are doing that. With all due respect, I have made many efforts to work across party lines, as you know, Mr. President, and as the other Members do too. Bipartisanship is a two-way street. You cannot tell me we also do not have good ways and good ideas to finance, to find ways to solve these problems.

The American people have made it very clear they want elected Representatives in Congress to start paying for the initiatives we are trying to push without raising taxes and start exercising the type of fiscal restraint they use in their own homes and that they use in their businesses.

Last month's vote on larger tax extenders legislation raised taxes by almost $60 billion and increased the deficit by $33 billion. It was defeated, and I feel rightly so. Congress must start listening to the American people. They are telling us they are tired of the overspending, the overtaxation, the increasing debt, the overregulation, and the involvement in their lives. They just want to be left alone and be able to go to work, pay the bills, take the kids out to a movie, pay for their mortgages, pay for school, and they do not want to have this constant reaching

into their pockets—just take your wallet and give it to them, just give it to them. Enough.

We have to start listening as a body. Forget the party bickering. Forget all that. I am way past that. I proposed a fiscally responsible way to pay for everything we are trying to do today. We can find a funding source without adding to the credit card, to that debt we all know about and is rising uncontrollably. We cannot keep spending like we are doing. I know it and many people in America know it.

This is not the first time Republicans have come to the floor to offer a path forward on emergency unemployment insurance that is paid for. We tried four times already to do just that, and each and every time it has been opposed.

As I said, my amendment pays for the cost of extending unemployment insurance by rescinding unobligated stimulus funds and cutting other stimulus funds that are estimated not to be used for years. We have already heard the stories about the waste and the fluff. Let's get the money out the door right now. Let's put it to work right now.

If this is an emergency as is being said, then let's get the money that is not being used out the door right now.

My amendment reduces the deficit by $7 billion instead of increasing it by $34 billion, as the present legislation that is being proposed will do.

Yes, my amendment is about hard choices. Recently, the Governors of both parties expressed concerns about how the stimulus funds have been spent and whether the true impact is accurate. States have also weighed in asking Congress for extended unemployment benefits and additional FMAP funding. I believe we have a clear choice where we can offset the amount of money we have and get it out the door, not using it as a Washington, DC, slush fund, as it is looked at in America.

The amendment I am offering today represents another compromise—listening to the concerns of so many Americans and their calls to extend emergency unemployment insurance specifically but also not burdening future generations and making sure we can actually pay for things, truly pay for things.

As I mentioned earlier, I have been in Washington for a little over 6 months now. Sometimes, as you might know, Mr. President, it seems like 6 years. You have followed my voting record, as I said. When I see a good bill, regardless of party, I will support it, no questions asked. Once again, it is a two-way street. Bipartisanship is a two-way street. It needs to come both ways.

MOTION TO SUSPEND

In closing, I move to suspend rule XXII, paragraph 2, for the purpose of proposing and considering my amendment No. 4492.

The PRESIDING OFFICER. The motion is pending.

Mr. BROWN of Massachusetts. I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

MOTION TO SUSPEND

Mr. COBURN. Mr. President, I move to suspend provisions of rule XXII for the purpose of proposing and considering my motion to commit with instructions with respect to H.R. 4213, which is at the desk.

The PRESIDING OFFICER. Without objection the motion is pending.

MOTION TO SUSPEND

Mr. COBURN. Mr. President, I move to suspend provisions of rule XXII, including germaneness requirements, for the purpose of proposing and considering my amendment No. 4493.

The PRESIDING OFFICER. Without objection, the motion is pending.

Mr. COBURN. I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I agree with my colleague from Massachusetts. The blame game has gone on long enough. There is certainly enough blame to go around. But I need to remind the majority that they have been in control of Congress for 4 years. Presidents do not write economic policy, spend money, or add to the debt. Congress does. The Democratic Party has been in control of both Houses since 2006.

When the Democrats took control, unemployment was below 5 percent, the economy was growing, and the debt was half of what it is today. Certainly looking at the projected debt of this administration, we are looking at tripling the national debt over the next decade.

It is time for us to focus on solving problems rather than trying to wax eloquent about a President who effectively did not write economic policy for over 4 years.

It is important today that we are extending unemployment benefits. But it is curious to a lot of us when the majority has often said unemployment compensation is one of the most important forms of stimulus, that when Republicans ask that we pay for the extension of unemployment benefits with unspent stimulus money, there appears to be outrage. Instead, there is a strong consensus on the Democratic side that we not pay for this; we just add it to the national debt.

I, frankly, do not think we can help people for a few months by bankrupting our country. We know our debt is unsustainable. To bring up bill after bill that we are not even willing to talk about how we pay for is disturbing to millions of Americans right now.

I certainly support my colleague from Massachusetts, as well as my colleague from Oklahoma, who are presenting amendments today, reasonable, commonsense ways that we can pay for the unemployment benefits extension so that helping people today does not diminish the quality of life of millions of Americans tomorrow.

Another issue that is going to affect millions of Americans is in just over 5 months tax rates for almost every American who pays taxes is going to go up. It is something that is not talked about, and Republicans are not talking about a tax cut. We are talking about keeping current tax rates the same.

A few weeks ago, I offered an amendment that would at least keep capital gains and dividend taxes the same rather than allow them to go up—dividend taxes to nearly 40 percent and capital gains from 15 percent to 20 percent. Many senior citizens count on dividends, as well as cashing in their retirement savings. Capital gains and dividend taxes have a huge impact on our senior citizens as well as millions of other Americans. Unfortunately, the majority voted this amendment down and voted effectively to raise these taxes on Americans.

Income taxes will go up. But today I want to focus on what I think is probably the most immoral tax that we impose on people from the Federal level, and that is the death tax.

This year, the death tax is gone, the first year since the early 1900s. Americans who work and save, start businesses, start farms, their heirs do not have to sell their property in order to pay the death tax.

The Heritage Foundation says if we allow the death tax to go back up to 55 percent, it will cost Americans over 1.5 million jobs because this is not just for the people who pay the death tax, it is for the people who work in the businesses and the farms that are often liquidated or at least sold in part to pay this heavy tax.

What right does the government have to take someone's property because they die? They have paid taxes on the property and on the income throughout their entire lives, and many times they paid a very high tax rate if they worked hard and made a good living.

What right do we have when they die to take that property? Why should the government get a bigger inheritance from someone dying than their family?

That is what is going to happen if we allow the majority to continue with their plans to allow the death tax to go up. This will cost lots of jobs, break up many family businesses and family farms, and cost, as I said, 1.5 million jobs. It makes absolutely no sense at all.

I am going to offer an amendment today to keep current tax rates the same for the death tax which was eliminated this year.

Another amendment I am going to offer relates to the Arizona immigration law. I took the time to read the immigration law that Arizona passed and found that much of what has been reported in the media is completely false. I was actually stunned as I read through it how often it refers to just the enforcement of existing Federal law. There is nothing in it about racial profiling, except that we cannot do it, and we cannot stop someone if we suspect them of being illegal. We can only

ask for documentation if we stop them or arrest them for some other crime. This is, in effect, the Federal law.

It is interesting that the Obama administration is suing Arizona for enforcing Federal law while ignoring many sanctuary cities that openly flaunt their resistance to Federal law. It makes no sense in a free country, in a democracy where we are built on the rule of law, for the Federal Government to try to intimidate the people of Arizona who are only trying to protect themselves.

As many Americans know, Arizona waited for years for the Federal Government to do its job, to secure the borders, and to protect the people from the drug trafficking, the human trafficking, and the people who come across and who have murdered the citizens there.

Many States are suffering the same fate of a Federal Government that has failed to secure our borders and to protect our people.

The amendment I am offering today is going to disallow any funding to be used by the Federal Government to carry out this lawsuit against Arizona. This is something we know, if the American people could vote today, they would vote in favor of. The question is, Will the majority vote to support the people of Arizona or to support this political move that we are now seeing from the White House to attempt to intimidate the people of Arizona?

I can say proudly that the people of Arizona are not going to be intimidated by this government. If we can provide some help today, that is certainly what I intend to do.

Mr. President, I wish to offer a couple of motions.

MOTION TO SUSPEND

In accordance with rule V of the Standing Rules of the Senate, I move to suspend rule XXII for the purpose of proposing and considering a motion to commit with regard to the estate tax, which is at the desk.

The PRESIDING OFFICER. Without objection, the motion is pending.

MOTION TO SUSPEND

Mr. DEMINT. Mr. President, according to rule V of the standing rules of the Senate, I move to suspend rule XXII for the purpose of proposing and considering a motion to commit with regard to the Arizona immigration law, which is at the desk.

The PRESIDING OFFICER. Without objection, the motion is pending.

Mr. DEMINT. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, my high school English teacher always used to say: All right, let's review things. So let's review things just for a moment.

I have listened to some of this debate in the Senate today, and as best as I can tell, we have people standing, saying the deficit is a bad thing. I think there is general agreement about that in the Senate, and we have to do something about it. There is general agreement about that.

They say: We are going to make our last stand here on this deficit with respect to those who are out of work and who need extension of unemployment benefits. We were quick to give help to the wealthiest Americans, to the biggest investment banks that needed help. We gave hundreds of billions of dollars to those interests at the top of the economic ladder, who nearly ran the country right into the ditch. But those at the bottom of the ladder, who are out of work, who are unemployed, and who are having trouble, that is where they say they are making their last stand on deficits.

So let me try to understand this with a review. We are told the deficit is too high; that we cannot give help to the unemployed in the manner we used to give help to the unemployed. We always did that when there was an economic downturn. We have always done that. But, oh, by the way, what we need to do is to repeal the estate tax for the wealthiest individuals in America. I don't know. I took mathematics in a high school senior class of nine students, and I passed it at least. I can understand how things add up now and then. But I don't know how that adds up at all.

There are those coming to the floor of the Senate and having great apoplexy about giving help to the unemployed. By the way, some have even said: You give help to the unemployed, it just discourages them from work. Well, you know something, a guy told me the other day about a young third grader who was asked in his school—it was going to be his birthday—what he would like for his birthday; what kind of birthday present he would like. This little third grader said: A flashlight. The guy said: A flashlight? He said: Yes, so I can read at night. They turned off our electricity.

How many in this room would even understand having your electricity turned off and having a third grade son who can't read at night because there are no lights and asking for a flashlight as a gift? There is nobody in here who is unemployed—not one person in this room. This is a roomful of people who take their showers in the morning, not at night. They get up and put on a blue suit, a pressed white shirt and a tie and come to work—all fully employed—and we talk about the unemployed.

We are short 20 million jobs in this country. There are millions of people out of work. Five million manufacturing employees alone have lost their jobs in the last 9 years. As we ran into this deepest recession since the Great Depression, a whole lot of folks—yes, at the lower end of the economic ladder and in middle-income areas—have lost their jobs and can't find another job. When they worked, from their paychecks they paid a small premium for unemployment insurance. They paid for that insurance, and now they can't get the extension of that unemployment insurance in the Senate. Why? Because the last stand on deficits is to take place with respect to restricting the ability of those who are out of work from getting the funds to extend their unemployment benefits. That is the last stand.

Did my colleagues make that last stand with regard to the big investment banks that ran into trouble? No, not at all. They rushed that aid in on a pillow. Can we help you? How much do you need? But now that it is the folks at the bottom of the ladder, all of a sudden we don't have the capability.

Some of my colleagues just complained about speakers who wanted to talk about the past. You know, if you don't understand the past, you are destined to repeat it. I understand that neither side is much of a bargain—Republicans and Democrats. This country deserves more from both sides. I understand that. But I also understand what has caused this problem. I was on the floor of the Senate in February of 2001. By the way, when President Clinton left office 2 months prior to that we had the first budget surplus in 30 years—over $200 billion in surplus. President Bush said: You know, we have these projected surpluses now for 10 years. Let's get rid of them. Let's give big tax cuts, with the biggest by far going to the wealthiest Americans.

I stood on the floor and said: Let's be a little conservative. What if something happens? They said: You know what, we are going to give these tax cuts, and the biggest cuts are going to the wealthiest Americans. If you made $1 million a year, that bill gave you, I think, $80,000 a year in tax cuts. So everyone on that side voted for it. Absolutely. Happy to vote for it, to reduce this country's income. What happened? Very quickly, we ran into a recession. Then we had a terrorist attack against our country on 9/11. Then we were at war in Afghanistan, then at war in Iraq, and this Congress appropriated massive amounts of money as it sent young men and women to war and did not pay for one penny of it—not a penny. All of it went right onto the debt.

Those who cry the loudest on the floor of the Senate these days, right now, are the very ones who voted to reduce this country's income with the biggest benefits going to the wealthiest Americans. Yet now they come to us and say: Well, you know, now we are making our last stand for the unemployed—to prevent the unemployed from getting what they should get. By the way, while we are on the floor, they say: Why can't we repeal the estate tax that will help the wealthiest Americans?

Let me mention the estate tax for a moment. First of all, my colleague said death tax. He knows, and I know, there is no such thing as a death tax. If my colleague should die, his estate is not

taxed. His entire estate goes tax free, under current law, to his spouse. It is true this year there is zero estate tax for anybody, and my colleague didn't mention that was created in an architecture of tax cuts in 2001 that many of us voted against.

By the way, that turns out to have been just fundamentally goofy. They created estate tax relief that goes down, down, down, and down to zero in this year and then springs way back up in 2011. We didn't do that. That wasn't us. That was the other side. Now what they say is that they would like to repeal the estate tax altogether because they think it is a tax on death. It is not. It is a tax on inherited wealth and they know that.

But this year, because there is zero estate tax, about four billionaires have died and not one penny of their estate will be taxed and most of their estates were never taxed. They were growth appreciation of stocks and various assets never subject to a tax. Most people have an income and it is subject to a tax. They help send kids to school with that tax, pay to build roads, pay for police, pay for defense. But that runup in tax for the billionaires or that runup in income, I should say, has never borne a tax to support anything. My colleagues say: You know what, I want to make sure it doesn't ever bear a tax. Let's have the little folks pay a tax. Let's have the rest of the folks pay a tax but not the people at the top.

What an unbelievable irony that on the very day that we have people digging in the heels of their cowboy boots and saying we are making our last stand to prevent the unemployed from getting unemployment compensation they deserve—on the very day that they say we can't do that—they come to the floor of the Senate saying: But what we have to do as a priority is to relieve the richest Americans, the wealthiest Americans, of the obligation to pay estate tax. If there is any narrative that tells the American people whose side they are on, this little vignette describes it completely, in my judgment.

Let me mention that the reason it is important to understand how we got to this point is, we will never get out of it unless we understand that. A lot of my colleagues have been perfectly content for most of the decade standing on this floor deciding that we will ship men and women to Iraq and Afghanistan to fight, but we will not pay for the cost of a penny of it. They have been perfectly content to do that. I have come to the floor of the Senate to say: You know what, sacrifice works a number of ways in this country. If we are going to ask young men and women to sacrifice their lives, to go 12,000 miles away and strap on body armor in the morning and risk their lives by going in harm's way, perhaps we could ask the American people to provide the money to pay for it.

I have proposed that in the Senate. President Bush, at one point, said: You all do that, and I will veto the bill. My colleagues were content to say: Let's spend the money and put it all on the deficit. We will send kids to war and they can come back and pay the bill. That is how we got here. The second portion of how we got here is about 10 years ago we passed what was then called financial reform. I voted against that as well. That said to the biggest financial institutions in this country: Katy bar the door. Do whatever you want. We will not watch. We are taking away the protections that existed since the Great Depression. We will not look and we will not care.

As a result, we saw in recent years unbelievable speculation and gambling. It was not business, it was just flatout gambling. We saw the creation of exotic instruments—CDOs, derivatives, credit default swaps, naked credit default swaps, and the like—and we saw unbelievable, rampant gaming going on as opposed to thoughtful investing in this country's future. As a result, this country nearly had an economic collapse.

It is important for us to understand how that happened because we had regulators come to town who were supposed to regulate, and they boasted about being business friendly: Don't worry, we will not look. There is a new sheriff in town and this sheriff doesn't have a weapon. So don't worry about it. Then we saw a decade go by in which this country's economy nearly collapsed. So that is how we got where we are. It is important for people to understand that.

They say: Let's not review the past, but let me review one final point. When President Obama walked through the White House door, had he gone to sleep for 12 months, had he done nothing at all, he would have had a $1.3 trillion budget deficit because that is what the previous President left him—$1.3 trillion on autopilot.

Having said all that, let me say this. This deficit, in my judgment, is unsustainable. It cannot continue. We have to diffuse it. This is a timebomb that will destroy this country's economy inevitably at some point. We can't have a government the size and cost of which is such that the American people are either unable or unwilling to pay for it. You can't do that. So we have to fix it, and we have to fix it together. But if we don't learn from what happened, if we don't understand the past decade of what happened—going from a $200 billion-a-year budget surplus to the largest deficits in history and to a near economic collapse—we are destined to repeat it.

Again, it seems to me that everybody here are people of good faith. I don't come here suggesting that there are people of bad faith here, but there are some people with bad judgment here, for sure. All you have to do is look at the record. Those who say: Let's don't look at the record, I guess they do not want the record to be understood. I think the only way we get out of this unbelievable deficit and debt trap is to understand what has caused it. I will tell you this for sure. We are not going to get out of this mess by having people come to the floor of the Senate and say that one of the biggest problems in the country is the death tax, when no such tax exists. What an unbelievable spoof. Death tax my eye. We have a tax on inherited wealth and the only people who have been paying it are the people at the upper income levels.

We have had a $3½ million-a-year exemption for the husband, and a $3½ million exemption for the wife. That was last year's exemption. That means you don't pay a penny unless you have $7 million clear, husband and wife. How many families have that? But that is not enough, my colleagues say. In the middle of all this economic trouble we face, in the middle of wars and a near economic collapse, what is their priority? Get rid of the so-called death tax, which doesn't exist, or perhaps I can rephrase it for them: Get rid of the tax on inherited wealth for the wealthiest of Americans.

These are billionaires' best friends, I guess. I have nothing against billionaires. I guess I wish I was one. But when billionaires die, they, I think, ought to expect to be able to contribute something to this country. It is unbelievable to me. I hope people have listened to this discussion today and understand that their priority is to eliminate the estate tax, the tax on inherited wealth, which would only apply to the wealthiest Americans. It is unbelievable to me.

I have seen other unbelievable things, some of which have led to this current economic trouble. I hope perhaps in calmer times and perhaps more sober times we can discuss the best of what both parties have to offer this country because I think both parties do make a contribution.

We cannot wait much longer. This is not something we can delay, it is not something we can decide to postpone. This country is in trouble. We have a deep Federal budget deficit. It comes from the steepest decline in the economy since the 1930s. As a result of that decline, we have victims at the bottom of this economic ladder who have not had work, in some cases for 2 years. They wake up in the morning feeling helpless and hopeless, wondering, How on Earth can I find a job? What do I tell my family today?

This Congress, in my judgment, ought to at least pay as much attention to those folks at the bottom of the economic ladder as it has paid in the last 2 years to the interests at the top of the economic ladder. We shoveled hundreds of billions of dollars toward those at the top—the most comfortable pillows to make them rest, the medicine to calm their nerves. But when it comes to the people at the bottom, Will Rogers had it best. Here is what Will Rogers said 80 years ago and it applies today in this Chamber. Will Rogers said: ''The unemployed here ain't eating regular but we'll get around to

them as soon as everybody else gets fixed up OK.''

Let me say this. A whole lot of other folks got fixed up at the top of the economic ladder, at the top of this country's economy. A whole lot of folks got fixed up and it is the case that the unemployed here ''ain't eating regular,'' and this Congress, this Senate ought to care about that. It is part of our responsibility. Then let's get about the business of having a real debate, a thoughtful rather than thoughtless debate about all of the issues that affect us, such as spending and taxing, and let's use real terms, not things like ''death taxes'' that come from a pollster who decides they want to fool people. Let's use real terms in serious discussions between adults and try to figure out how we fix what is wrong with this country to put this country back on track.

This country deserves better. It is the first generation of Americans, I think, that believes its kids are not going to do as well as they did. We have to change that. This country has a lot to offer with a good future if we make some good decisions going forward.

Mr. LEVIN. Mr. President, for weeks we have sought to continue extended emergency unemployment benefits. We must do this because, while our economic recovery has begun, it has a long way to go. Our economy is not yet generating enough jobs to put people back to work who are searching for work. The repercussions of the worst financial crisis in generations are still felt across our country.

And so to help Americans who have lost their jobs through no fault of their own, we have sought to continue these extended unemployment benefits. We have met opposition and delay. Yesterday, we finally broke through the Republican filibuster that was the source of that delay.

Now we have a chance to do what we should have done weeks ago. In State after State, thousands of people await our decision, including more than 70,000 in my State. We cannot give them back the weeks of anxiety our delays have caused. But we can act today. I urge my colleagues to support this measure and give struggling American families the help they need and deserve.

Mr. DORGAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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. Mr. President, my understanding is that all time has now been used.

The PRESIDING OFFICER. Under the previous order, all postcloture time is yielded back.

Amendment No. 4426 is withdrawn.

MOTION TO SUSPEND

Under the previous order, the question is on agreeing to the Brown of Massachusetts motion to suspend rule XXII, paragraph 2.

Mr. DORGAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Louisiana (Mr. VITTER).

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

The yeas and nays resulted—yeas 42, nays 56, as follows:

[Rollcall Vote No. 210 Leg.]

YEAS—42

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

NAYS—56

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

NOT VOTING—2

Bayh	Vitter

The PRESIDING OFFICER. On this vote the yeas are 42, the nays are 56. Two-thirds of the Senators voting, a quorum being present, not having voted in the affirmative, the motion is rejected.

There is now 2 minutes equally divided before a vote with respect to the first Coburn motion.

The Senator from Oklahoma.

Mr. COBURN. Mr. President, this is a very straightforward amendment. It is a re-vote where we voted 100 to 0 to make sure we are transparent with the American people about when we change and go around pay-go. All it does is create a Web site so the American people can see when we have done that and how often and what the total amount is. We voted 100 to nothing for it the last time it was presented to this body.

I yield back my time.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. DORGAN. I yield back our time.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the motion.

Mr. COBURN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Louisiana (Mr. VITTER).

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

The yeas and nays resulted—yeas 49, nays 49, as follows:

[Rollcall Vote No. 211 Leg.]

YEAS—49

Alexander	Enzi	McConnell
Barrasso	Feingold	Murkowski
Bennett	Graham	Nelson (NE)
Bond	Grassley	Nelson (FL)
Brown (MA)	Gregg	Pryor
Brownback	Hagan	Risch
Bunning	Hatch	Roberts
Burr	Hutchison	Sessions
Chambliss	Inhofe	Shelby
Coburn	Isakson	Snowe
Cochran	Johanns	Tester
Collins	Klobuchar	Thune
Corker	Kyl	Voinovich
Cornyn	LeMieux	Webb
Crapo	Lincoln	Wicker
DeMint	Lugar	
Ensign	McCain	

NAYS—49

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

NOT VOTING—2

Bayh	Vitter

The PRESIDING OFFICER. On this vote, the yeas are 49, the nays are 49. Two-thirds of the Senators voting, a quorum being present, not having voted in the affirmative, the motion is rejected.

There is now 2 minutes evenly divided before a vote pertaining to the next Coburn motion.

Is all time yielded back?

Mr. INHOFE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

If all time is yielded back, the question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Louisiana (Mr. VITTER).

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

The yeas and nays resulted—yeas 54, nays 44, as follows:

[Rollcall Vote No. 212 Leg.]

YEAS—54

Alexander	Enzi	McConnell
Barrasso	Feingold	Murkowski
Bennett	Graham	Murray
Bond	Grassley	Nelson (NE)
Brown (MA)	Gregg	Nelson (FL)
Brownback	Hagan	Pryor
Bunning	Hatch	Risch
Burr	Hutchison	Roberts
Cantwell	Inhofe	Sessions
Chambliss	Isakson	Shelby
Coburn	Johanns	Snowe
Cochran	Klobuchar	Tester
Collins	Kyl	Thune
Corker	LeMieux	Voinovich
Cornyn	Lincoln	Warner
Crapo	Lugar	Webb
DeMint	McCain	Wicker
Ensign	McCaskill	Wyden

NAYS—44

Akaka	Feinstein	Menendez
Baucus	Franken	Merkley
Begich	Gillibrand	Mikulski
Bennet	Goodwin	Reed
Bingaman	Harkin	Reid
Boxer	Inouye	Rockefeller
Brown (OH)	Johnson	Sanders
Burris	Kaufman	Schumer
Cardin	Kerry	Shaheen
Carper	Kohl	Specter
Casey	Landrieu	Stabenow
Conrad	Lautenberg	Udall (CO)
Dodd	Leahy	Udall (NM)
Dorgan	Levin	Whitehouse
Durbin	Lieberman	

NOT VOTING—2

Bayh	Vitter

The PRESIDING OFFICER. On this vote, the yeas are 54, the nays are 44. Two-thirds of the Senators voting, a quorum being present, not having voted in the affirmative, the motion is rejected.

There will now be 2 minutes evenly divided prior to a vote with respect to the DeMint motion.

The Senator from South Carolina.

Mr. DEMINT. Mr. President, this year is the first time in many decades that death in America is not a taxable event. For the first time in many, many years, folks who worked hard and built businesses, built farms, do not lose what they have worked for when they die.

The Heritage Foundation estimates that if we do nothing as a Senate and allow the death tax to go from zero to 55 percent, America will lose 1.5 million jobs because when we take the money and the property of the people who are working and running businesses and farms, it not only affects the families of those who die but those who work for those businesses and work on those farms.

It is immoral for us to take what people work for throughout their lives. Their property, their income has all been taxed at least once before. Let's do the right thing and vote for this amendment today. Let's keep the death tax at zero. This is not a tax cut; it is just leaving the tax rate the same.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, this is an absurd amendment. This amendment would provide $1 trillion in tax breaks to the top three-tenths of 1 percent, and 99.7 percent of the American people do not get a nickel. Despite all the rhetoric we hear around here about fiscal responsibility, this isn't paid for. It is another $1 trillion over 10 years to our national debt.

I yield to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I wish to thank our colleague from South Carolina for giving us the opportunity tonight to decide whose side we are really on. We are talking about upward of $1 trillion in spending to help a few hundred of our wealthiest Americans. We would not be helping small businesses or family farmers, all of whom we support helping, but the wealthiest Americans—close to $1 trillion—or helping 2.5 million people who lost their jobs, are out of work through no fault of their own.

The crash on Wall Street, the crisis on Wall Street, which, unfortunately, colleagues chose not to vote to repair and to fix, has caused a situation where families are hurting.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator's time has expired.

Mr. DEMINT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Louisiana (Mr. VITTER).

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

The result was announced—yeas 39, nays 59, as follows:

[Rollcall Vote No. 213 Leg.]

YEAS—39

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

NAYS—59

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

NOT VOTING—2

Bayh	Vitter

The PRESIDING OFFICER. On this vote, the yeas are 39, the nays are 59. Two-thirds of the Senators voting, a quorum being present, not having voted in the affirmative, the motion is rejected.

There will be 2 minutes equally divided prior to a vote with respect to the second DeMint motion.

The Senator from South Carolina.

Mr. DEMINT. Mr. President, this amendment disallows any use of taxpayer money to fund the lawsuit against Arizona for its immigration policy.

I hope all my colleagues have taken the time to read this bill because what has been reported on it, in most cases, is false.

This bill is very clear. Its intent is to support and enforce the Federal law to protect the citizens of Arizona. Our Federal Government should be doing its job to secure our borders rather than trying to bully and intimidate the people of Arizona. We should not be suing and hassling the people of Arizona for doing what we should be doing here, and that is protecting the citizenry.

I encourage all my colleagues to support this amendment to disallow any funding for this lawsuit.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. DEMINT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Is all time yielded back?

All time appears yielded back.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Louisiana (Mr. VITTER).

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

The result was announced—yeas 43, nays 55, as follows:

[Rollcall Vote No. 214 Leg.]

YEAS—43

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

NAYS—55

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

NOT VOTING—2

Bayh	Vitter

The PRESIDING OFFICER. On this vote, the yeas are 43, the nays are 55. Two-thirds of the Senators voting, a quorum being present, not having voted in the affirmative, the motion is rejected.

AMENDMENT NO. 4497

The PRESIDING OFFICER. Under the previous order, the motion to strike, which is at the desk, is agreed to.

The amendment was agreed to, as follows:

Beginning on page 7, line 14, strike through page 11, line 18.

The PRESIDING OFFICER. The pay-go statement from the Budget Committee shall be read into the RECORD.

The legislative clerk read as follows:

Mr. CONRAD hereby submits this Statement of Budgetary Effects of PAYGO legislation for H.R. 4213, as amended by Senate amendment 4425, as amended. Total Budgetary Effects of H.R. 4213 for the 5-year Statutory PAYGO Scorecard, zero dollars. Total Budgetary Effects of H.R. 4213 for the 10-year statutory PAYGO Scorecard, zero dollars.

Also submitted for the RECORD as part of this statement is a table prepared by the Congressional Budget Office, which provides additional information on the budgetary effects of this act, as follows:

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR SENATE AMENDMENT 4425, THE UNEMPLOYMENT COMPENSATION EXTENSION ACT OF 2010, AS AMENDED BY UNANIMOUS CONSENT ON JULY 21, 2010

[Millions of dollars, by fiscal year]

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
Net Increase in the Deficit													
Total Changes	8,545	24,684	218	214	148	76	56	2	0	0	0	33,885	33,943
Less:													
Designated as Emergency Requirements [1]	8,545	24,684	218	214	148	76	56	2	0	0	0	33,885	33,943
Statutory Pay-As-You-Go Impact	0	0	0	0	0	0	0	0	0	0	0	0	0
Memorandum—Components of the Emergency Designations													
Change in Outlays	8,545	24,495	0	0	0	0	0	0	0	0	0	33,040	33,040
Changes in Revenues [2]	0	−189	−218	−214	−148	−76	−56	−2	0	0	0	−845	−903

Note: Components may not sum to totals because of rounding.
[1] The bill would designate Sections 2 and 3 as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010.
[2] Negative numbers represent a DECREASE in revenues.
Source: Congressional Budget Office.

The PRESIDING OFFICER. The question is on agreeing to the motion to concur in the House amendment to the Senate amendment to H.R. 4213, with amendment No. 4425, as amended.

Mr. NELSON of Nebraska. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Louisiana (Mr. VITTER).

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

The result was announced—yeas 59, nays 39, as follows:

[Rollcall Vote No. 215 Leg.]

YEAS—59

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

NAYS—39

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

NOT VOTING—2

Bayh	Vitter

The motion was agreed to.

Ms. CANTWELL. Mr. President, I move to reconsider that vote and lay that motion upon the table.

The motion to lay upon the table was agreed to.

Ms. CANTWELL. Mr. President, 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.

Ms. LANDRIEU. I ask unanimous consent that the order for the quorum call be rescinded.

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

Ms. LANDRIEU. I ask unanimous consent to speak for up to 15 minutes as in morning business. I may ask to extend my time.

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

SMALL BUSINESS LENDING

Ms. LANDRIEU. I am just to speak for 1 minute now and turn it over to the good Senator from Oregon, who will speak for a few minutes on this subject, and then the Senator from Washington State, as we wait for the underlying paperwork that is going to support this effort to appear. We thought we would not let this time be wasted.

We have just finished a very important vote on unemployment compensation that is going to extend benefits for 15 million Americans who are out of work. It was a very tough negotiation, but we got it done. Now we move on to another very important issue, to try to help build our way, find our way, out of this very difficult economic time in our country.

The Democratic leadership, occasionally with a few Members from the other party, have passed some very tough but important votes to make that happen under President Obama's

leadership. We are going to continue to do that tonight and through the next couple days and in the next 2 weeks, until we take a short break, and then come back, of course, in September to continue our work.

One of the bills we are going to move to right now is the small business lending bill, a jobs bill, the jobs bill focused on small business, because as all of us on this side—and I think some on the other side—recognize, this recession is going to end as quickly or as soon as we can deliver significant help in terms of capital, access to capital, reduction in regulations, and reduction in taxes to small business.

It is not that complicated. The jobs that are going to be created in America are not going to be created by the large corporations. In fact, there have been several front-page articles in the Washington Post, the New York Times, the Times-Picayune, my hometown paper, saying that actually the big corporations are making profits, they are hoarding cash, they are waiting because there is uncertainty out there on any number of fronts.

We cannot solve that entire uncertainty in the next few weeks or even maybe in the next few months, but we can lay down building blocks that will start increasing demand, giving access to capital to small business. Hiring will begin, and then the way forward will be more clear. So that is basically what this small business package does. It has three main components. I am not going to go into any detail because the Senator is here to speak. But one component came out of the Finance Committee with very broad bipartisan support. It is a tax-cut package for small business, about $12 billion—quite significant. Senators BAUCUS and GRASSLEY and others worked on that package, and we will discuss that at some future time.

The other piece came out of the Small Business Committee. There are probably eight or nine major items that came out with good bipartisan support that will help to expand and strengthen the SBA programs, which is one of the pieces, one of the essential pieces of this bill.

There are three very important pieces. The tax cuts of $12 billion for small business—not for big business, not for Wall Street but for Main Street businesses, $12 billion of tax cuts. There is a very strong bipartisan provision for small business. But there is one piece in the amendment that we will offer in a minute. It is going to be a LeMieux, Landrieu, Merkley, Boxer, Cantwell, and Klobuchar amendment we will offer in few minutes.

This is going to add a lending piece to this bill for small business. It is a small business access-to-capital piece. It is not for banks, it is for small business. I would like to now turn it over to Senator MERKLEY, who has been one of the lead designers and advocates and champions. He has been extraordinary. He has held any number of townhall meetings in his State. The people of Oregon should be extremely grateful for his tenacity on this, to stand up to many doubters here—or some doubters—to fight for this program.

We intend to fight for it because it is for small businesses, and they are desperate. We have spent about a year and a half up here talking about big business, international business, international tax code, bailing out Wall Street.

Well, these three Senators on the floor tonight will start the discussion about helping small businesses on Main Street. If we do not do this, and if this is not in the package, it is going to be a gaping hole that will exist in this package. I believe we can get this included in this package and that this will secure a great legacy for this Congress, to turn our attention to getting capital to businesses. Twenty-seven million small businesses are out there saying: Does anyone know that we are out here?

Well, I want you to know that Senator LEMIEUX from Florida, Senator LANDRIEU from Louisiana, Senator MERKLEY from Oregon, Senator CANTWELL, and I believe more than 60 Members of this Senate hear you, and we are going to fight now, over the course of the next couple days, to see if we can deliver for you $30 billion access to capital, which could, because it leverages itself 1 to 10, turn into about $300 billion for small business in America.

They deserve it. They are the ones that are suffering. These are the people who are losing 20 years of work, 10 years of work, not the fat cats, not the big business, not the Wall Street banks that are racking up profits out of the ceiling because we have fallen all over ourselves to stabilize Wall Street.

Well, we are about ready to put down a big fight for Main Street. You are either going to be for Main Street or you are against Main Street. We are going to see who is going to stand and be counted. This Senator is standing. I would like to ask him now to add his voice to this debate.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, thank you, and thank you to the Senator from Louisiana and your clarion call to go into battle, to fight for small businesses in our Nation.

We all know small businesses are the job-creating factories in America and that if we do not go to battle for our small businesses, that, indeed, we will be in this recession for a very long time, which will be certainly bad for our small businesses, it will be bad for all the citizens who would be employed by those businesses, and will certainly be bad for all those trapped in the deep, long recession. So I thank the Senator for her leadership.

Also, I would like to thank very much Senator CANTWELL for her outspoken advocacy on behalf of small businesses and on behalf of this effort to provide liquidity; to my colleague from California, Senator BOXER, who got involved very early as a partner in creating a plan to help address this fundamental challenge.

That challenge is the small businesses are having their credit lines cut and they are going to their community banks and their community banks are observing that, unfortunately, they are at the leverage maximum allowed under the rules so they cannot do additional lending.

So here we have banks that would like to lend. We have small businesses that would like to borrow and be able to put more people to work, to seize opportunities in our economy. But they cannot do it because we have this malfunction. This malfunction is the capitalization of community banks that enables them to lend more.

So this provision addresses that malfunction. It provides a mechanism to recapitalize community banks that are healthy. That then enables them, under the existing leverage requirements, to provide additional lending to small businesses across America.

Well, this wins on every level. First, it makes money for the taxpayer. CBO estimates it will bring in $1 billion of revenue, and that is not including the additional revenue from personal income taxes on the folks who get jobs because small businesses put people to work. It does not include the additional revenue from the small businesses themselves and their share of taxation.

So thriving individuals with jobs and thriving small businesses will create additional feedback to our Treasury, helping us to attack the deficit, in addition to the billion dollars that CBO estimates.

A couple questions have been raised about this strategy. One question that has been raised is: Well, will not community banks possibly take the additional capitalization and then sit on the funds? Indeed, that is a concern that has been addressed in the design of the program. The program says community banks will pay a dividend back to the Treasury of 1 percent if they provide the full leverage of lending to small businesses and 7 percent if they do not and somewhere in between if they are in between.

So you have a 7-to-1 provision. That is a huge incentive for the community banks to follow through and seize the lending opportunities, not sit by and wait for a sunnier day, if you will.

A second question has been: Well, is it possible that banks in this situation will make loans that they should not make? The answer there is no as well because the bank's profit is on the line. These are not guaranteed loans. If these loans fail, the banks would suffer. So this utilizes our community banks' wisdom and knowledge about what merits additional capital and what does not.

This is why this public-private partnership is powerful. It is powerful because it uses the expertise of the community banks, powerful because it puts people to work in small business, powerful because it allocates capital to the places where the small business entrepreneurs and the banks see that there is an opportunity to grow the business and to grow this economy.

A third concern has been that these funds might go to community banks that are in trouble. To address that issue, this program requires for the community banks to be healthy, as rated under a rating called the CAMELS rating.

Each letter in the term ''CAMELS'' stands for a component of the analysis of the health of the community banks—C for capital, for example; M for management; L for liquidity, and so forth. Healthy banks get the opportunity to increase their leverage and assist small businesses so they can thrive and put people to work. And we as a nation can find a path out of this deep dark recession.

I will wrap up my comments there and say this is the sort of commonsense effort to address a key chokepoint in the economy that we are expected to address by the citizens. It is right for the taxpayer. It is right in terms of alleviating the deficit. It is right for putting people to work. It is right for Main Street America. I urge my colleagues to join us in getting this done.

I yield the floor.

The PRESIDING OFFICER (Mr. BEGICH). The Senator from Washington State.

Ms. CANTWELL. Mr. President, the chair of the Small Business Committee, Senator LANDRIEU, does such a fabulous job standing up for small business. She is making sure in this battle that someone is standing up for individual business owners all across America who have had a horrible time getting access to capital. I thank her for her leadership, for making sure the voice of Americans, who have been talking to their Senators for months and months and months about the problem with access to capital, are heard.

I thank Senators MERKLEY and BOXER for originally sponsoring this legislation and this amendment to improve access to capital for small businesses. They both have been listening to their constituents in California and Oregon and know how critically important it is to pass this legislation.

I ask my colleagues who haven't made up their minds about this proposal to check with their offices in their States to find out if they have heard from small businesses expressing their frustration about the lack of access to capital. If they actually listen to what people are saying in their States, they will find story after story of people who are frustrated, angry, and questioning how it is that Wall Street could get a bailout that was without any specifics about when the Treasury was going to get paid back, yet Main Street is being denied access to capital right and left.

I know my colleague has traveled his State. I know the chairman of the committee has traveled her State. I know my colleague from California has been all over her State. We have heard about more and more companies. I had a Washington company in Vancouver that basically, when the Bank of Clark County was taken over by the FDIC—and even though the bank that took them over was getting TARP funds, this business had its performing lines of credit cut right out from under them. That just happened overnight. Another business in the same area immediately had their line of credit cut. Another company, Vancouver Iron and Steel, had never missed a payment on its loans, but it lost its line of credit. Another high-tech company that had international contracts was doing everything. Their line of credit was pulled right out from under them. They are still having challenges. Another company in Richland, WA, that was a biofuels company and had fuel cell technology had their lines of credit reduced. This made them stop taking advantage of increasing their payroll and their access and the demand for new alternative energy technology. I had another small business in the Spokane Valley that had been wanting to hire additional staff and to get a new business location so she could improve things. Obviously, she had an existing business. She was not given access to credit. Another enterprise back in the Tri-Cities was forced to withdraw their funding, and a project is on hold until they get another line of credit.

These are all businesses that are operating, that had relationships with their banks, had performing lines of credit, and have had that credit cut right out from under them.

I ask my colleagues, when are we going to stand up for small businesses that have had trouble getting access to capital, that have been penalized? I don't think any of these community banks about which we have been talking were doing derivatives. I don't think they were doing the incredible types of activity that got us and our economy into this mess. What they want to know is, if they didn't cause this mess, how is it that when it came to the big banks, everybody said: Yes, here is the opportunity for you; here are the keys to the Treasury; here is all the money, but now, when it comes to making sure community banks are loaning to small businesses, people are saying: No, Main Street doesn't have the same priority as Wall Street.

I hope America is listening tonight. I have never asked, but I hope Americans will call their Senators tomorrow and make them understand that they have been put in a precarious position. They have struggled through this economic crisis without access to capital, without help and support, without the bailout Wall Street was given. They want to know, are their Senators going to stand up for them and help them with a program, as my colleague from Oregon said, that basically is paid for and is budget neutral. In fact, the terms of these agreements will generate $1.1 billion and help us reduce the deficit. Small business is asking for an effective lending program through the community banks. That is all they are asking for. We gave Wall Street a bailout without any terms and conditions on repayment. Main Street wants to know if their Senators are going to stand up for them and get an access to capital program small businesses can take advantage of.

The chairman knows these numbers well, but 75 percent of new job growth in America comes from small businesses. But they are not going to be able to grow and expand and innovate if they don't have access to capital. Right now, they are not getting access to capital because of the new requirements that were put on after this financial crisis that they were asked to adhere to. We didn't ask Wall Street to adhere to that; we basically said: Here is your bailout.

Please, call your Senators. Make sure they hear your individual story about your business, how you didn't get access to capital, why it is important to get this program. If Americans call their Senators and discuss this program with them, we will get the votes we need to secure this legislation and empower Americans who are really going to restore the economy.

Ms. LANDRIEU. Mr. President, the Senator is aware that all 59 Democrats support Main Street, and we have been joined by the Senator from Florida, Mr. LEMIEUX. This is the LeMieux-Landrieu-Merkley-Cantwell-Boxer amendment. We will be joined by others. Would the Senator say again how we are going to explain that we did send billions to Wall Street with virtually no terms whatsoever, and now we have an opportunity to send money to small businesses on Main Street and we can't get a supermajority of Senators to do so? How are we going to explain this?

Ms. CANTWELL. I am sure some people will give us the details about what they believe the terms of the deal for Wall Street were. But it is safe to say there was no specific date that Wall Street had to pay back the money. No one ever asked them if they would be viable with or without the money. They were—in the blink of an eye, in some cases—given access to Treasury funds.

This is a program that has been done in a transparent process, with the input of lots of Members, input from both bodies, discussed by the Treasury Secretary in many public forums. It was in the President's State of the Union Address as a priority to get access to capital, the requirements and specificity of banks that want to apply. This isn't picking winners and losers

such as what was done in the haste of October, 2 years ago. This is about a bill that is an open process for banks that want to participate. These are the terms the Federal Government is setting up for participation, a very open and transparent process. The main difference is one was a bailout, and this is a lending program. I want to know why my colleagues don't support it, if they don't, because I think America supports making sure there is access to capital. They want to know why is it that the CEO of an AIG or another company can get access to all the capital they need from the Federal Government, but when it comes to a small business, they can't go to their community banks and get access to capital at this critical moment.

I hope we can resolve this issue and move forward. I hope Americans will call and speak up about this. Maybe there are some States that have not been rocked as hard. Maybe there are States that were not in the same situation as some of the ones we have heard from tonight. But it is safe to say that Americans have been squeezed by what has happened by this implosion of the economy. They know that their ingenuity can help restore the economy, that they need access to capital.

Ms. LANDRIEU. I thank the Senator from Washington.

We are joined now by the Senator from Rhode Island, who has been another champion for small business. He knows, as we all do, that small businesses are the engines that are going to lead us out of this recession. I am sure he has some information to share with us about his small businesses in Rhode Island. They must be absolutely flabbergasted that we are even having this debate because, as the Senator knows, there wasn't really this much debate when we sent billions to Wall Street with virtually no strings attached. Now we actually have to fight hard—we are going to have to do this for a couple days—to try to get some capital to small businesses in all of our States. This isn't a bank program. It is a small business program. It is a small business program for Main Street, the companies that have had their credit card rates raised, the companies that have had their lines of credit cancelled without notice.

Could the Senator from Rhode Island give us any more information as to what he is hearing in his State and why he thinks there are some Republican leaders who are adamantly opposed to this? It is mind-boggling to me.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I thank Senator LANDRIEU and also Senators MERKLEY and CANTWELL, who spoke before me, for the extraordinarily hard work they have put in to bring us to this moment. This is the culmination of a lot of hard work against what was for a long time unanimous Republican opposition. We couldn't get this done because we couldn't get one vote from a single Republican to help small business through our community banks. Thankfully, Senator LEMIEUX has broken the ice. Now we are in a position to go forward. There may well still be significant parliamentary maneuvers by the other side to slow it down and delay it rather than have it go smoothly, as it should.

The situation in Rhode Island is pretty dire. We are a small business State, and we have more than 12 percent unemployment. The situation in which that takes place is the one my colleagues have described.

The big banks are hoarding cash. They have been given access to the Treasury, and they are borrowing money at extremely favorable rates, but it is not filtering out. It is being invested for their own account, building up their balance sheets, not getting through to businesses, particularly not to small businesses. The big corporations are hoarding cash. That is putting pressure on employment and on small business. So for a small business, even if you are profitable, even if your loans to your bank have consistently been performing, the tightening up of credit on the community banks has restricted the funds that are available to even solidly performing small businesses that wish to invest and hire.

The solution for this is a wonderful one that Senator LANDRIEU, Senator MERKLEY, and Senator CANTWELL recommended, and that is to turn to our local community banks that were not a part of the Wall Street problem and know where the good businesses are. They have existing relationships with them. They would love in many cases to loan to them. They just don't have the capital. So this provision would bring together the capital available from the Federal Government and the expertise of the local community banks to meet the urgent need of America's small businesses. The market for capital has tightened so much that this kind of a mechanism makes a lot of sense. The government loans capital, and there is a fee. It is not giving it away; it is earning a fee, and it frees up additional capital for the banks in turn to loan, the local community banks, to bring their expertise to bear on those businesses. So the bank then loans the capital and it gets out the funds and the small businesses gather funds and from that capital they are able to go out and hire and invest and help to begin to further improve the economic climate.

This is a good idea. It is timely. I hope as we go forward. The good sense that Senator LEMIEUX has shown and the priority he has put on small business and local community banks is able to sink in a little bit further. Frankly, I wish we had been able to do this some time ago, but the absolutely unanimous blockade from the Republican Party has prevented this.

I will close by saying that having been a party to many of these discussions as the Senator from Louisiana has been keeping us abreast of her negotiations, I know what a long ordeal this has been for her. I know how tenacious the Senator from Louisiana has been on this. She has finally been successful in terms of delivering what is now a bipartisan amendment, and it is a great moment. I congratulate her and I look forward to working with her toward success.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. I thank the Senator.

I wish to continue to speak as is required, not seeing anyone else on the floor. I appreciate the opportunity while we are waiting.

I love the analogy the Senator from Rhode Island mentioned about the blockade. We have breached the blockade. For the last 8 months there has been an inexplicable silence on the other side of this aisle as to why we cannot lend money to small businesses in America through the private sector. This is not a direct Federal lending program. This is not bloating the Federal budget. I hear from the other side every single day: Private sector solutions; reduce the deficit. May I say again to them now on the floor of the Senate that I have tried so hard over the last 8 months to explain this to them individually, and only one—only one so far—Republican Senator has heard the cries of his small business. Only one.

This is not a government program for banks. It is a public-private partnership lending strategy for small business. Have they not noticed that small businesses have closed their doors? Have they not noticed people in long unemployment lines that weren't just workers, they were business owners? Are they not listening? I am the chair of the Small Business Committee. I guess that is why I feel so protective of the community. It is not because I am such a great Senator; it is because I am a protective person, I guess. Some of my colleagues say it is because I am the oldest of nine children and I grew up protecting my eight little brothers and sisters. My dad laughs when I say this, but it is the truth.

I feel as though I have 27 million small businesses out there that have been a steady stream into my office since I became chair, begging with me, pleading with me, saying: Senator, does anyone know we are out here trying our best? You keep bailing out the big banks. You keep giving money to big corporations. Does anyone—anyone in Congress—hear us? I keep assuring them: Yes, people do hear you. We know how difficult it is. So I said: This isn't going to be a problem, ''Ms. Naive'' that I must be. This isn't going to be a problem. I am sure we can do this.

So I start talking to my colleagues and, sure enough, Senator MERKLEY and Senator BOXER had a beginning of an idea that had some problems with their general ideas, so we removed

those problems. We kept fashioning it. It kept getting better and better. The President then started talking about it. The Secretary of the Treasury started getting excited about it. We started lining up hundreds of endorsements from the independent banks, the community banks; almost every small business association in America. I am so excited I am thinking: You know, this is going to work. Then we get the score back from CBO and it doesn't cost anything. It makes $1 billion. It earns $1 billion. I am thinking: This is great. Our Republican colleagues can't possibly be against something that is a public-private partnership. It is not direct lending by the Federal Government. It is not creating a new bureaucracy. It is using the healthy community banks on Main Street that know our constituents, they know their customers, they know the businesses. They know the businesses. They want to help them, but they have restrictions on their capital. So this program allows them—voluntary, it is not mandatory; there are no onerous restrictions. You don't have to cap your salaries. You just have to be able to make good loans, and if you do, you will be rewarded by getting money at a cheaper rate than you normally would, so the community bank makes a little money. The small business gets the loans. We create jobs. People get employed. The recession starts ending. This is too good to be true. I guess it is, because lo and behold, I start hearing that the Republican leadership is opposed to this idea. I am still not believing what I am hearing.

I start going to each and every one and, sure enough, that seems to be the case. It is a shame. I can't even explain it or understand it. It has nothing to do with TARP money. It is not a TARP program. It is not a bank program. It doesn't have anything to do with banks except that we are working in partnership with banks to lend money to small businesses which are desperate for money.

I want to put up the chart to make it very clear. When the leadership over there comes and talks to me about banks not being supportive, they better come armed with some interesting data, because I have on the record the Conference of State Bank Supervisors, Neil Milner, president and CEO. There are not that many national bank organizations. There are only a few, and all of them are here. So for the other side to come to the floor and say there are some bank organizations that are not for this, they better be specific. It may be the big banks. I guess the big banks aren't for it. They can't even qualify for it. If the American Bankers Association is not for it, I understand that. They can't qualify for this. This isn't for them. They already got their money.

This is for the small banks. The only way you can even be in this program is if you have less than $10 billion. This is for the small banks. So if someone comes to this floor anytime in the next couple of days to debate this and they say: Oh, but the ABA isn't for this, I guess they wouldn't be. They are not involved in it. It is not even for them. Maybe the big banks are afraid of the competition from their community banks; I don't know. But there are 7,500 community banks out there and somebody should stand up for them. I know their PACs aren't as big. I know they don't give as many contributions. They don't have as much money as the big banks do. But they are in our neighborhoods, they are in our communities, and they know the small businesses. If we give them a little bit of help, a partnership, we could get some money to the small businesses of America.

So we have here Neil Milner, president of the Conference of State Bank Supervisors; they are strongly for it; the National Small Business Association. This isn't a bank but a strong small business association; John Arensmeyer, founder and CEO of the Small Business Majority; Independent Community Bankers of America and 28 State community bank associations. We are working on the others. I don't know why we don't have all 50, but we are working on it. Maybe there are a few community bank associations that are opposed to it. They have not shown themselves. Maybe they will. But we have 28 community bank associations for it, and the Independent Community Bankers. We have the National Bankers Association. They say:

> The Obama administration—continuing its efforts to lift the country out of a two-year recession—has hit a home run with its proposed $30 billion Small Business Lending Fund. This is not a bailout to small business and medium-sized banks; it is, instead, a true investment in a brighter future for America's working class.

It must be too good to be true, that we would actually pass an amendment that would be an investment in Main Street, an investment in America's working class. These people are working so hard right now at so many jobs to keep the roof over their heads, they don't have time to form PACs or give many contributions. I guess that is why we can't get some people to stand up and listen, but we better listen to them because they are all going to be voting in the next election. They might not have time to get organized to come to Washington and tell us about their woes, but they can walk right on down to the polls, and I hope they will remember this debate when they do. Every single Democrat is going to vote for this—every single one on our side—and we are going to have one Republican so far, and I hope we can get another one or two or three. Maybe we will be surprised and get a half dozen.

There are also hundreds of organizations that are supporting this, and I am going to read the ones I have. The American Apparel and Footwear Association; the American Bankers Association. Let me correct myself. They are for it. So for anybody who says they are not, they are for it. Arkansas Community Bankers, Associated Building Contractors, California Independent Bankers, Community Bankers Association of Alabama, Community Bankers Association of Georgia, Community Bankers Association of Illinois, Community Bankers Association of Kansas, Community Bankers Association of Ohio, Community Bankers of Iowa, of Washington State, of West Virginia, of Wisconsin, Fashion Accessories Shippers Association, Financial Services Roundtable, Florida Bankers.

I wish to thank the Florida bankers. They were very passionate in their advocacy, and both of their Senators are supporting this bill. I am extremely proud of Senator LEMIEUX and Senator NELSON who have stood up. They have listened to what their Florida bankers and Florida small business people are saying. They have been a State that has been most affected, or almost as affected as almost any other—maybe more. Florida has had a very difficult time. We bailed out the big banks. We bailed out the derivatives folks. We bailed out the swap kings and queens. Go through Florida. Their little shopping centers are all boarded up. Their condos are empty. The little bakeries that used to bake the doughnuts for the people who came to the condos, they can't sell any doughnuts. There is nobody there to sell them to. Can we help that bakery? I don't know why we can't seem to get anymore support from the other side, because Senator NELSON and Senator LEMIEUX hear them.

The Governors of Michigan, Ohio, Colorado, Connecticut, Illinois, Massachusetts, New Mexico, New York, North Carolina, Oregon, Washington, West Virginia. Do you think these Governors would send us a letter on something such as this if they didn't need it or want it?

These Governors—Republicans and Democrats—are doing everything they can every day to keep their small businesses. But because of the deficits in their States—because of the deficits we are struggling with because President Bush left us in a terrible situation—and Democrats helped to get us in that situation as well, so I am not just blaming the other side. But when this President came in, the deficits were huge. States have to balance their budgets. The occupant of the chair knows; he was a mayor. Mayors have to balance budgets. These Governors write us and say: Please, do this lending program; it will help our small business, and we will start generating tax revenues. It will help us get out of our deficit.

You would think the other side would respond to these Governors. Evidently, they have their ears closed. Independent Bankers of Texas, Independent Bankers of Colorado, Independent Community Bankers of New Mexico, Independent Community Bankers of South Dakota, Indiana Bankers Association, Louisiana Bankers Association.

My team has been terrific at home, and we are facing a very difficult situation with this moratorium. We are working very hard to modify it and overcome it. In addition to this, we have our own problems. But for heaven's sake, our bankers and small businesspeople know they need to get capital—right now, particularly.

Maryland Bankers, National Council of Textile Organizations, National Restaurant Association, National RV Retailers, National Small Business Association, Printing Industries of America, Small Business Majority, Travel Goods Association, Women Impacting Public Policy—I could go on and on, and I will.

I would like the other side, when they come back tomorrow—I know everybody took a dinner break, and I lost my appetite, so I stayed for a while. I hope when they come tomorrow to debate this issue they will at least have the guts to hold up some associations that are opposed. I would like to know who might be opposed to this, what association.

I said I would fight for small business as the Small Business chair, and this is one of the first big fights we are going to have. It probably will not be the last. I don't know if we will win, but we are going to give it a good try.

As my colleague from Washington State said, if people are listening, I know they are finding it hard to trust things they hear in Washington. I don't blame them. It has been a tough time. I hope they can trust me and those of us who have spoken tonight to say we are trying hard to give them $30 billion, which we will leverage up to a $300 billion access to capital through their own community banks—completely voluntary on their part—at rates that are normal. It is like they could actually borrow money at 6 and 7 and 8 percent instead of having to use their credit cards and pay 16 or 24 percent.

Evidently, there are people on the other side who like the idea that small businesses only have credit cards on which they pay very high rates. I think it is despicable. We tried to do that, and we were thwarted by them. We tried to get help on the small business credit card side, but we were told we could not interfere with private commerce. So small businesses out there are between a rock and a hard place, through no fault of their own. The equity in their homes has depleted substantially, so they cannot go take out a home equity loan.

The Republicans have made sure when they go to their credit card companies, they have to pay pretty high rates and they can't get help. Now when we offer them good loans at reasonable rates for their businesses through their own community banks they know, the Republican leadership tells us no. Maybe it is because they don't want this recession to end so they can blame President Obama and the Democrats for everything, and they can try to win the election. I hope that is not the case because small businesses should not be a pawn in the next election. We should be doing everything we can to help them.

This is a bipartisan amendment. Senator LEMIEUX and Senator NELSON from Florida have stood up, and I am hoping some of the other Senators on that side will stand up tomorrow and the next couple of days so we can get a good vote on this amendment and then pass the entire package.

Again, this is not a program for banks; it is a program for small businesses. It is a private sector partnership with community banks—small banks. Big banks cannot even qualify.

If you are a big bank in America, you can turn my speech off if you are listening. If you are above $10 billion, you can't be in this. It is only for the small banks and small business. That is all this is for—a partnership of lending. It makes $1 billion over 10 years. It will earn, it will generate, so the program doesn't cost anything. It earns $1.1 billion according to CBO score. So the taxpayers get some money at the end.

But that must be just too good for some people I don't know. I am looking forward to the debate. I think I am the last person to speak tonight. I will be here early on the Senate floor tomorrow. I will be here all day tomorrow. I cannot wait for someone from the other side to come and give me either one organization that is opposed to this or one good reason they can't vote for this amendment because we are going to vote on it. We are going to vote on this amendment, and it will be very clear that the 60 people who vote for it—and maybe 39 or 40 people who vote no—or maybe we will have 62 or 63 or 64—maybe we will end up having everybody. I hope so. If all the people who have said they support this provision will call and let their Senators know, maybe we will have success.

I may not win every battle as chair of the committee. I know I haven't been able to deliver for small business all the things they would like. I know they need more tax cuts and they need more regulation relief. But I know one thing they need; they need access to capital. They don't want to have to go to Wall Street and beg for it. They don't want to have to pay 18 and 24 percent on their credit cards. They would like to walk down the street to their friendly banker whom they know and extend their line of credit.

Why anybody in this Chamber would vote against them doing that, I don't know. But we are going to find out.

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

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

Mr. REID. I thank the Chair.

SMALL BUSINESS LENDING FUND ACT OF 2010

The PRESIDING OFFICER. The clerk will report the pending business.

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.

Mr. REID. Mr. President, I ask unanimous consent that all pending amendments and the motion to commit be withdrawn.

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

AMENDMENT NO. 4499

Mr. REID. I have a substitute amendment at the desk. I ask that it be considered.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. BAUCUS, proposes an amendment numbered 4499.

Mr. REID. I ask that the reading of the amendment be waived.

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

(The text of the amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4500 TO AMENDMENT NO. 4599

(Purpose: To establish the Small Business Lending Fund Program, and for other purposes)

Mr. REID. I now call up the Landrieu-LeMieux perfecting amendment.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Ms. LANDRIEU, Mr. MERKLEY, Mrs. BOXER, Ms. CANTWELL, Ms. KLOBUCHAR, and Mrs. MURRAY, proposes an amendment numbered 4500 to amendment No. 4599.

Mr. REID. I ask that reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4501 TO AMENDMENT NO. 4500

Mr. REID. I do have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], proposes an amendment numbered 4501 to amendment No. 4500.

Mr. REID. I ask that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of the amendment, insert the following:

The provisions of this Act shall become effective 10 days after enactment.

AMENDMENT NO. 4502

Mr. REID. I have an amendment at the desk to the language proposed to be stricken.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment, No. 4502, to the language proposed to be stricken by amendment No. 4499.

Mr. REID. I ask that the reading of the amendment be waived.

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

The amendment is as follows:

At the end of the language proposed to be stricken, insert the following:

This section shall become effective 5 days after enactment.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4503 TO AMENDMENT NO. 4502

Mr. REID. I now have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4503 to amendment No. 4502.

Mr. REID. I ask that further reading of the amendment be dispensed with.

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

The amendment is as follows:

In the amendment, strike ''5'' and insert ''4''.

CLOTURE MOTIONS

Mr. REID. Mr. President, I have three cloture motions at the desk. I ask that they be stated.

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

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 LeMieux-Landrieu et al. amendment No. 4500 to the Reid-Baucus substitute amendment No. 4499 to H.R. 5297, the Small Business Lending Fund Act of 2010.

Harry Reid, Mary L. Landrieu, Sheldon Whitehouse, Byron L. Dorgan, Roland W. Burris, Richard J. Durbin, John D. Rockefeller, IV, Robert Menendez, Carl Levin, Daniel K. Akaka, Debbie Stabenow, Patty Murray, Jack Reed, Maria Cantwell, Dianne Feinstein, Daniel K. Inouye, Bernard Sanders.

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-Baucus substitute amendment No. 4499 to H.R. 5297, the Small Business Lending Fund Act of 2010.

Harry Reid, Max Baucus, Mary L. Landrieu, Tom Harkin, Christopher J. Dodd, Patrick J. Leahy, Bill Nelson, Richard J. Durbin, Charles E. Schumer, Al Franken, Patty Murray, Benjamin L. Cardin, Jack Reed, Roland W. Burris, Dianne Feinstein, Mark Begich, Amy Klobuchar, Byron L. Dorgan.

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 H.R. 5297, the Small Business Lending Fund Act of 2010.

Harry Reid, Max Baucus, Mary L. Landrieu, Tom Harkin, Christopher J. Dodd, Patrick J. Leahy, Bill Nelson, Richard J. Durbin, Charles E. Schumer, Al Franken, Patty Murray, Benjamin L. Cardin, Jack Reed, Roland W. Burris, Dianne Feinstein, Mark Begich, Amy Klobuchar, Byron L. Dorgan.

Mr. REID. Mr. President, there have been three cloture motions stated. I ask consent that the mandatory quorums be waived with respect to these motions.

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

MOTION TO COMMIT WITH AMENDMENT NO. 4504

Mr. REID. Mr. President, I have a motion to commit with instructions at the desk. I ask that it be stated.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to commit the bill to the Finance Committee with instructions to report back forthwith with an amendment numbered 4504.

The amendment is as follows:

At the end, insert the following:

The Finance Committee is requested to study the impact of changes to the system whereby small business entities are provided with opportunities for access to capital.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4505

Mr. REID. Mr. President, I have an amendment to the instructions at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4505 to the instructions of the motion to commit.

The amendment is as follows:

At the end insert the following:

''and the economic impact on local communities served by small businesses,''.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4506 TO AMENDMENT NO. 4505

Mr. REID. I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4506 to amendment No. 4505.

The amendment is as follows:

At the end, insert the following:

''and its impact on state and local governments.''

Mr. REID. I wish to express my appreciation for everyone's patience to get to the point where we are. Especially, I wish to express my appreciation to Senator LANDRIEU, who has worked tirelessly since Friday coming up with this. I support what she is doing. I am grateful for all her hard work.

I hope tomorrow we can work our way through these issues. I will tell everyone here that we are going to finish this small business jobs bill, with a little luck, in the next few days. We could do it tomorrow if we were able to advance the time.

We also have the supplemental appropriations bill, which is very important. We got that bill from the House. It has a lot of things on it, every one of which I support. But in my conversations with the Republican leader, he believes his caucus will not support most of the stuff that is on there.

So we are going to have a cloture vote on that at the earliest possible date. That is a message from the House. We could dispose of this also in the next 24 to 48 hours. So it is up to us how we work these out. I think we have heard enough of what we need to do in the next little bit. But we only have 2 or 3 weeks left after Friday. So we have a lot to do.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that we proceed to a period of morning business.

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

KISSES FOR OUR TROOPS

Mr. LEAHY. Mr. President, I am honored to share a Vermont community's tribute to the stout hearts and brave souls of the service men and women serving overseas.

This year, in recognition of Vermont's largest military deployment since World War II, the townspeople of

Clarendon, VT, sought a way to show their support for Americans stationed in Iraq and Afghanistan. At the town's elementary school, 39 children of the ages of 7 to 10 recorded a song called ''Box of Kisses'' for our troops in the National Guard. With the help of two local musicians, James Mee and Michael Mugrage, the students of Clarendon Elementary School devoted their lunch and recess time to this project. Students also spent their free time handcrafting more than 500 paper boxes filled with brief personal messages and pieces of candy as tokens of their thanks for the sacrifices being made by these Vermonters serving abroad.

Although Box of Kisses is being sent to hundreds of soldiers, this community's project is a highly personal act for many families in Clarendon. Within this school community of only 198 students, 12 people have family members serving in Afghanistan. Marcelle and I are so proud of and grateful for our Nation's servicemembers and their families. So are Vermonters in every community throughout our State, who are showing support for our soldiers' families in ways small and large every day—by mowing lawns, babysitting, shoveling sidewalks, and through many other small kindnesses. Clarendon's story is another example of why I am proud to be a Vermonter.

I ask unanimous consent that there be printed in the RECORD an article, published in the Rutland Herald, in which reporter Cristina Kumka tells this heartening story from Clarendon.

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

[From the Rutland Herald, July 14, 2010]

LOVE IN A BOX: VERMONT RESIDENTS SEND KISSES TO AFGHANISTAN

(By Cristina Kumka)

All it took was one small Vermont community and one song to connect troops overseas with home.

Shortly after Vermont's largest military deployment since World War II occurred this January, residents of Clarendon and students from the town's elementary school wanted to do something for 10 families in their community with loved ones sent off to battle in Iraq and Afghanistan.

Children in grades 2–6, some of whom with mothers or fathers serving overseas, recorded a song by Rutland musician James Mee and fellow artist Michael Mugrage called ''Box of Kisses'' and made 200 CDs.

Then they crafted boxes using simple white paper and crayons and filled each one with a note and red, white and blue candy donated by the Vermont Country Store.

The children wrote what they knew—a simple ''thank you,'' ''I love you'' or other thought—to remind 500 troops individually what their purpose there was and how much their sacrifice meant to the children.

Most of the project was documented—the song posted on Internet and aired on public access television and student fundraisers for materials and support filmed on DVDs.

The CDs and the boxes are in the process of being airlifted or parachuted in to troops in populated or desolate areas of the Middle East until each gift is gone.

What began as simple gestures intended to remind troops of home has caught the attention of Americans across the country.

Mee said that in all in his 30 years in the music industry no other tune or project has drawn so much attention.

On Tuesday, Mee said he's been contacted by a major candy company looking to invest in the children's idea, a top music industry professional from New York and a Texas-based radio station serving a million military personnel and other listeners in more than 177 countries.

''I feel like I'm in a Disney movie,'' Mee said.

The song he originally created 10 years ago as a love ballad with the lyrics, ''When you're far from home, Feeling like you're all alone, Don't be afraid . . . cause you're always with us, When you open up your box of kisses,'' has never been so popular.

But the exposure is mere icing on a larger cake, Mee said.

''The kids are singing their hearts out, many who skipped recess and lunch, and there's something about that,'' Mee said. ''No matter how skeptical and cynical you may be, kids singing like that just melts your heart.''

Clarendon's Maria Stephan is hand-delivering one of the boxes and a copy of the song to First Sgt. Francisco Herrera, for his three children. Two of his children, Abigail and D.J., attend Clarendon Elementary School and were key members of the volunteer project.

The project was a way for them to keep their dad close to home even when he's away.

Stephan, a strategic planner with the Office of the Coordinator for Reconstruction and Stabilization who directly reports to Secretary of State Hillary Clinton, said the troops need reminders of home and America needs a reminder of them.

''People (some troops) have a sense when they come back that it's a forgotten war,'' Stephan said.

''With the whole McChrystal (former Gen. Stanley McChrystal) thing . . . sometimes the dangerous stuff gets forgotten,'' she said. ''It's nice to know people do care.''

STRONG FAMILY 50TH REUNION

Mr. GREGG. Mr. President, I rise today to recognize the accomplishment of a truly remarkable American family. This summer, the Strong family celebrates their 50th family reunion here in Washington, DC, the site of their first annual reunion. Although the rich history of the Strong family has been centered in the Mid-Atlantic States, I am proud that one of their daughters, Cindy Strong Woolfolk, has been a dedicated member of my staff, and served the people of New Hampshire for more than 11 years. In recognition of Cindy and her extraordinary family, Kathy and I offer our congratulations on this momentous occasion.

In the summer of 1960, Addie Cora Strong Dixon had a vision to honor and remember the life and legacy of her family by convening the first of many annual reunions. That first year's motto, ''Strong bond of love and support'', which so aptly describes Addie's love for her family, would also characterize the subsequent reunions held throughout the country and attended widely by members of her family. This year's motto for the Golden Anniversary Reunion, ''Celebrating Generations of a STRONG Legacy,'' serves as reminder to the next generations of Strong children to continue this important tradition and carry on the legacy of their family.

Throughout the years, the Strong annual reunion has become a major event not only for family members, but also for various notables who helped to shape our country's history including Federal, State and local politicians. One such notable, Rosa Parks, attended the 1993 family reunion in Detroit. I am also told that Addie's famous pineapple upside down cakes and the family's North Carolina-style BBQ are some of the best in the country.

On behalf of Kathy and myself, we extend our congratulations to Cindy Strong Woolfolk and her family. For those in the U.S. Senate family who have had the pleasure of getting to know Cindy and experience her laughter and warm personality, you have gained a sense of how special the Strong family is through her.

We applaud the Strong family for reaching this significant milestone and wish them strength and longevity for many more years to come.

KIMBERLEY PROCESS

Mr. FEINGOLD. Mr. President, I wish to express my concern about the future of the Kimberley Process, the global voluntary initiative to stem the flow of conflict diamonds. Last week, key members of the Kimberley Process, including governments, industry representatives, and civil society groups, met in St. Petersburg to break the deadlock over whether Zimbabwe should be certified to export its diamonds. A year ago, a review mission of the Kimberley Process traveled to Zimbabwe and documented extensive smuggling of diamonds and abuses against civilians by police and army forces at diamond sites. This rightly led to Zimbabwe's suspension from the process. However, Zimbabwe has threatened to continue with its exports regardless, and there has been a push by some Kimberley Process members to reinstate its certification.

Last week's meeting resulted in an agreement allowing Zimbabwe to export a limited number of diamonds on the condition that a new Kimberley Process Review Mission is permitted to return to the country and monitor conditions. This may be a workable agreement on paper, but it can only succeed with the good faith efforts of all parties, not least the Government of Zimbabwe. I am disappointed that members of the Kimberley Process did not take a stronger stand against certifying Zimbabwe's diamonds for export. Without proof that the government in question has changed the conditions that resulted in suspension, granting certification may be undermining the core components of the process. The onus should be on a government to prove such change has occurred before it is reinstated, not after. Now if this agreement is not implemented, I worry

that it will be a significant blow to the credibility of the process.

Zimbabwe is not the only country raising issues that threaten the credibility of the Kimberley Process. Last month, the Wall Street Journal reported that there continue to be abuses and killings by soldiers and private security guards in Angola around diamond mines. Angola is reportedly the world's fifth-largest diamond producer in terms of overall value. Meanwhile, the United Nations Expert Group on Cote D'Ivoire has reported for years on how groups in northern Cote D'Ivoire continue to extract and smuggle diamonds through neighboring countries in violation of UN sanctions. Diamond smuggling is also reportedly rampant in Venezuela, while the government there continues to evade the Kimberley Process. Across these countries and many others, weak government controls and limited enforcement options are enabling illicit diamonds to continue to enter the legitimate trade.

The inability of the Kimberley Process to effectively address these problems has exposed significant loopholes within the process. To begin with, the Kimberley Process defines ''conflict diamonds'' as ''rough diamonds used by rebel movements or their allies to finance conflict aimed at undermining legitimate governments.'' While this definition may have made sense in light of the civil wars in countries such as Sierra Leone and Liberia, it does not capture abuses and violence perpetrated today by government forces in diamond-producing areas around the world. In addition, the process lacks a clear, agreed-upon approach for dealing with cases of noncompliance like Venezuela or Zimbabwe. As we move into the 10th year of Kimberley's existence, we need to take a serious look at how we can best ensure the certification scheme has real power to investigate, monitor, and curb the illegal flow of diamonds, including ensuring serious consequences when a country does not live up to its commitments.

Since its inception, I have strongly supported the Kimberley Process as a vehicle to stop the trade in conflict diamonds and protect consumers and legitimate diamond producers from unwittingly participating in abuses. And the Kimberley Process has achieved a great deal in this respect, despite being a voluntary process and thereby having obvious limitations. But now I strongly believe we need to see the Kimberley Process recommit to its human rights agenda at the same time that it deals with the technical and procedural challenges that hamper its effectiveness. We still have a long way to go in curbing the flow of conflict diamonds and ensuring they do not make their way into our markets.

For these reasons, I believe we must look seriously at the effectiveness of the Kimberley Process and consider revamping its framework so it has real teeth. Doing so will require strong leadership, and I believe the United States as the world's largest consumer of diamonds and a key player in the creation of the process is well positioned to provide that leadership. Senator LEAHY and I have urged the Obama administration to put the United States forward to be vice-chair of the Kimberley Process for 2011 and thus chair in 2012. It is in our national interest to have a strong Kimberley Process, and it is a critical moment for the United States to exhibit leadership to that end.

ADDITIONAL STATEMENTS

NATIONAL ASSOCIATION OF CLEAN WATER AGENCIES

● Mrs. BOXER. Mr. President, I wish to recognize and share with my colleagues an important milestone for the National Association of Clean Water Agencies, NACWA. The association celebrates its 40th anniversary at its annual summer conference and meeting July 20 to 23 in San Francisco. This year's conference, ''Sustainable Resource Management—Lessons from Clean Water's Past and Present,'' will surely inspire new solutions and innovative ideas to improve our country's water quality and protect the health of our children and families.

Established in 1970 by a group of individuals representing 22 large municipal sewerage agencies, NACWA now represents over 300 of the Nation's publicly owned wastewater utilities. NACWA grew up alongside the landmark Clean Water Act of 1972, which has been enormously successful at reducing pollution into our Nation's waterways. The 22 founding agencies of NACWA united behind a related mission: to secure investment in municipal wastewater treatment and improve water quality. As NACWA continued to grow and diversify, they have worked to promote watershed management and the health of our ecosystems.

Today, NACWA has an active membership of publicly owned treatment agencies stretching from coast to coast. NACWA provides its members with educational resources, community building, networking opportunities, and a forum for sharing best practices and building consensus on water policy.

I am so pleased to acknowledge NACWA's long and distinguished record of environmental advocacy. Clean, safe drinking water is essential to all of us. The association has been a leader on a range of issues affecting our water supply. Over the course of my career in the Senate, I have had the pleasure of working with NACWA on important legislation including the Water Infrastructure Financing Act and the Water Resources Development Act.

In 2008, I was honored to receive NACWA's Legislative Leadership Award for my efforts on the Water Resources Development Act, WRDA, of 2007. This historic legislation is of critical importance to our Nation's water quality and economy. WRDA 2007 garnered broad support on both sides of the aisle, and I am again working with my colleagues to pass a WRDA bill that will build on the important progress we made in WRDA 2007, continue investment in vital water resources projects, and create jobs rebuilding the Nation's aging water infrastructure.

I commend the members and staff of NACWA for their dedication and support for policies that advance clean water and a healthy, sustainable environment. Their efforts have certainly had a positive impact on our Nation's environmental policy and water quality. I look forward to working with NACWA to improve our Nation's water quality, ecosystems and infrastructure for years to come by supporting legislation that protects our Nation's waterways and water supply. Together, we can ensure clean water for future generations. Please join me in celebrating the 40th anniversary of the National Association of Clean Water Agencies.●

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

MESSAGES FROM THE HOUSE

At 12:05 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4684. An act to require the Secretary of the Treasury to strike medals in I commemoration of the 10th anniversary of the September 11, 2001, terrorist attacks on the United States and the establishment of the National September 11 Memorial and Museum at the World Trade Center.

H.R. 4842. An act to authorize appropriations for the Directorate of Science and Technology of the Department of Homeland Security for fiscal years 2011 and 2012, and for other purposes.

H.R. 5266. An act to extend the final report deadline and otherwise reauthorize the National Commission on Children and Disasters.

H.R. 5301. An act to extend the period during which the Administrator of the Environmental Protection Agency and States are prohibited from requiring a permit under section 402 of the Federal Water Pollution

Control Act for certain discharges that are incidental to normal operation of vessels, to reauthorize the National Estuary Program, and for other purposes.

H.R. 5545. An act to deauthorize a portion of the project for navigation, Potomac River, Washington Channel, District of Columbia, under the jurisdiction of the Corps of Engineers.

H.R. 5604. An act to rescind amounts authorized for certain surface transportation programs.

At 12:59 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 1749. An act to amend title 18, United States Code, to prohibit the possession or use of cell phones and similar wireless devices by Federal prisoners.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 5283. An act to provide for adjustment of status for certain Haitian orphans paroled into the United States after the earthquake of January 12, 2010.

H.R. 5532. An act to amend the Immigration and Nationality Act with respect to adopted alien children.

At 4:35 p.m., a message from the House of Representatives, Mr. Novotny, one of its reading clerks, announced that the House agreed to the amendment of the Senate to the bill (H.R. 725) to protect Indian arts and crafts through the improvement of applicable criminal proceedings, and for other purposes.

MEASURES REFERRED

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

H.R. 4842. An act to authorize appropriations for the Directorate of Science and Technology of the Department of Homeland Security for fiscal years 2011 and 2012, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5266. An act to extend the final report deadline and otherwise reauthorize the National Commission on Children and Disasters; to the Committee on Health, Education, Labor, and Pensions.

H.R. 5532. An act to amend the Immigration and Nationality Act with respect to adopted alien children; to the Committee on the Judiciary.

H.R. 5545. An act to deauthorize a portion of the project for navigation, Potomac River, Washington Channel, District of Columbia, under the jurisdiction of the Corps of Engineers; to the Committee on Environment and Public Works.

H.R. 5604. An act to rescind amounts authorized for certain surface transportation programs; to the Committee on Commerce, Science, and Transportation.

MEASURES PLACED ON THE CALENDAR

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

H.R. 5301. An act to extend the period during which the Administrator of the Environmental Protection Agency and States are prohibited from requiring a permit under section 402 of the Federal Water Control Act for certain discharges that are incidental to normal operation of vessels, to reauthorize the National Estuary Program, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 3628. A bill to amend the Federal Election Campaign Act of 1971 to prohibit foreign influence in Federal elections, to prohibit government contractors from making expenditures with respect to such elections, and to establish additional disclosure requirements with respect to spending in such elections, 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–6747. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''South American Cactus Moth Regulations; Quarantined Areas'' (Docket No. APHIS–2010–0037) received in the Office of the President of the Senate on July 15, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6748. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Change of Address; Abbreviated New Drug Applications; Technical Amendment'' (Docket No. FDA–2010–N–0010) received in the Office of the President of the Senate on July 16, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6749. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''12 C.F.R. Parts 701, 702, 704, 708a, 709, 711, 712, 715, 716, 717, 721, 722, 741, 742, 745, 747, 790, 791, 792, 793, and 795; Technical Amendments'' received during adjournment of the Senate in the Office of the President of the Senate on July 16, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–6750. A communication from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Disclosures for Non-Federally Insured Depository Institutions Under the Federal Deposit Insurance Corporation Improvement Act (FDICIA)'' (RIN3084–AA99) received in the Office of the President of the Senate on July 12, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–6751. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Kingsland, Texas)'' (MB Docket No. 09–180) received in the Office of the President of the Senate on July 19, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6752. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Boulder Town, Levan, Mount Pleasant, and Richfield, Utah)'' (MB Docket No. 04–258, RM–11000, RM–11149) received in the Office of the President of the Senate on July 19, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6753. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Maupin, Oregon)'' (MB Docket No. 09–130) received in the Office of the President of the Senate on July 19, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6754. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Temporary Rule to Implement Accountability Measures in Accordance with the Fishery Management Plan for Reef Fish Resources of the Gulf of Mexico (FMO): 2010 Accountability Measures for the Commercial and Recreational Harvest of Greater Amberjack'' (RIN0648–AY89) received during adjournment of the Senate in the Office of the President of the Senate on July 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6755. A communication from the Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''2010 Final Specifications for the Spiny Dogfish Fishery Management Plan'' (RIN0648–AY50) received during adjournment of the Senate in the Office of the President of the Senate on July 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6756. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Final Rule to Implement Comprehensive Ecosystem Based Amendment 1'' (RIN0648–AY32) received during adjournment of the Senate in the Office of the President of the Senate on July 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6757. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled ''Report to Congress on Dedicated Ethanol Pipeline Feasibility''; to the Committee on Energy and Natural Resources.

EC–6758. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Public Records'' (RIN3150–AI87) received in the Office of the President of the Senate on July 19, 2010; to the Committee on Environment and Public Works.

EC–6759. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2010–0098—2010–0102); to the Committee on Foreign Relations.

EC–6760. A communication from the Assistant General Counsel for Regulatory Services, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''National Institute on Disability and Rehabilitation Research

(NIDRR)—Disability and Rehabilitation Research Projects and Centers Program—Rehabilitation Research and Training Centers (RRTCs)—Effective Vocational Rehabilitation (VR) Service Delivery Practices'' (CFDA No. 84.133B–8) received during adjournment of the Senate in the Office of the President of the Senate on July 16, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC–6761. A communication from the Assistant General Counsel for Regulatory Services, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''National Institute on Disability and Rehabilitation Research (NIDRR)—Disability and Rehabilitation Research Projects and Centers Program—Disability Rehabilitation Research Project (DRRP)—International Exchange of Knowledge and Experts in Disability and Rehabilitation Research'' (CFDA No. 84.133A–6) received during adjournment of the Senate in the Office of the President of the Senate on July 16, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC–6762. A communication from the Assistant General Counsel for Regulatory Services, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''National Institute on Disability and Rehabilitation Research (NIDRR)—Disability and Rehabilitation Research Projects and Centers Program—Disability Rehabilitation Research Project (DRRP)—Center on Knowledge Translation (KT) for Employment Research'' (CFDA No. 84.133A–5) received during adjournment of the Senate in the Office of the President of the Senate on July 16, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC–6763. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Reasonable Contract or Arrangement Under Section 408(b)(2)—Fee Disclosure'' (RIN1210–AB08) received in the Office of the President of the Senate on July 19, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC–6764. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Interim Final Rules for Group Health Plans and Health Insurance Issuers Relating to Coverage of Preventive Services Under the Patient Protection and Affordable Care Act'' (RIN0938–AQ07) received in the Office of the President of the Senate on July 19, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC–6765. A communication from the Program Manager, Office of Consumer Information and Insurance Oversight, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Interim Final Rules for Group Health Plans and Health Insurance Issuers Relating to Coverage of Preventive Services under the Patient Protection and Affordable Care Act'' (RIN0938–AQ07) received during adjournment of the Senate in the Office of the President of the Senate on July 16, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC–6766. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from the University of Rochester Atomic Energy Project, Rochester, New York, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–6767. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from the Los Alamos National Laboratory, Los Alamos, New Mexico, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–6768. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from the Downey Facility, Los Angeles County, California, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–6769. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from the BWX Technologies, Lynchburg, Virginia, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–6770. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from the De Soto Avenue Facility, Los Angeles County, California, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–6771. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from the Mound Plant, Miamisburg, Ohio, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–6772. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from the St. Louis Airport Storage Site, St. Louis, Missouri, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–6773. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from the Bethlehem Steel Corporation facility, Lackawanna, New York, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–6774. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Implementation of OMB Guidance on Drug-Free Workplace Requirements'' (RIN1991–AB93) received in the Office of the President of the Senate on July 19, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC–6775. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Report to Congress on the Assets for Independence Program: Status at the Conclusion of the Ninth Year''; to the Committee on Health, Education, Labor, and Pensions.

EC–6776. A communication from the Acting Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''General Services Administration Acquisition Regulation; GSAR Case 2006–G504, Rewrite of GSAR Part 516, Types of Contracts'' (RIN3090–AI58) received in the Office of the President of the Senate on July 19, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–6777. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–449, ''Georgia Avenue Main Street Authorization Temporary Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–6778. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–461 ''Fiscal Year 2010 Balanced Budget Support Temporary Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–6779. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–468 ''Elected Attorney General Referendum Temporary Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–6780. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–469 ''Health Services Planning Program Re-establishment Temporary Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–6781. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–470 ''Tenant Organization Petition Standing Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–6782. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–471 ''Priority Sidewalk Assurance Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–6783. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''Sufficiency Review of the Water and Sewer Authority's Fiscal Year 2010 Revenue Estimate in Support of the Issuance of $225,000,000 in Commercial Paper (Taxable and Tax Exempt)''; to the Committee on Homeland Security and Governmental Affairs.

EC–6784. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 10–048, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC–6785. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–6786. A communication from the Secretary of Defense, transmitting a report on the approved retirement of General Stanley A. McChrystal, United States Army, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC–6787. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Keith J. Stalder, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–6788. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Joseph F. Peterson, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 148. A bill to restore the rule that agreements between manufacturers and retailers, distributors, or wholesalers to set the minimum price below which the manufacturer's product or service cannot be sold violates the Sherman Act (Rept. No. 111–227).

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute and an amendment to the title:

S. 193. A bill to create and extend certain temporary district court judgeships.

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1346. A bill to penalize crimes against humanity and for other purposes.

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. JOHNSON (for himself, Mr. CRAPO, Mr. BROWNBACK, Mr. COCHRAN, Mr. RISCH, Mr. BENNET, Ms. KLOBUCHAR, Mr. FRANKEN, Ms. SNOWE, Mr. DORGAN, Mr. JOHANNS, and Mr. HARKIN):

S. 3621. A bill to amend the Internal Revenue Code of 1986 to provide for an exclusion for assistance provided to participants in certain veterinary student loan repayment or forgiveness programs; to the Committee on Finance.

By Mr. JOHANNS (for himself and Mr. SCHUMER):

S. 3622. A bill to require the Administrator of the Environmental Protection Agency to finalize a proposed rule to amend the spill prevention, control, and countermeasure rule to tailor and streamline the requirements for the dairy industry, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SCHUMER:

S. 3623. A bill to amend the Internal Revenue Code of 1986 to extend the payroll tax relief under the HIRE Act, and for other purposes; to the Committee on Finance.

By Mr. DEMINT (for himself, Mr. HATCH, Mr. ENSIGN, Mr. THUNE, Mr. COBURN, Mr. CORNYN, and Mr. SESSIONS):

S. 3624. A bill to encourage continued investment and innovation in communications networks by establishing a new, competition analysis-based regulatory framework for the Federal Communications Commission; to the Committee on Commerce, Science, and Transportation.

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

S. 3625. A bill to enhance public safety by making more spectrum available to public safety agencies, to facilitate the development of a public safety broadband network, to provide for the spectrum needs of public safety agencies, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. FRANKEN (for himself and Mr. BOND):

S. 3626. A bill to encourage the implementation of thermal energy infrastructure, and for other purposes; to the Committee on Finance.

By Mr. COBURN:

S. 3627. A bill to ensure that United States global HIV/AIDS assistance prioritizes saving lives by focusing on access to treatment; to the Committee on Foreign Relations.

By Mr. SCHUMER:

S. 3628. A bill to amend the Federal Election Campaign Act of 1971 to prohibit foreign influence in Federal elections, to prohibit government contractors from making expenditures with respect to such elections, and to establish additional disclosure requirements with respect to spending in such elections, and for other purposes; read the first time.

By Mr. HATCH:

S.J. Res. 35. A joint resolution proposing an amendment to the Constitution of the United States relative to a balanced budget; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. SCHUMER (for himself and Mr. BENNETT):

S. Res. 589. A resolution to authorize the printing of a revised edition of the Nomination and Election of the President and Vice President of the United States; considered and agreed to.

By Mrs. LINCOLN (for herself and Mrs. HUTCHISON):

S. Res. 590. A resolution designating September 2010 as ''Gospel Music Heritage Month'' and honoring gospel music for its valuable contributions to the culture of the United States; considered and agreed to.

By Mr. HARKIN:

S. Res. 591. A resolution recognizing and honoring the 20th anniversary of the enactment of the Americans with Disabilities Act of 1990; placed on the calendar.

ADDITIONAL COSPONSORS

S. 653

At the request of Mr. CARDIN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 653, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes.

S. 752

At the request of Mr. DURBIN, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 752, a bill to reform the financing of Senate elections, and for other purposes.

S. 2095

At the request of Ms. MIKULSKI, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2095, a bill to amend the National Great Black Americans Commemoration Act of 2004 to authorize appropriations through fiscal year 2015.

S. 3034

At the request of Mr. SCHUMER, the names of the Senator from Indiana (Mr. BAYH), the Senator from Alabama (Mr. SESSIONS) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. 3034, a bill to require the Secretary of the Treasury to strike medals in commemoration of the 10th anniversary of the September 11, 2001, terrorist attacks on the United States and the establishment of the National September 11 Memorial & Museum at the World Trade Center.

S. 3036

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

S. 3188

At the request of Mrs. SHAHEEN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 3188, a bill to amend the Internal Revenue Code of 1986 to provide an investment tax credit for biomass heating property.

S. 3232

At the request of Mr. BURR, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 3232, a bill to amend the Internal Revenue Code of 1986 to make employers of spouses of military personnel eligible for the work opportunity credit.

S. 3238

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

S. 3335

At the request of Mr. JOHANNS, his name was added as a cosponsor of S. 3335, a bill to require Congress to establish a unified and searchable database on a public website for congressional earmarks as called for by the President in his 2010 State of the Union Address to Congress.

S. 3339

At the request of Mr. KERRY, the name of the Senator from North Carolina (Mr. BURR) 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. 3409

At the request of Ms. LANDRIEU, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 3409, a bill to make certain adjustments to the price analysis of propane prepared by the Secretary of Commerce.

S. 3434

At the request of Mr. BINGAMAN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 3434, a bill to provide for the establishment of a Home Star Retrofit Rebate Program, and for other purposes.

S. 3501

At the request of Mr. HATCH, the names of the Senator from Idaho (Mr. CRAPO), the Senator from Nebraska (Mr. JOHANNS) and the Senator from

Oklahoma (Mr. COBURN) were added as cosponsors of S. 3501, a bill to protect American job creation by striking the job-killing Federal employer mandate.

S. 3502

At the request of Mr. HATCH, the names of the Senator from Idaho (Mr. CRAPO), the Senator from Nebraska (Mr. JOHANNS), the Senator from Georgia (Mr. ISAKSON), the Senator from Kentucky (Mr. BUNNING) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. 3502, a bill to restore Americans' individual liberty by striking the Federal mandate to purchase insurance.

S. 3572

At the request of Mrs. LINCOLN, the names of the Senator from Indiana (Mr. BAYH), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 3572, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first law enforcement agency, the United States Marshals Service.

S. 3583

At the request of Mrs. MURRAY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 3583, a bill to amend title 38, United States Code, to increase flexibility in payments for State veterans homes, and for other purposes.

S. 3585

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

S. 3620

At the request of Mr. WARNER, the name of the Senator from Florida (Mr. LEMIEUX) was added as a cosponsor of S. 3620, a bill to require the Secretary of Commerce to conduct a study on the economic competitiveness and innovative capacity of the United States and to develop a national economic competitiveness strategy, and for other purposes.

S. RES. 519

At the request of Mr. DEMINT, the name of the Senator from Nebraska (Mr. JOHANNS) was added as a cosponsor of S. Res. 519, a resolution expressing the sense of the Senate that the primary safeguard for the well-being and protection of children is the family, and that the primary safeguards for the legal rights of children in the United States are the Constitutions of the United States and the several States, and that, because the use of international treaties to govern policy in the United States on families and children is contrary to principles of self-government and federalism, and that, because the United Nations Convention on the Rights of the Child undermines traditional principles of law in the United States regarding parents and children, the President should not transmit the Convention to the Senate for its advice and consent.

S. RES. 579

At the request of Mr. BROWNBACK, the names of the Senator from Illinois (Mr. BURRIS) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. Res. 579, a resolution honoring the life of Manute Bol and expressing the condolences of the Senate on his passing.

S. RES. 586

At the request of Mr. FEINGOLD, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. Res. 586, a resolution supporting democracy, human rights, and civil liberties in Egypt.

AMENDMENT NO. 4492

At the request of Mr. BROWN of Massachusetts, the names of the Senator from Arizona (Mr. MCCAIN), the Senator from Georgia (Mr. ISAKSON) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of amendment No. 4492 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JOHNSON (for himself, Mr. CRAPO, Mr. BROWNBACK, Mr. COCHRAN, Mr. RISCH, Mr. BENNET, Ms. KLOBUCHAR, Mr. FRANKEN, Ms. SNOWE, Mr. DORGAN, Mr. JOHANNS, and Mr. HARKIN):

S. 3621. A bill to amend the Internal Revenue Code of 1986 to provide for an exclusion for assistance provided to participants in certain veterinary student loan repayment or forgiveness programs; to the Committee on Finance.

Mr. JOHNSON. Mr. President, I rise today to introduce legislation with my friend, Senator MIKE CRAPO of Idaho, that will exempt Veterinary Medicine Loan Repayment Program, VMLRP, awards from Federal income taxation. I drafted this bipartisan bill with the intention of increasing veterinary services in underserved shortage areas that lack adequate veterinary expertise.

The United States Department of Agriculture's, USDA, Veterinary Medicine Loan Repayment Program was authorized in 2003 by the National Veterinary Medical Services Act, NVMSA, to help qualified veterinarians offset a significant amount of the debt they accrue while pursuing their degrees if they in turn serve in high-priority veterinary shortage areas for a certain length of time. It also authorizes additional loan repayments for service in Federal emergency situations. However, the awards are currently taxed at a rate of 39 percent. This taxation is counterproductive and only delays delivery of veterinary services to areas that are in desperate need.

In determining whether an area is eligible for assistance under the VMLRP, USDA has the ability to declare ''shortage situations,'' in which the Department makes declarations of veterinary shortage areas. Currently, there are two circumstances that lead to such designations. The first is by geography, when a given geographic area suffers a shortage of veterinarians overall. The second occurs when areas suffer a shortage of veterinarians who practice in a particular field of veterinary specialty. My home State of South Dakota currently has four designated shortage situations. Two of these designations are statewide designations noting a shortage of practitioners in veterinary specialties. On a national scale, there are 1,300 counties in the United States that have less than one food animal veterinarian per 25,000 farm animals. Bear in mind, the demand for veterinarians across our country could increase 14 percent by 2016.

South Dakota is truly a wonderful place to call home, but it is not always an easy place to earn a living. This is especially true for young people who are just starting out and are saddled with crushing levels of school debt. I have long fought for legislation that makes it easier for students to pay off their loans and to encourage others who may be reluctant to pursue higher education degrees, due to a lack of financial resources, especially when it comes to costly professional degrees including veterinary medicine. My legislation will help students pursue their educational goals, while also providing important services to underserved rural areas by enhancing the assistance veterinary graduates receive in exchange for meaningful public service.

Agriculture is the top contributor to our South Dakota economy. For those farmers and ranchers who make their living in agriculture, this is more than a job; it is a way of life. Our ranchers, many of whom operate in very rural areas, rely on the access they have to qualified veterinarians to care for their livestock. Adequate access to veterinary care in rural areas is critical for both human and animal health, as well as animal welfare, disease surveillance, public safety and economic development across America. Everyone in America benefits from the veterinary services provided in even the most remote areas of our nation. As such, I am committed to doing all I can to help bring veterinarians to underserved parts of our state.

I am proud to have fought for the establishment of the VMLRP program, and through my seat on the Senate Appropriations Committee. I have worked year after year to secure its proper funding. Unfortunately, however, the taxes assessed on these benefits prevent us from using congressionally appropriated funding to the fullest extent. For every three veterinarians selected for the loan repayment awards, an additional veterinarian could also

be selected if the program was made exempt from taxes. Such a tax exemption is not without precedent; Congress exempted from taxation the assistance received by participants in the National Health Services Corps, NHSC, several years ago, and I hope that my colleagues will join me in extending this same type of assistance to veterinarians participating in the VMLRP program.

It should be noted that 122 organizations from across our Nation have announced their support for a tax exemption for VMLRP, including the American Veterinary Medical Association, American Association of Equine Practitioners, the American Farm Bureau Federation, the American Sheep Industry, the National Farmers Union, and the South Dakota Veterinary Medical Association, South Dakota Farm Bureau, South Dakota Cattlemen's Association, South Dakota Stockgrowers Association and many others.

Agriculture is the economic engine that drives our rural communities, and without viable family farms and ranchers, our small towns and Main Street businesses throughout South Dakota and our nation would face significant hardships. It is absolutely essential that our agricultural producers have access to the services they need to be successful and responsible, and the Veterinary Medicine Loan Repayment Program Enhancement Act will help make that possible.

Mr. President, I ask unanimous consent that a letter of support be printed in the RECORD.

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

AMERICAN VETERINARY MEDICAL ASSOCIATION GOVERNMENTAL RELATIONS DIVISION,

Washington, DC.

STATEMENT OF SUPPORT FOR THE VETERINARY MEDICINE LOAN REPAYMENT PROGRAM ENHANCEMENT ACT

The undersigned organizations urge Congress to pass the Veterinary Medicine Loan Repayment Program Enhancement Act, which will provide a federal income tax exemption for payments received under the Veterinary Medicine Loan Repayment Program (VMLRP) and similar state programs.

Since Congress passed the ''National Veterinary Medical Services Act'' (H.R. 1397, P.L. 108–161) on December 6, 2003, it has appropriated $9.6 million for awards. About $3.75 million will be used to pay taxes on the awards. Every dollar spent on taxes is one less available for loan repayment awards.

The first VMLRP awards to veterinarians practicing food supply medicine and veterinary public health in federally designated shortage areas across the country will be granted by the end of fiscal year 2010. Veterinarians selected for participation will receive up to $25,000 annually to repay eligible student loans in exchange for three years of practice in an approved shortage area.

Legislation amending the Internal Revenue Code to make loan repayment awards tax exempt should take effect for taxable years beginning after December 31, 2009. Each VMLRP award including taxes for three years will cost approximately $104,250 per veterinarian ($75,000 for loan repayment and $29,250 for taxes). If VMLRP were tax exempt, one additional veterinarian could be selected for every three awarded under current law.

There is precedent for tax exemption. The VMLRP's counterpart program for human medicine, the National Health Service Corps (NHSC) which provides loan repayment for primary care medical, dental and mental health clinicians, was made tax exempt by the ''American Jobs Creation Act of 2004'' (H.R. 4520, P.L. 108–357), enacted on October 22, 2004. Prior to that NHSC awards were treated as taxable income.

Exempting veterinary medical loan repayment and forgiveness program awards from federal income taxation will lead to more communities having access to needed veterinary care sooner than they may otherwise. We strongly support Congress' efforts to ensure that our nation's food animals are healthy, that our food supply is safe and secure, and our public health is protected.

Sincerely,

American Veterinary Medical Association, Academy of Rural Veterinarians, Alabama Veterinary Medical Association, Alaska Veterinary Medical Association, American Animal Hospital Association, American Academy of Veterinary Nutrition, American Association for Laboratory Animal Science, American Association of Avian Pathologists, American Association of Bovine Practitioners, American Association of Corporate and Public Practice Veterinarians, American Association of Equine Practitioners, American Association of Feline Practitioners, American Association of Food Hygiene Veterinarians, American Association of Public Health Veterinarians, American Association of Small Ruminant Practitioners, American Association of Swine Veterinarians, American Association of Veterinary Clinicians, American Association of Veterinary Laboratory Diagnosticians, American Association of Zoo Veterinarians, American Board of Veterinary Practitioners,

American Board of Veterinary Toxicology, American College of Laboratory Animal Medicine, American College of Poultry Veterinarians, American College of Theriogenologists, American College of Veterinary Dermatology, American College of Veterinary Pathologists, American College of Veterinary Radiology, American Farm Bureau Federation®, American Feed Industry Association, American Horse Council, American Meat Institute, American Rabbit Breeders Association, Inc., American Sheep Industry, American Society of Animal Science, American Society of Laboratory Animal Practitioners, American Veal Association, Animal Agriculture Alliance's, Animal Health Institute, Animal Welfare Institute, Arizona Veterinary Medical Association, Arkansas Veterinary Medical Association.

Association for Women Veterinarians Foundation, Association of American Veterinary Medical Colleges, Association of Avian Veterinarians, Association of Zoos & Aquariums, Bayer Animal Health, Boehringer Ingelheim Vetmedica, Inc., California Veterinary Medical Association, Center for Rural Affairs, Colorado Veterinary Medical Association, Connecticut Veterinary Medical Association, Delaware Veterinary Medical Association, District of Columbia Veterinary Medical Association, Elanco Animal Health (A Division of Eli Lilly & Company), Federation for Animal Science Societies, Florida Veterinary Medical Association, Georgia Veterinary Medical Association, Hawaii Veterinary Medical Association, Idaho Veterinary Medical Association, Illinois State Veterinary Medical Association, Indiana Veterinary Medical Association, International Lama Registry.

Iowa Veterinary Medical Association, Kansas City Animal Health Corridor, Kansas Veterinary Medical Association, Kentucky Veterinary Medical Association, Livestock Marketing Association, Louisiana Veterinary Medical Association, Maine Veterinary Medical Association, Maryland Veterinary Medical Association, Inc., Massachusetts Veterinary Medical Association, Michigan Veterinary Medical Association, Minnesota Veterinary Medical Association, Mississippi Veterinary Medical Association, Missouri Veterinary Medical Association, Montana Veterinary Medical Association, National Aquaculture Association, National Association of Federal Veterinarians, National Association of State Public Health Veterinarians, National Cattlemen's Beef Association, National Chicken Council, National Council of Farmer Cooperatives.

National Dairy Herd Information Association, National Farmers Union, National Livestock Producers Association, National Milk Producers Federation, National Pork Producers Council, National Renderers Association, National Turkey Federation, Nebraska Veterinary Medical Association, Nevada Veterinary Medical Association, New Hampshire Veterinary Medical Association, New Jersey Veterinary Medical Association, North American Deer Farmers Association, North Carolina Veterinary Medical Association, North Dakota Veterinary Medical Association, Northeast States Association for Agriculture Stewardship, Ohio Veterinary Medical Association, Oklahoma Veterinary Medical Association, Oregon Veterinary Medical Association, Pet Food Institute, Puerto Rico Veterinary Medical Association (Colegio de Medicos Veterinarios de Puerto Rico).

Pennsylvania Veterinary Medical Association, Rhode Island Veterinary Medical Association, Rocky Mountain Farmers Union, Society for Theriogenology, South Carolina Association of Veterinarians, South Dakota Stockgrowers Association, South Dakota Veterinary Medical Association, State Agriculture and Rural Leaders, Student American Veterinary Medical Association, Synbiotics Corporation, Tennessee Veterinary Medical Association, Texas Veterinary Medical Association, Utah Veterinary Medical Association, United Egg Producers, United States Animal Health Association, Vermont Veterinary Medical Association, Virginia Veterinary Medical Association, Washington State Veterinary Medical Association, Wisconsin Veterinary Medical Association, Wyoming Veterinary Medical Association.

By Mr. JOHANNS (for himself and Mr. SCHUMER):

S. 3622. A bill to require the Administrator of the Environmental Protection Agency to finalize a proposed rule to amend the spill prevention, control, and countermeasure rule to tailor and streamline the requirements for the dairy industry, and for other purposes;

to the Committee on Environment and Public Works.

Mr. JOHANNS. Mr. Pesident, I rise today to offer what I consider to be an enormously commonsense piece of legislation that is going to help our Nation's dairy farmers. No one can make up this stuff. If you can believe it, this legislation pertains to the EPA's regulation for oilspills. I said that right. What do oilspills have to do with dairy farmers, you might ask? Having grown up on a dairy farm myself, I didn't think they had much in common at all. But EPA apparently thinks differently on this issue than I do.

The EPA currently enforces what are known as spill prevention control and countermeasure regulations, often referred to as SPCC regulations. The purpose of these regulations is to prevent any oil from discharging into U.S. waterways. It seems to make sense so far. Under SPCC regulations, facilities that store or use oil or fuel must put in place a prevention plan so oil does not spill—that makes sense so far—or, if oil does spill, it is contained safely onsite.

I get all of that. These regulations have been in place since the passage of the Clean Water Act, dating back to the 1970s. We do not want oil spilling in our waterways. The regulations are meant to avoid such spills. I think everybody is probably with me so far.

But there is one problem. Currently, EPA's definition of oil, under SPCC regulation, includes, of all things—milk. If that doesn't make you want to scratch your head, if that does not occur to you as strange—I have to tell you that is in fact what is going on here.

Under the EPA regulations, milk containers could be subject to the same regulations as oil. Milk, which is made up of 80 percent water, which is an excellent source of calcium and protein—milk could be regulated in the same way as oil. That does not make any sense. I am no scientist but I don't think it takes a Ph.D. to see the difference between milk and oil. I have been drinking milk my entire life. As I said, I grew up on a dairy farm.

People drink milk because it is good for them. So these regulations are perplexing just standing on their own. But when we get a little deeper it is even more confusing that EPA is getting involved in the regulation of milk at all.

The Food and Drug Administration already regulates milk storage under what is called the pasteurized milk ordinance. Requiring milk storage facilities to also develop a SPCC plan would, of course, be costly, duplicative, and unnecessary.

Luckily, there is still some time remaining for us to address this issue. In January of 2009, EPA proposed to exempt milk storage from SPCC regulations. Way to go, EPA. If the dairy industry gets this exemption, they will not have to develop a plan to prevent milk from spilling.

Growing up on that dairy farm, I don't recall losing much sleep over a little spilled milk out of the bucket, so that is a step in the right direction. Unfortunately, and you will find this amazing, something that is so vested in common sense has taken over 1½ years after it was proposed. As I stand here today, the rule is not yet finalized. Every day we wait for an answer from EPA is a day closer to a deadline for compliance, which is November 10 of this year.

So the deadline to develop a spill plan is approaching. But the dairy farmers still do not know whether they are going to need to comply. EPA has been claiming they will extend the deadline until they finalize the rule, but so far we have not seen any action.

If they move at the same pace to extend the deadline as they have taken to finalize the proposed rule, then you can see producers and farmers are in big trouble. It has been over a year now. The dairy industry deserves a simple, straightforward answer from the EPA. This should not be tough, especially in the face of deadlines that are now only a few months away.

Today, to address this problem, I am introducing legislation to compel EPA to act. My bill requires the EPA to finalize the proposed rule exempting milk containers within 30 days. It also protects dairy producers and milk processers by preventing EPA from punishing them until EPA actually provides clarification about what they are doing.

Even though these farmers and rural businesses are facing a deadline in a few months, they still do not know what, if anything, they will need to do to comply, and that is not fair. This commonsense legislation would simply help us get an answer from the EPA. It is very concerning that anyone would ever equate milk handling with oil. That should not be what is happening. Milk and oil should not be in the same category.

You know what. That is just good, old-fashioned farm common sense. But it seems EPA officials are once again out of touch with mainstream America. I encourage those officials to leave the Beltway. There are highways that take you out of Washington. I invite them to visit a Nebraska dairy farm with me. It will not take long for them to see the foolishness of this regulatory effort.

Importantly, I urge them to act. Our Nation's dairy farmers have waited long enough with a cloud of regulatory uncertainty hanging over their heads. But until then, my hope is my colleagues will join me in this commonsense approach and deal with this problem.

I look forward to working with my colleagues.

By Mr. DEMINT (for himself, Mr. HATCH, Mr. ENSIGN, Mr. THUNE, Mr. COBURN, Mr. CORNYN, and Mr. SESSIONS):

S. 3624. A bill to encourage continued investment and innovation in communications networks by establishing a new, competition analysis-based regulatory framework for the Federal Communications Commission; to the Committee on Commerce, Science, and Transportation.

Mr. HATCH. Mr. President, I rise today to join my colleague from South Carolina, Senator JIM DEMINT, in introducing the Freedom for Consumer Choice Act. I am pleased to be an original cosponsor of this legislation, which would require the Federal Communications Commission, FCC, to prove that consumers are being harmed by the lack of choice before it imposes new regulations.

Specifically, the proposed bill would require the FCC to weigh the potential cost of action against any benefits based on a showing of clear and convincing evidence that marketplace competition is not sufficient to adequately protect consumer welfare, and an act or practice is likely to cause substantial injury to consumers. I believe this framework, along with a 5-year sunset on any regulation, would foster a vibrant market for Internet services and content. This legislation is necessary to combat the FCC's latest assault on the Internet.

In April, the District of Columbia Circuit Court of Appeals ruled that the FCC had stepped beyond its authority by regulating the Internet with so-called ''net neutrality'' rules. Yet, it seems the FCC just will not take no for an answer. Just over a month after the appeals court ruled it had overstepped its bounds, the FCC sought to re-categorize broadband services in an effort to more actively regulate the Internet and to establish a set of net neutrality principles. This regulatory overreach could jeopardize hundreds of billions of dollars in investment and accompanying hundreds of thousands of jobs that have resulted from an Internet governed by competition.

The only reason the FCC Chairman and his colleagues are taking this path is because there is no way they can get far-reaching and costly net neutrality legislation through Congress. In fact it was recently reported that 282 Members of Congress, including 74 Democrats, asked the FCC to drop its plans to reclassify broadband. Enough is enough. The Government needs to keep its hands off the Internet so it can prosper and grow, benefiting consumers and our economy alike.

Net neutrality may sound like fairness but it is actually the opposite. Bandwidth is finite, like the finite number of lanes on a highway, and network providers must innovate in order to accommodate the burgeoning traffic. If the FCC takes control of the Internet, we will have the inevitable result of all poorly designed regulations: business decisions prejudiced by politicians and political decisions prejudiced by corporations. The Internet is about the most competitive, efficient and consumer-driven industry in the global economy. There is a time and

place for federal economic regulation, but during a recession is not the time, and the Internet is certainly not the place.

Let me conclude my remarks by pointing out that the Freedom for Consumer Choice Act is intended as a starting point for this debate. No doubt further refinements will be made to this bill during the legislative process. I am committed to moving this legislation forward and hope that my colleagues can join efforts to refine and enact this important bill.

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

S. 3625. A bill to enhance public safety by making more spectrum available to public safety agencies, to facilitate the development of a public safety broadband network, to provide for the spectrum needs of public safety agencies, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. LIEBERMAN. Mr. President, I rise today, with my colleague Senator MCCAIN, to introduce legislation to ensure that we take advantage of a once-in-a-lifetime opportunity to build a coast-to-coast communications network for our nation's first responders that is secure, robust and resilient.

As it stands now, the mobile device the average teenager carries has more capability than those of the brave men and women who put their lives on the line for us each and every day and that's just wrong.

Today we introduce the First Responders Protection Act of 2010, which will set aside the so-called D Block of spectrum for public safety entities and provide them the bandwidth they need to communicate effectively in an emergency.

I am proud to stand with the representatives of more than 40 organizations representing public safety officials, and with the ''Big 7'' associations representing State and local governments, to call on Congress to put the D Block in the hands of public safety. Those groups include the International Association of Chiefs of Police, the International Association of Fire Chiefs, the National Sheriffs Association, the Major Cities Chiefs Association, the Major County Sheriffs Association, the Metropolitan Fire Chiefs Association, the Association of Public-Safety Communications Officials, International, APCO, the National Emergency Managers Association, the National Governors Association, the National Conference of State Legislatures, the Council of State Governments, the National Association of Counties, the National League of Cities, the U.S. Conference of Mayors, and the International City/County Management Association.

Today public safety communicates on slices of scattered spectrum that prevent interoperable communications among agencies and jurisdictions, and that do not allow the large data transmissions that we take for granted in today's commercial communications.

Securing the D Block for public safety will allow us to build a nationwide interoperable network for emergency communications that could prevent the kinds of communication meltdowns we had during 9/11 and Hurricane Katrina.

But setting aside the D Block will also allow first responders to send video, maps, and other large data transmissions over their mobile devices. For example, firefighters' lives may be saved because they will be able to access building specifications on their handhelds and know all the exits of a burning building before they enter it.

I do not think it is wise, as the Federal Communications Commission has proposed, to auction the D Block to commercial interests and then to hope that public safety will be able to piggyback on it. In a crisis, first responders need secure, reliable and quick communications that are not disrupted by commercial traffic.

The First Responders Protection Act of 2010 will ensure that the D Block is licensed to the same public safety broadband licensee that currently holds the license for 10 MHz in the 700 MHz band. The bill would also provide up to $5.5 billion for a construction fund to assist with the costs of constructing networks and up to $5.5 billion for an operation and maintenance fund for long-term maintenance of networks. These funds would come from revenues generated by the auction of a different band of spectrum to commercial carriers.

Achieving nationwide interoperability through adequate spectrum is a major recommendation of the 9/11 Commission that is unfulfilled. I urge my colleagues to take bold action to remedy Congress's past inaction by promptly passing the First Responders Protection Act of 2010.

Mr. MCCAIN. Mr, President, today I share the honor with Chairman LIEBERMAN of introducing the First Responders Protection Act of 2010. This bill would provide 10 MHz of spectrum in the 700 MHz spectrum band to the public safety broadband licensee, make available funding for the construction, operation and maintenance of a nationwide interoperable communications network, and ensure proper governance.

In 2004, the 9/11 Commission's Final Report recommended the ''expedited and increased assignment of radio spectrum to public safety entities.'' Shortly thereafter, Senator LIEBERMAN and I introduced a bill to provide spectrum to public safety; however the Senate voted down that bill. We reintroduced the bill in 2005—a month before Hurricane Katrina hit the Gulf Coast. But our efforts were blocked. Fortunately, Congress finally wrestled some spectrum away from the television broadcasters in 2009 and provided it to public safety. However, public safety has additional spectrum needs.

Almost every other recommendation of the 9/11 Commission has been implemented, but this important recommendation remains unfulfilled. I can only imagine how many lives could have been saved on 9/11 if this spectrum had been available at that time. How many firefighters would be alive today if they could have communicated with their battalion chief at the base of the World Trade Center? Recently, in Arizona, we had a horrible murder committed in a rural area along the border. Cochise County Sheriff Larry Dever has stated that the lack of interoperable communications between the sheriffs' department and other law enforcement officers hindered the immediate investigation into tracking the suspect.

In 2007, I introduced legislation to auction the remaining public safety spectrum to a commercial carrier that would then build out a network for public safety. The FCC held such an auction, but no bidder met the reserve price. Ten megahertz of spectrum remains available for public safety's needs. The FCC has announced its intention auction this spectrum to a commercial provider.

Once this spectrum is auctioned, it will be impossible to ever get it back. That is why Congress must act now and provide the remaining spectrum directly to public safety. This legislation would do just that.

Specifically, this legislation would license the remaining spectrum to the public safety broadband licensee that has been previously approved by the FCC as a qualified licensee and represents 38 national public safety organizations. The legislation provides authority to local jurisdictions to make decisions on the spectrum use, network build-out and equipment. The men and women fighting crime and saving lives know what communications systems and technology are best for them. Not Washington.

Lastly, this bill provides funds for grants to localities for the construction, operation and maintenance of an interoperable communications network. These funds will come from the proceeds of a commercial spectrum auction, thereby not adding to our nation's burgeoning debt or raising taxes on all Americans.

As we approach the 9 year commemoration of the horrific events on September 11 and the 5-year remembrance of the devastating tragedy of Hurricane Katrina, it is disgraceful that police officers, sheriffs and fire fighters still don't have a nation-wide interoperable communications system. Our legislation provides the spectrum and funding to first responders, while being fiscally responsible and ensuring local control and conscientious governance.

This legislation is supported by the International Association of Chiefs of Police, the International Association of Fire Chiefs, the National Sheriffs Association, the Major Cities Chiefs Association, the Major County Sheriffs

Association, the Metropolitan Fire Chiefs Association, the Association of Public-Safety Communications Officials, International, APCO, the National Emergency Managers Association, the National Governors Association, the National Conference of State Legislatures, the Council of State Governments, the National Association of Counties, the National League of Cities, the U.S. Conference of Mayors, and the International City/County Management Association.

I hope my colleagues will join me in providing public safety with the interoperable communications network they deserve.

By Mr. FRANKEN (for himself and Mr. BOND):

S. 3626. A bill to encourage the implementation of thermal energy infrastructure, and for other purposes; to the Committee on Finance.

Mr. FRANKEN. Mr. President, today I am introducing the Thermal Renewable Energy and Efficiency, or TREEA, Act, on behalf of myself and Senator BOND. I want to thank him for working with me on this bill, which is inspired by models in both of our states. It is good policy for the environment, for creating jobs, and for increasing the efficiency of heating and cooling—a major yet often ignored part of our Nation's energy consumption.

As we think about carbon emissions and energy use, most of the conversation focuses on moving away from fossil fuels in the electric power sector. But over 30 percent of our country's energy use goes toward thermal energy—heating or cooling our homes, public buildings, or industrial facilities. Thermal energy is enormously important for my state of Minnesota, whether we're talking about heating in the midst of a cold snowy winter or air conditioning on a blazing summer day, when additional plants have to kick in to meet the demand.

Unfortunately, as we talk about changing the way we produce and use energy, thermal energy is usually ignored. We talk about producing significantly more of our electricity from renewables like solar, geothermal, or biomass. But what we forget is that we can much more efficiently produce thermal from these sources than we can from electricity. After all, when we are talking about energy efficiency, we are talking about how much of the energy produced from a given fuel is not lost as heat. Well, that heat has a value. That is heat that can heat the homes and buildings in Minnesota when it's 30 below zero.

That is what District energy systems have done in Minnesota and around the country. They supply hot water or steam and chilled water to buildings through underground pipes for space heating, domestic hot water, air conditioning, and industrial processes. There are tremendous efficiencies in heating and cooling buildings this way. Each building doesn't have to have its own boiler, and instead of burning fuel to produce electricity to heat a building, you take the heat directly from the fuel and put it to productive use.

When you use renewable fuel to produce thermal energy—whether it's biomass, geothermal, or solar-thermal—you cut down on greenhouse gas emissions at the same time. So capturing and efficiently using thermal energy is a win-win-win. It is a win for the environment through lower greenhouse gas emissions and much higher fuel efficiency. It is a win for consumers and businesses, who get low, stable heating prices. It is a win for the economy, because building and maintaining these systems creates jobs.

Minnesota is a national leader in thermal energy—in St. Paul, we have the largest District Energy system in North America. Most of the buildings in downtown St. Paul are heated and cooled using energy that literally comes from residents' backyards—tree trimmings and other waste wood.

What does this mean? It means less electricity usage for heating and cooling, which frees up strain on the grid during hot summer days and freezing winter nights. It means stable heating prices for consumers and businesses—thermal systems are flexible in their fuel and can switch to the lowest cost fuel at any time. And if these systems run on renewable fuels, it means less pollution contributing to global warming.

But there are some barriers to overcome. Right now, the renewable energy production tax credit is only available for electricity generated from renewables. We need to recognize the usefulness of thermal energy as well, and hence extend the production credit to the generation of thermal energy from renewables. That is exactly what our bill does: it allows thermal-only or combined heat and power facilities to access the production tax credit for their thermal energy, if it's produced from renewables.

We also need to make some tweaks to existing financing structures like tax exempt bonds. Currently, these can be used for financing district energy piping distribution systems, but not the plant facilities for producing the heating and cooling. Our bill would change this. Finally, we need to make sure that the grant programs authorized in the 2007 Energy Independence and Security Act are structured in a way that actually is helpful to thermal and combined heat and power facilities. Our bill raises the grant caps for those programs to more realistic levels that will allow large, more efficient projects to qualify.

This legislation is ultimately about being smarter on how we use energy. It increases our energy efficiency, helps reduce greenhouse gas emissions, and creates clean energy jobs. That is why it has the support of environmental groups, labor groups, the district energy and combined heat and power industry, and organizations promoting energy efficiency.

I am very proud to be introducing this bill with my friend from Missouri, and I look forward to working with all of my colleagues to make these modest changes to improve our use of thermal energy.

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

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

S. 3626

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Thermal Renewable Energy and Efficiency Act of 2010''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. FINDINGS.

Congress finds that—

(1) approximately 30 percent of the total quantity of energy consumed in the United States is used to provide thermal energy for heating and cooling building space, domestic hot water, and industrial processes;

(2) thermal energy is an essential, but often overlooked, segment of the national energy mix;

(3) district energy systems use 1 or more central plants to provide thermal energy to multiple buildings that range in size from campus applications to systems heating entire towns or cities;

(4) district energy systems provide sustainable thermal energy infrastructure by producing and distributing thermal energy from combined heat power, sources of industrial or municipal surplus heat, and from renewable sources such as biomass, geothermal, and solar energy;

(5) as of 2009, the United States had approximately 2,500 operating district energy systems;

(6) district energy systems provide advantages that support secure, affordable, renewable, and sustainable energy for the United States, including—

(A) use of local fuels or waste heat sources that keep jobs and energy dollars in local economies;

(B) stable, predictable energy costs for businesses and industry;

(C) reduction in reliance on fossil fuels;

(D) reduction in emissions of greenhouse gases; and

(E) flexibility to modify fuel sources in response to future changes in fuel availability and prices and development of new technologies;

(7) district energy helps cut peak power demand and reduce power transmission and distribution system constraints by—

(A) meeting air conditioning demand through delivery of chilled water produced with heat from combined heat and power or other energy sources; and

(B) shifting power demand through thermal storage and, with combined heat and power, generating power near load centers;

(8) combined heat and power systems increase energy efficiency of power plants by capturing thermal energy and using the thermal energy to provide heating and cooling, more than doubling the efficiency of conventional power plants;

(9) according to the Oak Ridge National Laboratory, if the United States was able to increase combined heat and power from approximately 9 percent of total electric generation capacity to 20 percent by 2030, the increase would—

(A) save as much energy as half of all household energy consumption;

(B) create approximately 1,000,000 new jobs;

(C) avoid more than 800,000,000 metric tons of carbon dioxide emissions annually, which is equivalent to taking half of all United States passenger vehicles off the road; and

(D) save hundreds of millions of barrels of oil equivalent; and

(10) constraints to significant expansion of district energy and combined heat and power include—

(A) the lack of economic value in the energy marketplace for the environmental, grid support, energy security, and local economic development benefits of district energy systems;

(B) relatively high project development costs due to the variety of institutional, legal, and technical issues that must be addressed; and

(C) the high costs of debt service, particularly in the early years of systems development before a broad base of customers has connected.

SEC. 3. PURPOSE.

The purpose of this Act is to encourage the implementation of thermal energy infrastructure order to—

(1) increase energy efficiency;

(2) increase use of renewable energy resources;

(3) revitalize the infrastructure of the cities and institutions of the United States;

(4) reduce local and regional air pollution;

(5) reduce emissions of greenhouse gases;

(6) reduce emissions of ozone-depleting refrigerants; and

(7) enhance power grid reliability and overall energy supply reliability and energy security.

SEC. 4. STATEMENT OF POLICY.

It is the policy of the United States that, in energy policy development and program implementation, the following factors should be considered:

(1) Thermal energy represents a significant part of the energy requirements of the United States, providing building heating and cooling, domestic hot water, and industrial process energy.

(2) There are many opportunities for meeting thermal energy requirements directly through renewable energy sources or recycled energy (such as recovered waste heat), without generation of electricity.

(3) Policies and incentives for encouraging renewable energy and energy efficiency should address thermal energy as well as electricity.

(4) District energy systems provide an important means of delivering sustainable thermal energy to consumers, and provide energy security benefits, by—

(A) cutting peak power demand;

(B) reducing power transmission and distribution system constraints; and

(C) providing flexibility to modify fuel sources in response to future changes in fuel availabilities and prices and development of new technologies.

TITLE I—MODIFICATION OF CREDIT FOR ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE SOURCES

SEC. 101. EXTENSION OF RENEWABLE ELECTRICITY CREDIT TO THERMAL ENERGY.

(a) CREDIT TO INCLUDE PRODUCTION OF THERMAL ENERGY.—Section 45 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(f) CREDIT FOR PRODUCTION OF THERMAL ENERGY.—

''(1) IN GENERAL.—In the case of a taxpayer who—

''(A) produces thermal energy from a qualified energy resource described in subparagraph (B), (C), (D), (G), (I), or (J) of subsection (c)(1) at a qualified facility described in paragraph (2), (3), (4), (6), (7), (11), or (12) of subsection (d), and

''(B) makes an election under this subsection with respect to such facility,

subsection (a) shall be applied by substituting 'each 3,412 Btus of thermal energy (or fraction thereof)' for 'the kilowatt hours of electricity' in paragraph (2) thereof.

''(2) THERMAL ENERGY.—For purposes of this section, the term 'thermal energy' means heat (in the form of hot water or steam) or cooling (in the form of chilled water or ice).

''(3) ADDITIONAL QUALIFICATIONS.—

''(A) COMBINED HEAT AND POWER FACILITY.—In the case of a facility producing both electricity and thermal energy, such facility shall not be treated as a qualified facility unless such facility—

''(i) meets the requirements of section 48(c)(3)(A) (without regard to clause (iv) thereof), and

''(ii) was originally placed in service after the date of the enactment of the Thermal Renewable Energy and Efficiency Act of 2010, and before the date which is 5 years after such date.

''(B) THERMAL FACILITY.—In the case of a facility producing only thermal energy, such facility shall not be treated as a qualified facility unless such facility—

''(i) has an energy efficiency percentage (as determined under section 48(c)(3)(C)) in excess of 60 percent, and

''(ii) was originally placed in service after the date of the enactment of the Thermal Renewable Energy and Efficiency Act of 2010, and before the date which is 5 years after such date.

''(4) DENIAL OF DOUBLE BENEFIT.—If an election under this subsection is in effect with respect to any facility, no credit shall be allowed under subsection (a) with respect to the production of electricity at such facility.

''(5) ELECTION.—

''(A) IN GENERAL.—An election under this subsection shall specify the facility to which the election applies and shall be in such manner as the Secretary may by regulations prescribe.

''(B) ELECTION IRREVOCABLE.—Any election made under this subsection may not be revoked except with the consent of the Secretary.''.

(b) NATURALLY OCCURRING COLD WATER SOURCES TREATED AS QUALIFIED ENERGY RESOURCE.—Paragraph (1) of section 45(c) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''and'' at the end of subparagraph (H),

(2) by striking the period at the end of subparagraph (I) and inserting '', and'', and

(3) by adding at the end the following new subparagraph:

''(J) naturally occurring cold water sources which are used to provide thermal energy for air conditioning.''.

(c) QUALIFIED FACILITIES.—Section 45(d) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(12) NATURAL AIR CONDITIONING SYSTEM FACILITY.—In the case of a facility providing thermal energy for air conditioning from naturally occurring cold water sources, the term 'qualified facility' means any facility owned by the taxpayer which is originally placed in service after the date of the enactment of the Thermal Renewable Energy and Efficiency Act of 2010, and before the date which is 5 years after such date.''.

(d) CONFORMING AMENDMENTS.—

(1) Section 45(b)(4)(A) of the Internal Revenue Code of 1986 is amended by inserting ''or thermal energy'' after ''electricity''.

(2) Section 45(c)(2) of such Code is amended by inserting ''or thermal energy'' after ''electricity''.

(3) Section 45(d) of such Code is amended by inserting ''or thermal energy'' after ''electricity'' each place it appears in paragraphs (2), (3), (4), (6), (7), and (11).

(4) Section 45(e) of such Code is amended by inserting ''or thermal energy'' after ''electricity'' each place it appears in paragraphs (1), (4), and (9).

(5) The heading of section 45 of such Code is amended by inserting ''and thermal energy'' after ''electricity''.

(6) The item relating to section 45 in the table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by inserting ''and thermal energy'' after ''Electricity''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to energy produced and sold after the date of the enactment of this Act.

TITLE II—EXEMPT FACILITY BONDS

SEC. 201. EXEMPT FACILITY BONDS.

(a) DEFINITION OF LOCAL DISTRICT HEATING AND COOLING FACILITIES.—Subparagraph (A) of section 142(g)(2) of the Internal Revenue Code of 1986 is amended by striking ''a pipeline or network (which may be connected to a heating or cooling source) providing hot water, chilled water, or steam'' and inserting ''equipment for producing thermal energy in the form of hot water, chilled water or steam, distributing that thermal energy in pipelines and transferring the thermal energy''.

(b) PUBLIC USE REQUIREMENT.—The Secretary shall promulgate regulations establishing that a local district heating or cooling facility will be treated in all events as serving a general public use for purposes of the Internal Revenue Code of 1986.

TITLE III—ENERGY SUSTAINABILITY AND EFFICIENCY GRANTS FOR INSTITUTIONS

SEC. 301. DEFINITION OF INSTITUTIONAL ENTITY.

Section 399A(a)(5) of the Energy Policy and Conservation Act (42 U.S.C. 6371h–1(a)(5)) is amended by inserting a ''not-for-profit district energy system,'' after ''utility,''.

SEC. 302. AVAILABILITY OF GRANTS.

Section 399A(f) of the Energy Policy and Conservation Act (42 U.S.C. 6371h–1(f)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A)(i), by striking ''$50,000'' and inserting ''$90,000'';

(B) in subparagraph (B)(i), by striking ''$90,000'' and inserting ''$150,000''; and

(C) in subparagraph (C)(i), by striking ''$250,000'' and inserting ''$600,000''; and

(2) in paragraph (3)—

(A) in subparagraph (A), by striking ''$1,000,000'' and inserting ''$20,000,000''; and

(B) in subparagraph (B), by striking ''60 percent'' and inserting ''30 percent''.

SEC. 303. AUTHORIZATION OF APPROPRIATIONS FOR GRANTS.

Section 399A(i)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6371h–1(i)(1)) is amended by striking ''$250,000,000 for each of fiscal years 2009 through 2013'' and inserting ''$500,000,000 for each of fiscal years 2011 through 2015''.

By Mr. COBURN:

S. 3627. A bill to ensure that United States global HIV/AIDS assistance prioritizes saving lives by focusing on access to treatment; to the Committee on Foreign Relations.

Mr. COBURN. Mr. President, I rise today to discuss the introduction of S. 3627, The HIV/AIDS Save Lives First Act of 2010. This important piece of legislation will make crucial improvements to our approach to bilateral global AIDS efforts. As a practicing physician and former co-chair of President Bush's Advisory Council on HIV/AIDS, I have introduced this bill to ensure that our global AIDS continue to prioritize life-saving medical treatment and reduce the transmission of the disease from mother to child.

The President's Emergency Plan for AIDS Relief—known as PEPFAR—has been wildly successful and has begun to reverse the course of the AIDS epidemic worldwide. Two and half million HIV/AIDS patients from 30 different countries currently have access to life-saving treatment because of PEPFAR. A 2009 report found that from 2004–2007 as many as 1.2 million lives had been saved because of the program.

In 2008, Congress and the President in an overwhelmingly bipartisan fashion passed the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008 to continue the important life-saving work of the PEPFAR program.

It is of grave concern, then, that our fight against AIDS is now at risk of failure. A recent New York Times article, ''At Front Lines, AIDS War Is Falling Apart,'' details how hundreds of thousands of patients are being denied promised care in countries such as Uganda—a country once held up as PEPFAR's success story. Government officials have confirmed the rationing of treatment slots and have advised their partners to support ''an equitable system of triage for total ART [antiretroviral drug treatment] slots. . . .''

Former UNAIDS chief Dr. Piot remarked about past success and doubts about the future: ''Then, we were at a tipping point in the right direction,'' he explained. ''Now I'm afraid we're at a tipping point in the wrong direction.''

We must not lose sight of the fact that HIV/AIDS is a disease that we can diagnose, treat, and prevent. Not only does treatment save lives—it is the best prevention tool we have. Treatment lowers viral loads, which reduces the likelihood of individuals spreading the disease by as much as 92 percent. Treatment reduces transmission among partners, eliminates baby AIDS, and keeps those with HIV in the medical system where they can receive proper counseling and care. And the availability of treatment is integral to promoting HIV/AIDS testing and early diagnosis.

With the U.S. spending more than $6.7 billion on global AIDS efforts, we are not losing the war on AIDS due to lack of commitment or resources. Instead, we are losing because of misplaced priorities.

We can eliminate the tragedies of baby AIDS and AIDS orphans and prevent the spread of HIV by focusing on saving lives by expanding access to treatment.

It costs less than $300 a year to keep someone with HIV healthy and alive, about the same price to cover the airfare to send each of the 25,000 participants to the ongoing AIDS conference in Vienna. If saving lives is truly our priority, we must ask every time we spend a dollar intended for AIDS relief if that dollar would be better spent paying for lifesaving treatment that would keep a mother alive, a family together, or a baby born free of the virus.

If you ask Africans what PEPFAR is, they will tell you it is about AIDS treatment. It is the treatment component of PEPFAR that has made it the most successful U.S. humanitarian effort in history because it has literally saved the lives of millions, preserved families and communities, and rescued countless babies from being born with an AIDS death sentence.

The PEPFAR program's long-term success relies on the promise of life-saving medical treatment to those in need. Unfortunately, according to a recent report the recent moratorium on new enrollees in the program has already caused an estimated 3,000 deaths.

The HIV/AIDS Save Lives First Act strengthens the current policy that requires a majority of all funding under PEPFAR be spent on life-saving HIV/AIDS treatment. Specifically, this legislation would increase the treatment allocation to 75 percent of all PEPFAR funding. It also sets the modest goal that by 2013 we treat 5 million people with HIV/AIDS.

Many claim that we cannot treat our way out of this epidemic, but they ignore the simple truth that treatment is prevention. Analysts from the World Health Organization published research arguing we can drastically reduce the transmission of AIDS and virtually halt the widening epidemic in Africa within a decade through aggressive routine testing and early treatment.

Other prevention efforts remain an important component of the program. Without the reliable promise of access to treatment, however, the PEPFAR program will not enjoy long-term success. This legislation ensures that the PEPFAR program fulfills its promises, saves the most lives possible, and reduces transmission of the disease.

The HIV/AIDS Save Lives First Act also allocates a small percentage of funding for the critical diagnostic screening that must be ramped up dramatically if we are to locate and treat every infected person in the countries where PEPFAR operates. Finally, the bill acknowledges that every baby infected with HIV by her mother during birth or breastfeeding is a largely preventable tragedy. The bill would target baby AIDS for complete elimination with 100 percent coverage with the medical protocols that prevent almost all instances of mother-to-child HIV transmission.

The Save Lives First Act requires recipients of funding to spend no more than $500 in annual PEPFAR funding per patient they treat. As recently as 2008, documents provided by the administration show that the PEPFAR program spent $1,100 in annual treatment costs per patient. This is unacceptable—inefficiencies come at the cost of human lives by limiting the number of patients PEPFAR can treat.

The most commonly prescribed drug regimen costs just $64 per year and many organizations are providing care to patients for no more than $250 per year. For example, Doctors Without Borders has had remarkable success in achieving treatment efficiencies and now reports that its per-patient treatment costs in Malawi were only $237 per year.

While costs may vary from country to country—and patient to patient—it is both reasonable and important that every funding recipient under PEPFAR limit their aggregate per patient expenditures to $500 per patient. The costs of drug regimens continue to fall dramatically, and PEPFAR must take advantage by providing treatment to more individuals.

The HIV/AIDS Save Lives First Act would require that any funding recipient under PEPFAR be limited to a treatment allocation of $500 per patient treated. This act would also set the modest goal that PEPFAR would treat 5 million patients by 2013. If the program's per patient expenditures were down to $500 per patient, the program should actually treat 6 million patients by 2013, and if everyone were as cost-effective as Doctors Without Borders, we could be treating 10 million patients.

In the rare instance of a country in which per patient expenditures remain above $500 per patient, it is more than reasonable to assume that these more developed countries have the resources—along with other global partners—to ensure that the per patient treatment expenditures ensure access to the highest-quality treatment for each patient.

Everyone can agree that dollars provided to HIV/AIDS treatment should go directly to patient care—not bloated administrative budgets. A common way of protecting this important principle is to limit the administrative budget for PEPFAR funding recipients.

The HIV/AIDS Save Lives First Act limits administrative overhead to 10 percent of total expenditures for every

funding recipient under the program. The bill also limits the State Department's administrative budget for PEPFAR to 10 percent of total funding.

Again, treatment is prevention. But this strategy relies on identifying HIV positive individuals who are unaware of their status and linking them to treatment and counseling. The first step to any prevention strategy is an aggressive testing strategy. Unfortunately, only about 40 percent of people with HIV in developing countries are aware of their status.

The HIV/AIDS Save Lives First Act sets aside 5 percent of PEPFAR funding to dramatically ramp up rapid HIV diagnosis to identify people who do not yet know their HIV status in order to get people into treatment and early reduce their transmission rates through treatment and education.

This bill also sets a target of conducting 1 billion rapid tests by 2013 and sets aside 25 percent of testing money to help countries implement a policy of universal, opt-out rapid HIV testing.

Rapid testing and access to treatment are particularly important to end baby AIDS, babies being born infected with HIV or becoming infected during their first year through breastfeeding, once and for all.

An estimated 430,000 children were born in 2008 newly infected with HIV, mainly through mother to child transmission. About 90 percent of these infections occurred in Africa. Only 28 percent of pregnant women in Sub-Saharan Africa received an HIV test in 2008. Moreover, the World Health Organization reports that access to AIDS drugs is severely limited in developing countries, with fewer than 10 percent of pregnant women with HIV in those countries having access to medication for their own health.

Of course, dramatic gains are seen when universal testing of pregnant women and newborns is provided along with appropriate prophylaxis of infections that are that are identified through testing. In the United States, new cases of baby AIDS have been virtually eliminated. Studies have found that 99 percent of babies were born uninfected if an infected mother was diagnosed and proper treatment was administered.

Botswana, a country that used to have HIV infection rates as high as 50 percent of child-bearing-aged women, instituted these interventions. Ninety-two percent of pregnant women in the country are now being tested and the drop in HIV-positive mothers delivering infected babies dropped from 35 percent to 4 percent from 2004–2007, with 13,000 HIV-infected moms being identified annually.

Prevention of mother-to-child-transmission, PMTCT, is cheap per life saved: as of 2008, estimated costs of PMTCT drugs to prevent the spread of HIV for (1) mother/child pair was US$167—generics—and US$318—branded—and the price of drugs and treatment have only declined since.

The HIV/AIDS Save Lives First Act sets a target of eliminating baby AIDS in all PEPFAR countries by 2013, and sets out expectations for how to work towards that target by screening 100 percent of pregnant women and newborns in PEPFAR countries and providing prophylactic or ARV treatment for all HIV-positive moms or babies.

By emphasizing providing lifesaving treatment under the PEPFAR program, we can continue the enormous success we have had in saving lives and preventing the spread of this terrible disease. It is my sincere hope that my colleagues adopt these common sense policy changes that will significantly reduce human suffering, keep families together, and save millions of lives.

By Mr. HATCH:

S.J. Res. 35. A joint resolution proposing an amendment to the Constitution of the United States relative to a balanced budget; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, I rise today to express my growing alarm about the excessive amount of government spending that is adding to our national debt at an exponential rate. We simply cannot continue to add these annual trillion dollar-plus deficits to the amount to be repaid by those in generations to come. Today, I am introducing a measure that would ensure that the futures of our children and grandchildren will not be crippled by the reckless spending of those who control Congress and the White House today. After long study of this disturbing trend, I have concluded that the best way to get a handle on this deficit spending is by amending the Constitution by requiring each Congress to put forth a balanced budget.

Amending the Constitution is no small task, nor is it a trifling matter. Though hundreds, if not thousands, of amendments to the Constitution have been proposed, this founding document has been amended only 27 times in our nation's history. Amending it now to deal with overspending may appear to be a monumental undertaking. However, Utahns and other Americans across the nation have spoken loud and clear—no more excessive government spending that will add to the debt to be borne by the next generation.

The liberals in Congress have had their turn over the past couple of years to try to revitalize our economy, and we still remain with trillion dollar-plus deficits coupled with a stagnant unemployment rate of nearly 10 percent.

The economy did not turn sour yesterday. It went south nearly two years ago, and the major accomplishments of the current Administration and its congressional allies is to enact an ineffective $1.1 trillion stimulus bill, an exacerbation of our entitlement crisis through the trillion dollar-plus health care bill, and an invasive and job-killing financial regulatory bill. All of these further harmed our nation's fiscal health.

The measure I am proposing is straightforward. It would simply require Congress to submit a budget where the total outlays could not exceed total revenues. It would require Treasury to use any surplus to pay down the Nation's debt. Any tax increase would have to be approved by two-thirds of the Members of Congress.

I realize that requiring a balanced budget will not necessarily end the outrageous government spending that has occurred over recent years, but it will at least provide Congress with a stronger incentive for fiscal responsibility. Balanced budgets are about more than sound fiscal policy; they are a moral responsibility that government often fails to meet. Individuals and families who live wildly beyond their means face dire consequences. Government should have to live by the same standards, especially since this money belongs to the people. The Constitution is the most important tool by which the people place limits on government and it appears that the Constitution is what it will take for the government to live within its means.

The outstanding public debt is now over $13 trillion. That equates roughly to $42,000 for each American. This year we are estimated to add another $1.3 trillion, which is about what we added last year. This is more than $41,000 added to the debt every second. Most of this spending is going towards increasing the size of the Federal Government, creating and expanding government programs, and providing more entitlements.

Economists agree that our Nation must get our outrageous deficit under control. The nonpartisan Congressional Budget Office recently released its Long-Term Budget Outlook. In this report, the CBO projects that the national debt will reach 62 percent of GDP by the end of this year, the highest since the end of World War II. To put this in perspective, at the end of 2008, our debt was 40 percent of GDP and the historic average has been around 36 percent.

The CBO also projects that deficits will average about $600 billion annually from 2011 through 2020 and the national debt to grow by 67 percent by 2020. Congress needs to act now.

If anyone is still questioning whether this enormous debt poses a threat to our economy, the warning signs are clear. The World Bank cautioned that we could have a double dip recession if the financial markets lose confidence in our ability to repay our debt. Federal Reserve Chairman Ben Bernanke testified before the House Budget Committee and said ''unless we as a nation make a strong commitment to fiscal responsibility, in the long run, we will have neither financial stability nor healthy economic growth.''

On Monday, President Obama gave a speech in the Rose Garden scolding Republicans for what he believed was an effort to prevent the unemployed from receiving benefits. What he has failed

to acknowledge is that both sides—Democrats and Republicans alike—agree on extending the additional unemployment insurance. What fiscal conservatives object to adding another $30 billion plus to the deficit. The President said ''It's time to stop holding workers laid off in this recession hostage to Washington politics.'' This same logic and rhetoric can be applied to our children and grandchildren who will be held hostage by, and have to pay for, the irresponsible government spending this Congress passes today.

It is time for solutions and not just rhetoric. I believe that we can achieve a balanced budget while promoting economic growth. We have the strongest economy in the world, for now. Let us not have our indebtedness create misery for us and generations to come.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 589—TO AUTHORIZE THE PRINTING OF A REVISED EDITION OF THE NOMINATION AND ELECTION OF THE PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES

Mr. SCHUMER (for himself and Mr. BENNETT) submitted the following resolution; which was considered and agreed to:

S. RES. 589

Resolved, That—

(1) the Committee on Rules and Administration shall prepare a revised edition of the document entitled Nomination and Election of the President and Vice President of the United States (Senate Document 106-16);

(2) the revised document described in paragraph (1) shall be printed as a Senate document; and

(3) there shall be printed, beyond the usual number, 600 additional copies of the revised document described in paragraph (1) for the use of the Committee on Rules and Administration.

SENATE RESOLUTION 590—DESIGNATING SEPTEMBER 2010 AS ''GOSPEL MUSIC HERITAGE MONTH'' AND HONORING GOSPEL MUSIC FOR ITS VALUABLE CONTRIBUTIONS TO THE CULTURE OF THE UNITED STATES

Mrs. LINCOLN (for herself and Mrs. HUTCHISON) submitted the following resolution; which was considered and agreed to:

S. RES. 590

Whereas gospel music is a beloved art form of the United States;

Whereas gospel music is a cornerstone of the musical traditions of the United States and has spread beyond origins in African-American spirituals to achieve popular cultural and historical relevance;

Whereas gospel music has spread beyond geographic origins in the United States to touch audiences around the world; and

Whereas gospel music is a testament to the universal appeal of a historical art form of the United States that both inspires and entertains across racial, ethnic, religious, and geographical boundaries: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2010 as ''Gospel Music Heritage Month''; and

(2) recognizes the valuable contributions to the culture of the United States derived from the rich heritage of gospel music and gospel music artists.

SENATE RESOLUTION 591—RECOGNIZING AND HONORING THE 20TH ANNIVERSARY OF THE ENACTMENT OF THE AMERICANS WITH DISABILITIES ACT OF 1990

Mr. HARKIN submitted the following resolution; which was placed on the calendar:

S. RES. 591

Whereas July 26, 2010, marks the 20th anniversary of the enactment of the Americans with Disabilities Act of 1990;

Whereas the Americans with Disabilities Act has been one of the most significant and effective civil rights laws passed by Congress;

Whereas, prior to the passage of the Americans with Disabilities Act, people with disabilities faced significantly lower employment rates, lower graduation rates, and higher rates of poverty than people without disabilities, and were too often denied the opportunity to fully participate in society due to intolerance and unfair stereotypes;

Whereas the dedicated efforts of disability rights advocates, including Justin Dart, Jr., and many others, served to awaken Congress and the American people to the discrimination and prejudice faced by individuals with disabilities;

Whereas Congress worked in a bipartisan manner to craft legislation making such discrimination illegal;

Whereas Congress passed the Americans with Disabilities Act and President George Herbert Walker Bush signed the Act into law on July 26, 1990;

Whereas the purpose of the Americans with Disabilities Act is to fulfill the Nation's goals of equality of opportunity, independent living, economic self-sufficiency, and full participation for Americans with disabilities;

Whereas the Americans with Disabilities Act prohibits employers from discriminating against qualified individuals with disabilities, requires that State and local governmental entities accommodate qualified individuals with disabilities, requires places of public accommodation to take reasonable steps to make their goods and services accessible to individuals with disabilities, and requires that new trains and buses be accessible to individuals with disabilities;

Whereas the Americans with Disabilities Act has played an historic role in allowing over 50,000,000 Americans with disabilities to participate more fully in national life by removing barriers to employment, transportation, public services, telecommunications, and public accommodations;

Whereas the Americans with Disabilities Act has served as a model for disability rights in other countries;

Whereas all Americans, not just those with disabilities, benefit from the accommodations that have become commonplace since the passage of the Americans with Disabilities Act, including curb cuts at street intersections, ramps for access to buildings, and other accommodations that provide access to public transportation, stadiums, telecommunications, voting machines, and websites;

Whereas Congress acted with overwhelming bipartisan support in 2008 to restore protections for people with disabilities by passing the ADA Amendments Act of 2008, which overturned judicial decisions that had inappropriately narrowed the scope of the Americans with Disabilities Act;

Whereas, 20 years after the enactment of the Americans with Disabilities Act, children and adults with disabilities continue to experience barriers that interfere with their full participation in mainstream American life;

Whereas, 20 years after the enactment of the Americans with Disabilities Act, people with disabilities are twice as likely to live in poverty as their fellow citizens and continue to experience high rates of unemployment and underemployment;

Whereas, 20 years after the enactment of the Americans with Disabilities Act and 11 years after the Supreme Court's decision in Olmstead v. L.C., many people with disabilities still live in segregated institutional settings because of a lack of support services that would allow them to live in the community;

Whereas, 20 years after the enactment of the Americans with Disabilities Act, new telecommunication, electronic, and information technologies continue to be developed while not being accessible to all Americans;

Whereas, 20 years after the enactment of the Americans with Disabilities Act, many public and private covered entities are still not accessible to people with disabilities; and

Whereas the United States has a responsibility to welcome back and create opportunities for the tens of thousands of working-age veterans of the Armed Forces who have been wounded in action or have received service-connected injuries while serving in Operation Iraqi Freedom and Operation Enduring Freedom: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and honors the 20th anniversary of the enactment of the Americans with Disabilities Act of 1990;

(2) salutes all people whose efforts contributed to the enactment of the Americans with Disabilities Act;

(3) encourages all Americans to celebrate the advance of freedom and the opening of opportunity made possible by the enactment of the Americans with Disabilities Act; and

(4) pledges to continue to work on a bipartisan basis to identify and address the remaining barriers that undermine the Nation's goals of equality of opportunity, independent living, economic self-sufficiency, and full participation for Americans with disabilities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4494. Mr. WYDEN (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed to amendment SA 4402 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table.

SA 4495. Mr. FEINGOLD (for himself, Mr. LIEBERMAN, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4496. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 4402 proposed by Mr. REID

(for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4497. Mr. REID proposed an amendment to amendment SA 4425 proposed by Mr. REID to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

SA 4498. Mr. REID (for Ms. KLOBUCHAR) proposed an amendment to the bill S. 1376, to restore immunization and sibling age exemptions for children adopted by United States citizens under the Hague Convention on Intercountry Adoption to allow their admission to the United States.

SA 4499. Mr. REID (for Mr. BAUCUS) proposed an amendment to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

SA 4500. Mr. REID (for Mr. LEMIEUX (for himself, Ms. LANDRIEU, Mr. MERKLEY, Mrs. BOXER, Ms. CANTWELL, Ms. KLOBUCHAR, and Mrs. MURRAY)) proposed an amendment to amendment SA 4499 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 5297, supra.

SA 4501. Mr. REID proposed an amendment to amendment SA 4500 proposed by Mr. REID (for Mr. LEMIEUX (for himself, Ms. LANDRIEU, Mr. MERKLEY, Mrs. BOXER, Ms. CANTWELL, Ms. KLOBUCHAR, and Mrs. MURRAY)) to the amendment SA 4499 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 5297, supra.

SA 4502. Mr. REID proposed an amendment to the bill H.R. 5297, supra.

SA 4503. Mr. REID proposed an amendment to amendment SA 4502 proposed by Mr. REID to the bill H.R. 5297, supra.

SA 4504. Mr. REID proposed an amendment to the bill H.R. 5297, supra.

SA 4505. Mr. REID proposed an amendment to amendment SA 4504 proposed by Mr. REID to the bill H.R. 5297, supra.

SA 4506. Mr. REID proposed an amendment to amendment SA 4505 proposed by Mr. REID to the amendment SA 4504 proposed by Mr. REID to the bill H.R. 5297, supra.

SA 4507. Mr. DORGAN (for himself, Mr. CRAPO, Mr. TESTER, and Mr. BEGICH) submitted an amendment intended to be proposed by him to the bill H.R. 5297, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4494. Mr. WYDEN (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed to amendment SA 4402 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

On page 41, between lines 3 and 4, insert the following:

SEC. 1137. NATIONAL SMALL BUSINESS TREE PLANTING PROGRAM.

Section 24(e) of the Small Business Act (15 U.S.C. 651(e)) is amended by striking ''1995 through 1997'' and inserting ''2011 through 2014''.

SA 4495. Mr. FEINGOLD (for himself, Mr. LIEBERMAN, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

On page ____, between lines ____ and ____, insert the following:

SEC. ____. ANNUAL REPORT ON AWARDING OF FEDERAL CONTRACTS TO CONTRACTORS LISTED ON THE EXCLUDED PARTIES LIST SYSTEM.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for four years, the Administrator for Federal Procurement Policy, in consultation with the Administrator of General Services, shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report describing during the previous year the extent to which suspended or debarred contractors on the Excluded Parties List System, including those suspended or debarred for failing to make full or timely payments to subcontractors—

(1) continued to receive Federal contracts; or

(2) were granted waivers from Federal agencies from suspension or debarment for purposes of entering into Federal contracts.

(b) CONTENT.—The report required under subsection (a) shall include, for each contract awarded to a suspended or debarred contractor—

(1) the name of the Federal agency awarding the contract;

(2) the name of the contractor;

(3) the contract value;

(4) the date of award;

(5) the period of performance;

(6) whether a waiver was utilized to award the contract;

(7) the date of suspension or debarment;

(8) the reason for suspension or debarment; and

(9) the period of suspension or debarment.

SA 4496. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 4402 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

Section 3107 of the bill is amended—

(1) by striking ''Inspector General of the Department of the Treasury'' each place that term appears and inserting ''Special Inspector General for the Troubled Asset Relief Program'';

(2) by striking ''Inspector General'' each place that term appears (other than as provided in paragraph (1)) and inserting ''Special Inspector General''; and

(3) by adding at the end the following:

(f) CONFORMING AMENDMENTS TO THE EMERGENCY ECONOMIC STABILIZATION ACT OF 2008.—Section 121(c)(1) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5231(c)(1)) is amended—

(1) by striking ''section 101, and'' and inserting ''section 101,''; and

(2) by inserting before ''including'' the following: ''and activities under subtitle A of title III of the Small Business Jobs Act of 2010,''.

SA 4497. Mr. REID proposed an amendment to amendment SA 4425 proposed by Mr. REID to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; as follows:

Beginning on page 7, line 14, strike through page 11, line 18.

SA 4498. Mr. REID (for Ms. KLOBUCHAR) proposed an amendment to the bill S. 1376, to restore immunization and sibling age exemptions for children adopted by United States citizens under the Hague Convention on Intercountry Adoption to allow their admission to the United States; as follows:

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

SECTION 1. SHORT TITLE.

This Act may be cited as ''International Adoption Simplification Act''.

SEC. 2. EXEMPTION FROM VACCINATION DOCUMENTATION REQUIREMENT.

Section 212(a)(1)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(1)(C)(ii)) is amended by striking ''section 101(b)(1)(F),'' and inserting ''subparagraph (F) or (G) of section 101(b)(1);''.

SEC. 3. SIBLING ADOPTIONS.

Section 101(b)(1)(G) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)(G)) is amended to read as follows:

''(G)(i) a child, younger than 16 years of age at the time a petition is filed on the child's behalf to accord a classification as an immediate relative under section 201(b), who has been adopted in a foreign state that is a party to the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, done at The Hague on May 29, 1993, or who is emigrating from such a foreign state to be adopted in the United States by a United States citizen and spouse jointly or by an unmarried United States citizen who is at least 25 years of age, *Provided*, That—

''(I) the Secretary of Homeland Security is satisfied that proper care will be furnished the child if admitted to the United States;

''(II) the child's natural parents (or parent, in the case of a child who has one sole or surviving parent because of the death or disappearance of, abandonment or desertion by, the other parent), or other persons or institutions that retain legal custody of the child, have freely given their written irrevocable consent to the termination of their legal relationship with the child, and to the child's emigration and adoption;

''(III) in the case of a child having two living natural parents, the natural parents are incapable of providing proper care for the child;

''(IV) the Secretary of Homeland Security is satisfied that the purpose of the adoption is to form a bona fide parent-child relationship, and the parent-child relationship of the child and the natural parents has been terminated (and in carrying out both obligations under this subclause the Secretary of

Homeland Security may consider whether there is a petition pending to confer immigrant status on one or both of such natural parents); and

''(V) in the case of a child who has not been adopted—

''(aa) the competent authority of the foreign state has approved the child's emigration to the United States for the purpose of adoption by the prospective adoptive parent or parents; and

''(bb) the prospective adoptive parent or parents has or have complied with any preadoption requirements of the child's proposed residence; and

''(ii) except that no natural parent or prior adoptive parent of any such child shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this chapter; or

''(iii) subject to the same provisos as in clauses (i) and (ii), a child who—

''(I) is a natural sibling of a child described in clause (i), subparagraph (E)(i), or subparagraph (F)(i);

''(II) was adopted abroad, or is coming to the United States for adoption, by the adoptive parent (or prospective adoptive parent) or parents of the sibling described in clause (i), subparagraph (E)(i), or subparagraph (F)(i); and

''(III) is otherwise described in clause (i), except that the child is younger than 18 years of age at the time a petition is filed on his or her behalf for classification as an immediate relative under section 201(b).''.

SEC. 4. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) EXCEPTION.—An alien who is described in section 101(b)(1)(G)(iii) of the Immigration and Nationality Act, as added by section 3, and attained 18 years of age on or after April 1, 2008, shall be deemed to meet the age requirement specified in subclause (III) of such section if a petition for classification of the alien as an immediate relative under section 201(b) of the Immigration and Nationality Act (8 U.S.C. 1151(b)) is filed not later than 2 years after the date of the enactment of this Act.

SA 4499. Mr. REID (for Mr. BAUCUS) proposed an amendment to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Small Business Jobs Act of 2010''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

TITLE I—SMALL BUSINESSES

SEC. 1001. DEFINITIONS.

In this title—

(1) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively; and

(2) the term ''small business concern'' has the meaning given that term under section 3 of the Small Business Act (15 U.S.C. 632).

Subtitle A—Small Business Access to Credit

SEC. 1101. SHORT TITLE.

This subtitle may be cited as the ''Small Business Job Creation and Access to Capital Act of 2010''.

PART I—NEXT STEPS FOR MAIN STREET CREDIT AVAILABILITY

SEC. 1111. SECTION 7(a) BUSINESS LOANS.

(a) AMENDMENT.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) in paragraph (2)(A)—

(A) in clause (i), by striking ''75 percent'' and inserting ''90 percent''; and

(B) in clause (ii), by striking ''85 percent'' and inserting ''90 percent''; and

(2) in paragraph (3)(A), by striking ''$1,500,000 (or if the gross loan amount would exceed $2,000,000'' and inserting ''$4,500,000 (or if the gross loan amount would exceed $5,000,000''.

(b) PROSPECTIVE REPEAL.—Effective January 1, 2011, section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) in paragraph (2)(A)—

(A) in clause (i), by striking ''90 percent'' and inserting ''75 percent''; and

(B) in clause (ii), by striking ''90 percent'' and inserting ''85 percent''; and

(2) in paragraph (3)(A), by striking ''$4,500,000'' and inserting ''$3,750,000''.

SEC. 1112. MAXIMUM LOAN AMOUNTS UNDER 504 PROGRAM.

Section 502(2)(A) of the Small Business Investment Act of 1958 (15 U.S.C. 696(2)(A)) is amended—

(1) in clause (i), by striking ''$1,500,000'' and inserting ''$5,000,000'';

(2) in clause (ii), by striking ''$2,000,000'' and inserting ''$5,000,000'';

(3) in clause (iii), by striking ''$4,000,000'' and inserting ''$5,500,000'';

(4) in clause (iv), by striking ''$4,000,000'' and inserting ''$5,500,000''; and

(5) in clause (v), by striking ''$4,000,000'' and inserting ''$5,500,000''.

SEC. 1113. MAXIMUM LOAN LIMITS UNDER MICROLOAN PROGRAM.

Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended—

(1) in paragraph (1)(B)(iii), by striking ''$35,000'' and inserting ''$50,000'';

(2) in paragraph (3)—

(A) in subparagraph (C), by striking ''$3,500,000'' and inserting ''$5,000,000''; and

(B) in subparagraph (E), by striking ''$35,000'' each place that term appears and inserting ''$50,000''; and

(3) in paragraph (11)(B), by striking ''$35,000'' and inserting ''$50,000''.

SEC. 1114. LOAN GUARANTEE ENHANCEMENT EXTENSIONS.

(a) FEES.—Section 501 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 151) is amended by striking ''September 30, 2010'' each place that term appears and inserting ''December 31, 2010''.

(b) LOAN GUARANTEES.—Section 502(f) of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 153) is amended by striking ''May 31, 2010'' and inserting ''December 31, 2010''.

SEC. 1115. NEW MARKETS VENTURE CAPITAL COMPANY INVESTMENT LIMITATIONS.

Section 355 of the Small Business Investment Act of 1958 (15 U.S.C. 689d) is amended by adding at the end the following:

''(e) INVESTMENT LIMITATIONS.—

''(1) DEFINITION.—In this subsection, the term 'covered New Markets Venture Capital company' means a New Markets Venture Capital company—

''(A) granted final approval by the Administrator under section 354(e) on or after March 1, 2002; and

''(B) that has obtained a financing from the Administrator.

''(2) LIMITATION.—Except to the extent approved by the Administrator, a covered New Markets Venture Capital company may not acquire or issue commitments for securities under this title for any single enterprise in an aggregate amount equal to more than 10 percent of the sum of—

''(A) the regulatory capital of the covered New Markets Venture Capital company; and

''(B) the total amount of leverage projected in the participation agreement of the covered New Markets Venture Capital.''.

SEC. 1116. ALTERNATIVE SIZE STANDARDS.

Section 3(a) of the Small Business Act (15 U.S.C. 632(a)) is amended by adding at the end the following:

''(5) ALTERNATIVE SIZE STANDARD.—

''(A) IN GENERAL.—The Administrator shall establish an alternative size standard for applicants for business loans under section 7(a) and applicants for development company loans under title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.), that uses maximum tangible net worth and average net income as an alternative to the use of industry standards.

''(B) INTERIM RULE.—Until the date on which the alternative size standard established under subparagraph (A) is in effect, an applicant for a business loan under section 7(a) or an applicant for a development company loan under title V of the Small Business Investment Act of 1958 may be eligible for such a loan if—

''(i) the maximum tangible net worth of the applicant is not more than $15,000,000; and

''(ii) the average net income after Federal income taxes (excluding any carry-over losses) of the applicant for the 2 full fiscal years before the date of the application is not more than $5,000,000.''.

SEC. 1117. SALE OF 7(a) LOANS IN SECONDARY MARKET.

Section 5(g) of the Small Business Act (15 U.S.C. 634(g)) is amended by adding at the end the following:

''(6) If the amount of the guaranteed portion of any loan under section 7(a) is more than $500,000, the Administrator shall, upon request of a pool assembler, divide the loan guarantee into increments of $500,000 and 1 increment of any remaining amount less than $500,000, in order to permit the maximum amount of any loan in a pool to be not more than $500,000. Only 1 increment of any loan guarantee divided under this paragraph may be included in the same pool. Increments of loan guarantees to different borrowers that are divided under this paragraph may be included in the same pool.''.

SEC. 1118. ONLINE LENDING PLATFORM.

It is the sense of Congress that the Administrator of the Small Business Administration should establish a website that—

(1) lists each lender that makes loans guaranteed by the Small Business Administration and provides information about the loan rates of each such lender; and

(2) allows prospective borrowers to compare rates on loans guaranteed by the Small Business Administration.

SEC. 1119. SBA SECONDARY MARKET GUARANTEE AUTHORITY.

Section 503(f) of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 155) is amended by striking ''on the date 2 years after the date of enactment of this section'' and inserting ''2 years after the date of the first sale of a pool of first lien position 504 loans guaranteed under this section to a third-party investor''.

PART II—SMALL BUSINESS ACCESS TO CAPITAL

SEC. 1122. LOW-INTEREST REFINANCING UNDER THE LOCAL DEVELOPMENT BUSINESS LOAN PROGRAM.

(a) REFINANCING.—Section 502(7) of the Small Business Investment Act of 1958 (15 U.S.C. 696(7)) is amended by adding at the end the following:

''(C) REFINANCING NOT INVOLVING EXPANSIONS.—

''(i) DEFINITIONS.—In this subparagraph—

''(I) the term 'borrower' means a small business concern that submits an application to a development company for financing under this subparagraph;

''(II) the term 'eligible fixed asset' means tangible property relating to which the Administrator may provide financing under this section; and

''(III) the term 'qualified debt' means indebtedness—

''(aa) that—

''(AA) was incurred not less than 2 years before the date of the application for assistance under this subparagraph;

''(BB) is a commercial loan;

''(CC) is not subject to a guarantee by a Federal agency;

''(DD) the proceeds of which were used to acquire an eligible fixed asset;

''(EE) was incurred for the benefit of the small business concern; and

''(FF) is collateralized by eligible fixed assets; and

''(bb) for which the borrower has been current on all payments for not less than 1 year before the date of the application.

''(ii) AUTHORITY.—A project that does not involve the expansion of a small business concern may include the refinancing of qualified debt if—

''(I) the amount of the financing is not more than 90 percent of the value of the collateral for the financing, except that, if the appraised value of the eligible fixed assets serving as collateral for the financing is less than the amount equal to 125 percent of the amount of the financing, the borrower may provide additional cash or other collateral to eliminate any deficiency;

''(II) the borrower has been in operation for all of the 2-year period ending on the date of the loan; and

''(III) for a financing for which the Administrator determines there will be an additional cost attributable to the refinancing of the qualified debt, the borrower agrees to pay a fee in an amount equal to the anticipated additional cost.

''(iii) FINANCING FOR BUSINESS EXPENSES.—

''(I) FINANCING FOR BUSINESS EXPENSES.—The Administrator may provide financing to a borrower that receives financing that includes a refinancing of qualified debt under clause (ii), in addition to the refinancing under clause (ii), to be used solely for the payment of business expenses.

''(II) APPLICATION FOR FINANCING.—An application for financing under subclause (I) shall include—

''(aa) a specific description of the expenses for which the additional financing is requested; and

''(bb) an itemization of the amount of each expense.

''(III) CONDITION ON ADDITIONAL FINANCING.—A borrower may not use any part of the financing under this clause for non-business purposes.

''(iv) LOANS BASED ON JOBS.—

''(I) JOB CREATION AND RETENTION GOALS.—

''(aa) IN GENERAL.—The Administrator may provide financing under this subparagraph for a borrower that meets the job creation goals under subsection (d) or (e) of section 501.

''(bb) ALTERNATE JOB RETENTION GOAL.—The Administrator may provide financing under this subparagraph to a borrower that does not meet the goals described in item (aa) in an amount that is not more than the product obtained by multiplying the number of employees of the borrower by $65,000.

''(II) NUMBER OF EMPLOYEES.—For purposes of subclause (I), the number of employees of a borrower is equal to the sum of—

''(aa) the number of full-time employees of the borrower on the date on which the borrower applies for a loan under this subparagraph; and

''(bb) the product obtained by multiplying—

''(AA) the number of part-time employees of the borrower on the date on which the borrower applies for a loan under this subparagraph; by

''(BB) the quotient obtained by dividing the average number of hours each part time employee of the borrower works each week by 40.

''(v) NONDELEGATION.—Notwithstanding section 508(e), the Administrator may not permit a premier certified lender to approve or disapprove an application for assistance under this subparagraph.

''(vi) TOTAL AMOUNT OF LOANS.—The Administrator may provide not more than a total of $7,500,000,000 of financing under this subparagraph for each fiscal year.''.

(b) PROSPECTIVE REPEAL.—Effective 2 years after the date of enactment of this Act, section 502(7) of the Small Business Investment Act of 1958 (15 U.S.C. 696(7)) is amended by striking subparagraph (C).

(c) TECHNICAL CORRECTION.—Section 502(2)(A)(i) of the Small Business Investment Act of 1958 (15 U.S.C. 696(2)(A)(i)) is amended by striking ''subparagraph (B) or (C)'' and inserting ''clause (ii), (iii), (iv), or (v)''.

PART III—OTHER MATTERS

SEC. 1131. SMALL BUSINESS INTERMEDIARY LENDING PILOT PROGRAM.

(a) IN GENERAL.—Section 7 of the Small Business Act (15 U.S.C. 636) is amended by striking subsection (l) and inserting the following:

''(l) SMALL BUSINESS INTERMEDIARY LENDING PILOT PROGRAM.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'eligible intermediary'—

''(i) means a private, nonprofit entity that—

''(I) seeks or has been awarded a loan from the Administrator to make loans to small business concerns under this subsection; and

''(II) has not less than 1 year of experience making loans to startup, newly established, or growing small business concerns; and

''(ii) includes—

''(I) a private, nonprofit community development corporation;

''(II) a consortium of private, nonprofit organizations or nonprofit community development corporations; and

''(III) an agency of or nonprofit entity established by a Native American Tribal Government; and

''(B) the term 'Program' means the small business intermediary lending pilot program established under paragraph (2).

''(2) ESTABLISHMENT.—There is established a 3-year small business intermediary lending pilot program, under which the Administrator may make direct loans to eligible intermediaries, for the purpose of making loans to startup, newly established, and growing small business concerns.

''(3) PURPOSES.—The purposes of the Program are—

''(A) to assist small business concerns in areas suffering from a lack of credit due to poor economic conditions or changes in the financial market; and

''(B) to establish a loan program under which the Administrator may provide loans to eligible intermediaries to enable the eligible intermediaries to provide loans to startup, newly established, and growing small business concerns for working capital, real estate, or the acquisition of materials, supplies, or equipment.

''(4) LOANS TO ELIGIBLE INTERMEDIARIES.—

''(A) APPLICATION.—Each eligible intermediary desiring a loan under this subsection shall submit an application to the Administrator that describes—

''(i) the type of small business concerns to be assisted;

''(ii) the size and range of loans to be made;

''(iii) the interest rate and terms of loans to be made;

''(iv) the geographic area to be served and the economic, poverty, and unemployment characteristics of the area;

''(v) the status of small business concerns in the area to be served and an analysis of the availability of credit; and

''(vi) the qualifications of the applicant to carry out this subsection.

''(B) LOAN LIMITS.—No loan may be made to an eligible intermediary under this subsection if the total amount outstanding and committed to the eligible intermediary by the Administrator would, as a result of such loan, exceed $1,000,000 during the participation of the eligible intermediary in the Program.

''(C) LOAN DURATION.—Loans made by the Administrator under this subsection shall be for a term of 20 years.

''(D) APPLICABLE INTEREST RATES.—Loans made by the Administrator to an eligible intermediary under the Program shall bear an annual interest rate equal to 1.00 percent.

''(E) FEES; COLLATERAL.—The Administrator may not charge any fees or require collateral with respect to any loan made to an eligible intermediary under this subsection.

''(F) DELAYED PAYMENTS.—The Administrator shall not require the repayment of principal or interest on a loan made to an eligible intermediary under the Program during the 2-year period beginning on the date of the initial disbursement of funds under that loan.

''(G) MAXIMUM PARTICIPANTS AND AMOUNTS.—During each of fiscal years 2011, 2012, and 2013, the Administrator may make loans under the Program—

''(i) to not more than 20 eligible intermediaries; and

''(ii) in a total amount of not more than $20,000,000.

''(5) LOANS TO SMALL BUSINESS CONCERNS.—

''(A) IN GENERAL.—The Administrator, through an eligible intermediary, shall make loans to startup, newly established, and growing small business concerns for working capital, real estate, and the acquisition of materials, supplies, furniture, fixtures, and equipment.

''(B) MAXIMUM LOAN.—An eligible intermediary may not make a loan under this subsection of more than $200,000 to any 1 small business concern.

''(C) APPLICABLE INTEREST RATES.—A loan made by an eligible intermediary to a small business concern under this subsection, may have a fixed or a variable interest rate, and shall bear an interest rate specified by the eligible intermediary in the application of the eligible intermediary for a loan under this subsection.

''(D) REVIEW RESTRICTIONS.—The Administrator may not review individual loans made by an eligible intermediary to a small business concern before approval of the loan by the eligible intermediary.

''(6) TERMINATION.—The authority of the Administrator to make loans under the Program shall terminate 3 years after the date of enactment of the Small Business Job Creation and Access to Capital Act of 2010.''.

(b) RULEMAKING AUTHORITY.—Not later than 180 days after the date of enactment of this Act, the Administrator shall issue regulations to carry out section 7(l) of the Small Business Act, as amended by subsection (a).

(c) AVAILABILITY OF FUNDS.—Any amounts provided to the Administrator for the purposes of carrying out section 7(l) of the Small Business Act, as amended by subsection (a), shall remain available until expended.

SEC. 1132. PUBLIC POLICY GOALS.

Section 501(d)(3) of the Small Business Investment Act of 1958 (15 U.S.C. 695(d)(3)) is amended—

(1) in subparagraph (J), by striking ''or'' at the end;

(2) in subparagraph (K), by striking the period at the end and inserting '', or''; and

(3) by adding at the end the following:

''(L) reduction of rates of unemployment in labor surplus areas, as such areas are determined by the Secretary of Labor.''.

SEC. 1133. FLOOR PLAN PILOT PROGRAM EXTENSION.

(a) IN GENERAL.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) by redesignating paragraph (32), relating to increased veteran participation, as added by section 208 of the Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2008 (Public Law 110–186; 122 Stat. 631), as paragraph (33); and

(2) by adding at the end the following:

''(34) FLOOR PLAN FINANCING PROGRAM.—

''(A) DEFINITION.—In this paragraph, the term 'eligible retail good'—

''(i) means a good for which a title may be obtained under State law; and

''(ii) includes an automobile, recreational vehicle, boat, and manufactured home.

''(B) PROGRAM.—The Administrator may guarantee the timely payment of an open-end extension of credit to a small business concern, the proceeds of which may be used for the purchase of eligible retail goods for resale.

''(C) AMOUNT.—An open-end extension of credit guaranteed under this paragraph shall be in an amount not less than $500,000 and not more than $5,000,000.

''(D) TERM.—An open-end extension of credit guaranteed under this paragraph shall have a term of not more than 5 years.

''(E) GUARANTEE PERCENTAGE.—The Administrator may guarantee—

''(i) not less than 60 percent of an open-end extension of credit under this paragraph; and

''(ii) not more than 75 percent of an open-end extension of credit under this paragraph.

''(F) ADVANCE RATE.—The lender for an open-end extension of credit guaranteed under this paragraph may allow the borrower to draw funds on the line of credit in an amount equal to not more than 100 percent of the value of the eligible retail goods to be purchased.''.

(b) SUNSET.—Effective September 30, 2013, section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) by striking paragraph (34); and

(2) by redesignating paragraph (35), as added by section 1206 of this Act, as paragraph (34).

SEC. 1134. GUARANTEES FOR BONDS AND NOTES ISSUED FOR COMMUNITY OR ECONOMIC DEVELOPMENT PURPOSES.

The Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4701 et seq.) is amended by inserting after section 114 (12 U.S.C. 4713) the following:

''SEC. 114A. GUARANTEES FOR BONDS AND NOTES ISSUED FOR COMMUNITY OR ECONOMIC DEVELOPMENT PURPOSES.

''(a) DEFINITIONS.—In this section, the following definitions shall apply:

''(1) ELIGIBLE COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION.—The term 'eligible community development financial institution' means a community development financial institution (as described in section 1805.201 of title 12, Code of Federal Regulations, or any successor thereto) certified by the Secretary that has applied to a qualified issuer for, or been granted by a qualified issuer, a loan under the Program.

''(2) ELIGIBLE COMMUNITY OR ECONOMIC DEVELOPMENT PURPOSE.—The term 'eligible community or economic development purpose'—

''(A) means any purpose described in section 108(b); and

''(B) includes the provision of community or economic development in low-income or underserved rural areas.

''(3) GUARANTEE.—The term 'guarantee' means a written agreement between the Secretary and a qualified issuer (or trustee), pursuant to which the Secretary ensures repayment of the verifiable losses of principal, interest, and call premium, if any, on notes or bonds issued by a qualified issuer to finance or refinance loans to eligible community development financial institutions.

''(4) LOAN.—The term 'loan' means any credit instrument that is extended under the Program for any eligible community or economic development purpose.

''(5) MASTER SERVICER.—

''(A) IN GENERAL.—The term 'master servicer' means any entity approved by the Secretary in accordance with subparagraph (B) to oversee the activities of servicers, as provided in subsection (f)(4).

''(B) APPROVAL CRITERIA FOR MASTER SERVICERS.—The Secretary shall approve or deny any application to become a master servicer under the Program not later than 90 days after the date on which all required information is submitted to the Secretary, based on the capacity and experience of the applicant in—

''(i) loan administration, servicing, and loan monitoring;

''(ii) managing regional or national loan intake, processing, or servicing operational systems and infrastructure;

''(iii) managing regional or national originator communication systems and infrastructure;

''(iv) developing and implementing training and other risk management strategies on a regional or national basis; and

''(v) compliance monitoring, investor relations, and reporting.

''(6) PROGRAM.—The term 'Program' means the guarantee Program for bonds and notes issued for eligible community or economic development purposes established under this section.

''(7) PROGRAM ADMINISTRATOR.—The term 'Program administrator' means an entity designated by the issuer to perform administrative duties, as provided in subsection (f)(2).

''(8) QUALIFIED ISSUER.—

''(A) IN GENERAL.—The term 'qualified issuer' means a community development financial institution (or any entity designated to issue notes or bonds on behalf of such community development financial institution) that meets the qualification requirements of this paragraph.

''(B) APPROVAL CRITERIA FOR QUALIFIED ISSUERS.—

''(i) IN GENERAL.—The Secretary shall approve a qualified issuer for a guarantee under the Program in accordance with the requirements of this paragraph, and such additional requirements as the Secretary may establish, by regulation.

''(ii) TERMS AND QUALIFICATIONS.—A qualified issuer shall—

''(I) have appropriate expertise, capacity, and experience, or otherwise be qualified to make loans for eligible community or economic development purposes;

''(II) provide to the Secretary—

''(aa) an acceptable statement of the proposed sources and uses of the funds; and

''(bb) a capital distribution plan that meets the requirements of subsection (c)(1); and

''(III) certify to the Secretary that the bonds or notes to be guaranteed are to be used for eligible community or economic development purposes.

''(C) DEPARTMENT OPINION; TIMING.—

''(i) DEPARTMENT OPINION.—Not later than 30 days after the date of a request by a qualified issuer for approval of a guarantee under the Program, the Secretary shall provide an opinion regarding compliance by the issuer with the requirements of the Program under this section.

''(ii) TIMING.—The Secretary shall approve or deny a guarantee under this section after consideration of the opinion provided to the Secretary under clause (i), and in no case later than 90 days after receipt of all required information by the Secretary with respect to a request for such guarantee.

''(9) SECRETARY.—The term 'Secretary' means the Secretary of the Treasury.

''(10) SERVICER.—The term 'servicer' means an entity designated by the issuer to perform various servicing duties, as provided in subsection (f)(3).

''(b) GUARANTEES AUTHORIZED.—The Secretary shall guarantee payments on bonds or notes issued by any qualified issuer, if the proceeds of the bonds or notes are used in accordance with this section to make loans to eligible community development financial institutions—

''(1) for eligible community or economic development purposes; or

''(2) to refinance loans or notes issued for such purposes.

''(c) GENERAL PROGRAM REQUIREMENTS.—

''(1) IN GENERAL.—A capital distribution plan meets the requirements of this subsection, if not less than 90 percent of the principal amount of guaranteed bonds or notes (other than costs of issuance fees) are used to make loans for any eligible community or economic development purpose, measured annually, beginning at the end of the 1-year period beginning on the issuance date of such guaranteed bonds or notes.

''(2) RELENDING ACCOUNT.—Not more than 10 percent of the principal amount of guaranteed bonds or notes, multiplied by an amount equal to the outstanding principal balance of issued notes or bonds, minus the risk-share pool amount under subsection (d), may be held in a relending account and may be made available for new eligible community or economic development purposes.

''(3) LIMITATIONS ON UNPAID PRINCIPAL BALANCES.—The proceeds of guaranteed bonds or notes under the Program may not be used to pay fees (other than costs of issuance fees), and shall be held in—

''(A) community or economic development loans;

''(B) a relending account, to the extent authorized under paragraph (2); or

''(C) a risk-share pool established under subsection (d).

''(4) REPAYMENT.—If a qualified issuer fails to meet the requirements of paragraph (1) by the end of the 90-day period beginning at the end of the annual measurement period, repayment shall be made on that portion of bonds or notes necessary to bring the bonds or notes that remain outstanding after such repayment into compliance with the 90 percent requirement of paragraph (1).

''(5) PROHIBITED USES.—The Secretary shall, by regulation—

''(A) prohibit, as appropriate, certain uses of amounts from the guarantee of a bond or note under the Program, including the use of such funds for political activities, lobbying, outreach, counseling services, or travel expenses; and

''(B) provide that the guarantee of a bond or note under the Program may not be used for salaries or other administrative costs of—

''(i) the qualified issuer; or

''(ii) any recipient of amounts from the guarantee of a bond or note.

''(d) RISK-SHARE POOL.—Each qualified issuer shall, during the term of a guarantee provided under the Program, establish a risk-share pool, capitalized by contributions from eligible community development financial institution participants an amount equal to 3 percent of the guaranteed amount outstanding on the subject notes and bonds.

''(e) GUARANTEES.—

''(1) IN GENERAL.—A guarantee issued under the Program shall—

''(A) be for the full amount of a bond or note, including the amount of principal, interest, and call premiums;

''(B) be fully assignable and transferable to the capital market, on terms and conditions that are consistent with comparable Government-guaranteed bonds, and satisfactory to the Secretary;

''(C) represent the full faith and credit of the United States; and

''(D) not exceed 30 years.

''(2) LIMITATIONS.—

''(A) ANNUAL NUMBER OF GUARANTEES.—The Secretary shall issue not more than 10 guarantees in any calendar year under the Program.

''(B) GUARANTEE AMOUNT.—The Secretary may not guarantee any amount under the Program equal to less than $100,000,000, but the total of all such guarantees in any fiscal year may not exceed $1,000,000,000.

''(f) SERVICING OF TRANSACTIONS.—

''(1) IN GENERAL.—To maximize efficiencies and minimize cost and interest rates, loans made under this section may be serviced by qualified Program administrators, bond servicers, and a master servicer.

''(2) DUTIES OF PROGRAM ADMINISTRATOR.—The duties of a Program administrator shall include—

''(A) approving and qualifying eligible community development financial institution applications for participation in the Program;

''(B) compliance monitoring;

''(C) bond packaging in connection with the Program; and

''(D) all other duties and related services that are customarily expected of a Program administrator.

''(3) DUTIES OF SERVICER.—The duties of a servicer shall include—

''(A) billing and collecting loan payments;

''(B) initiating collection activities on past-due loans;

''(C) transferring loan payments to the master servicing accounts;

''(D) loan administration and servicing;

''(E) systematic and timely reporting of loan performance through remittance and servicing reports;

''(F) proper measurement of annual outstanding loan requirements; and

''(G) all other duties and related services that are customarily expected of servicers.

''(4) DUTIES OF MASTER SERVICER.—The duties of a master servicer shall include—

''(A) tracking the movement of funds between the accounts of the master servicer and any other servicer;

''(B) ensuring orderly receipt of the monthly remittance and servicing reports of the servicer;

''(C) monitoring the collection comments and foreclosure actions;

''(D) aggregating the reporting and distribution of funds to trustees and investors;

''(E) removing and replacing a servicer, as necessary;

''(F) loan administration and servicing;

''(G) systematic and timely reporting of loan performance compiled from all bond servicers' reports;

''(H) proper distribution of funds to investors; and

''(I) all other duties and related services that are customarily expected of a master servicer.

''(g) FEES.—

''(1) IN GENERAL.—A qualified issuer that receives a guarantee issued under this section on a bond or note shall pay a fee to the Secretary, in an amount equal to 10 basis points of the amount of the unpaid principal of the bond or note guaranteed.

''(2) PAYMENT.—A qualified issuer shall pay the fee required under this subsection on an annual basis.

''(3) USE OF FEES.—Fees collected by the Secretary under this subsection shall be used to reimburse the Department of the Treasury for any administrative costs incurred by the Department in implementing the Program established under this section.

''(h) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to the Secretary, such sums as are necessary to carry out this section.

''(2) USE OF FEES.—To the extent that the amount of funds appropriated for a fiscal year under paragraph (1) are not sufficient to carry out this section, the Secretary may use the fees collected under subsection (g) for the cost of providing guarantees of bonds and notes under this section.

''(i) INVESTMENT IN GUARANTEED BONDS INELIGIBLE FOR COMMUNITY REINVESTMENT ACT PURPOSES.—Notwithstanding any other provision of law, any investment by a financial institution in bonds or notes guaranteed under the Program shall not be taken into account in assessing the record of such institution for purposes of the Community Reinvestment Act of 1977 (12 U.S.C. 2901).

''(j) ADMINISTRATION.—

''(1) REGULATIONS.—Not later than 1 year after the date of enactment of this section, the Secretary shall promulgate regulations to carry out this section.

''(2) IMPLEMENTATION.—Not later than 2 years after the date of enactment of this section, the Secretary shall implement this section.

''(k) TERMINATION.—This section is repealed, and the authority provided under this section shall terminate, on September 30, 2014.''.

SEC. 1135. TEMPORARY EXPRESS LOAN ENHANCEMENT.

(a) IN GENERAL.—Section 7(a)(31)(D) of the Small Business Act (15 U.S.C. 636(a)(31)(D)) is amended by striking ''$350,000'' and inserting ''$1,000,000''.

(b) PROSPECTIVE REPEAL.—Effective 1 year after the date of enactment of this Act, section 7(a)(31)(D) of the Small Business Act (15 U.S.C. 636(a)(31)(D)) is amended by striking ''$1,000,000'' and inserting ''$350,000''.

SEC. 1136. PROHIBITION ON USING TARP FUNDS OR TAX INCREASES.

(a) IN GENERAL.—Except as provided in subsection (b), nothing in section 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1122, or 1131, or an amendment made by such sections, shall be construed to limit the ability of Congress to appropriate funds.

(b) TARP FUNDS AND TAX INCREASES.—

(1) IN GENERAL.—Any covered amounts may not be used to carry out section 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1122, or 1131, or an amendment made by such sections.

(2) DEFINITION.—In this subsection, the term ''covered amounts'' means—

(A) the amounts made available to the Secretary of the Treasury under title I of the Emergency Economic Stabilization Act of 2008 S.C. 5201 et seq.) to purchase (under section 101) or guarantee (under section 102) assets under that Act; and

(B) any revenue increase attributable to any amendment to the Internal Revenue Code of 1986 made during the period beginning on the date of enactment of this Act and ending on December 31, 2010.

Subtitle B—Small Business Trade and Exporting

SEC. 1201. SHORT TITLE.

This subtitle may be cited as the ''Small Business Export Enhancement and International Trade Act of 2010''.

SEC. 1202. DEFINITIONS.

(a) DEFINITIONS.—In this subtitle—

(1) the term ''Associate Administrator'' means the Associate Administrator for International Trade appointed under section 22(a)(2) of the Small Business Act, as amended by this subtitle;

(2) the term ''Export Assistance Center'' means a one-stop shop referred to in section 2301(b)(8) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4721(b)(8)); and

(3) the term ''rural small business concern'' means a small business concern located in a rural area, as that term is defined in section 1393(a)(2) of the Internal Revenue Code of 1986.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) DEFINITIONS.—Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following:

''(t) SMALL BUSINESS DEVELOPMENT CENTER.—In this Act, the term 'small business development center' means a small business development center described in section 21.

''(u) REGION OF THE ADMINISTRATION.—In this Act, the term 'region of the Administration' means the geographic area served by a regional office of the Administration established under section 4(a).''.

(2) CONFORMING AMENDMENT.—Section 4(b)(3)(B)(x) of the Small Business Act (15 U.S.C. 633(b)(3)(B)(x)) is amended by striking ''Administration district and region'' and inserting ''district and region of the Administration''.

SEC. 1203. OFFICE OF INTERNATIONAL TRADE.

(a) ESTABLISHMENT.—Section 22 of the Small Business Act (15 U.S.C. 649) is amended—

(1) by striking ''SEC. 22. (a) There'' and inserting the following:

''SEC. 22. OFFICE OF INTERNATIONAL TRADE.

''(a) ESTABLISHMENT.—

''(1) OFFICE.—There''; and

(2) in subsection (a)—

(A) in paragraph (1), as so designated, by striking the period and inserting ''for the primary purposes of increasing—

''(A) the number of small business concerns that export; and

''(B) the volume of exports by small business concerns.''; and

(B) by adding at the end the following:

''(2) ASSOCIATE ADMINISTRATOR.—The head of the Office shall be the Associate Administrator for International Trade, who shall be responsible to the Administrator.''.

(b) AUTHORITY FOR ADDITIONAL ASSOCIATE ADMINISTRATOR.—Section 4(b)(1) of the Small Business Act (15 U.S.C. 633(b)(1)) is amended—

(1) in the fifth sentence, by striking ''five Associate Administrators'' and inserting ''Associate Administrators''; and

(2) by adding at the end the following: ''One such Associate Administrator shall be the Associate Administrator for International Trade, who shall be the head of the Office of International Trade established under section 22.''.

(c) DISCHARGE OF INTERNATIONAL TRADE RESPONSIBILITIES OF ADMINISTRATION.—Section 22 of the Small Business Act (15 U.S.C. 649) is amended by adding at the end the following:

''(h) DISCHARGE OF INTERNATIONAL TRADE RESPONSIBILITIES OF ADMINISTRATION.—The Administrator shall ensure that—

''(1) the responsibilities of the Administration regarding international trade are carried out by the Associate Administrator;

''(2) the Associate Administrator has sufficient resources to carry out such responsibilities; and

''(3) the Associate Administrator has direct supervision and control over—

''(A) the staff of the Office; and

''(B) any employee of the Administration whose principal duty station is an Export Assistance Center, or any successor entity.''.

(d) ROLE OF ASSOCIATE ADMINISTRATOR IN CARRYING OUT INTERNATIONAL TRADE POLICY.—Section 2(b)(1) of the Small Business Act (15 U.S.C. 631(b)(1)) is amended in the matter preceding subparagraph (A)—

(1) by inserting ''the Administrator of'' before ''the Small Business Administration''; and

(2) by inserting ''through the Associate Administrator for International Trade, and'' before ''in cooperation with''.

(e) IMPLEMENTATION DATE.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall appoint an Associate Administrator for International Trade

under section 22(a) of the Small Business Act (15 U.S.C. 649(a)), as added by this section.

SEC. 1204. DUTIES OF THE OFFICE OF INTERNATIONAL TRADE.

(a) AMENDMENTS TO SECTION 22.—Section 22 of the Small Business Act (15 U.S.C. 649) is amended—

(1) by striking subsection (b) and inserting the following:

''(b) TRADE DISTRIBUTION NETWORK.—The Associate Administrator, working in close cooperation with the Secretary of Commerce, the United States Trade Representative, the Secretary of Agriculture, the Secretary of State, the President of the Export-Import Bank of the United States, the President of the Overseas Private Investment Corporation, Director of the United States Trade and Development Agency, and other relevant Federal agencies, small business development centers engaged in export promotion efforts, Export Assistance Centers, regional and district offices of the Administration, the small business community, and relevant State and local export promotion programs, shall—

''(1) maintain a distribution network, using regional and district offices of the Administration, the small business development center network, networks of women's business centers, the Service Corps of Retired Executives authorized by section 8(b)(1), and Export Assistance Centers, for programs relating to—

''(A) trade promotion;

''(B) trade finance;

''(C) trade adjustment assistance;

''(D) trade remedy assistance; and

''(E) trade data collection;

''(2) aggressively market the programs described in paragraph (1) and disseminate information, including computerized marketing data, to small business concerns on exporting trends, market-specific growth, industry trends, and international prospects for exports;

''(3) promote export assistance programs through the district and regional offices of the Administration, the small business development center network, Export Assistance Centers, the network of women's business centers, chapters of the Service Corps of Retired Executives, State and local export promotion programs, and partners in the private sector; and

''(4) give preference in hiring or approving the transfer of any employee into the Office or to a position described in subsection (c)(9) to otherwise qualified applicants who are fluent in a language in addition to English, to—

''(A) accompany small business concerns on foreign trade missions; and

''(B) translate documents, interpret conversations, and facilitate multilingual transactions, including by providing referral lists for translation services, if required.'';

(2) in subsection (c)—

(A) by striking ''(c) The Office'' and inserting the following:

''(c) PROMOTION OF SALES OPPORTUNITIES.—The Associate Administrator'';

(B) by redesignating paragraphs (1) through (8) as paragraphs (2) through (9), respectively;

(C) by inserting before paragraph (2), as so redesignated, the following:

''(1) establish annual goals for the Office relating to—

''(A) enhancing the exporting capability of small business concerns and small manufacturers;

''(B) facilitating technology transfers;

''(C) enhancing programs and services to assist small business concerns and small manufacturers to compete effectively and efficiently against foreign entities;

''(D) increasing the ability of small business concerns to access capital; and

''(E) disseminating information concerning Federal, State, and private programs and initiatives;'';

(D) in paragraph (2), as so redesignated, by striking ''mechanism for'' and all that follows through ''(D) assisting'' and inserting the following: ''mechanism for—

''(A) identifying subsectors of the small business community with strong export potential;

''(B) identifying areas of demand in foreign markets;

''(C) prescreening foreign buyers for commercial and credit purposes; and

''(D) assisting'';

(E) in paragraph (3), as so redesignated, by striking ''assist small businesses in the formation and utilization of'' and inserting ''assist small business concerns in forming and using'';

(F) in paragraph (4), as so redesignated—

(i) by striking ''local'' and inserting ''district'';

(ii) by striking ''existing'';

(iii) by striking ''Small Business Development Center network'' and inserting ''small business development center network''; and

(iv) by striking ''Small Business Development Center Program'' and inserting ''small business development center program'';

(G) in paragraph (5), as so redesignated—

(i) in subparagraph (A), by striking ''Gross State Produce'' and inserting ''Gross State Product'';

(ii) in subparagraph (B), by striking ''SIC'' each place it appears and inserting ''North American Industry Classification System''; and

(iii) in subparagraph (C), by striking ''small businesses'' and inserting ''small business concerns'';

(H) in paragraph (6), as so redesignated, by striking the period at the end and inserting a semicolon;

(I) in paragraph (7), as so redesignated—

(i) in the matter preceding subparagraph (A)—

(I) by inserting ''concerns'' after ''small business''; and

(II) by striking ''current'' and inserting ''up to date'';

(ii) in subparagraph (A), by striking ''Administration's regional offices'' and inserting ''regional and district offices of the Administration'';

(iii) in subparagraph (B) by striking ''current'';

(iv) in subparagraph (C), by striking ''current''; and

(v) by striking ''small businesses'' each place that term appears and inserting ''small business concerns'';

(J) in paragraph (8), as so redesignated, by striking and at the end;

(K) in paragraph (9), as so redesignated—

(i) in the matter preceding subparagraph (A)—

(I) by striking ''full-time export development specialists to each Administration regional office and assigning''; and

(II) by striking ''person in each district office. Such specialists'' and inserting ''individual in each district office and providing each Administration regional office with a full-time export development specialist, who'';

(ii) in subparagraph (B)—

(I) by striking ''current''; and

(II) by striking ''with'' and inserting ''in'';

(iii) in subparagraph (D)—

(I) by striking ''Administration personnel involved in granting'' and inserting ''personnel of the Administration involved in making''; and

(II) by striking ''and'' at the end;

(iv) in subparagraph (E)—

(I) by striking ''small businesses' needs'' and inserting ''the needs of small business concerns''; and

(II) by striking the period at the end and inserting a semicolon;

(v) by adding at the end the following:

''(F) participate, jointly with employees of the Office, in an annual training program that focuses on current small business needs for exporting; and

''(G) develop and conduct training programs for exporters and lenders, in cooperation with the Export Assistance Centers, the Department of Commerce, the Department of Agriculture, small business development centers, women's business centers, the Export-Import Bank of the United States, the Overseas Private Investment Corporation, and other relevant Federal agencies;''; and

(vi) by striking ''small businesses'' each place that term appears and inserting ''small business concerns''; and

(L) by adding at the end the following:

''(10) make available on the website of the Administration the name and contact information of each individual described in paragraph (9);

''(11) carry out a nationwide marketing effort using technology, online resources, training, and other strategies to promote exporting as a business development opportunity for small business concerns;

''(12) disseminate information to the small business community through regional and district offices of the Administration, the small business development center network, Export Assistance Centers, the network of women's business centers, chapters of the Service Corps of Retired Executives authorized by section 8(b)(1), State and local export promotion programs, and partners in the private sector regarding exporting trends, market-specific growth, industry trends, and prospects for exporting; and

''(13) establish and carry out training programs for the staff of the regional and district offices of the Administration and resource partners of the Administration on export promotion and providing assistance relating to exports.'';

(3) in subsection (d)—

(A) by redesignating paragraphs (1) through (5) as clauses (i) through (v), respectively, and adjusting the margins accordingly;

(B) by striking ''(d) The Office'' and inserting the following:

''(d) EXPORT FINANCING PROGRAMS.—

''(1) IN GENERAL.—The Associate Administrator''; and

(C) by striking ''To accomplish this goal, the Office shall work'' and inserting the following:

''(2) TRADE FINANCE SPECIALIST.—To accomplish the goal established under paragraph (1), the Associate Administrator shall—

''(A) designate at least 1 individual within the Administration as a trade finance specialist to oversee international loan programs and assist Administration employees with trade finance issues; and

''(B) work'';

(4) in subsection (e), by striking ''(e) The Office'' and inserting the following:

''(e) TRADE REMEDIES.—The Associate Administrator'';

(5) by amending subsection (f) to read as follows:

''(f) REPORTING REQUIREMENT.—The Associate Administrator shall submit an annual report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives that contains—

''(1) a description of the progress of the Office in implementing the requirements of this section;

''(2) a detailed account of the results of export growth activities of the Administration, including the activities of each district and regional office of the Administration, based on the performance measures described in subsection (i);

''(3) an estimate of the total number of jobs created or retained as a result of export assistance provided by the Administration and resource partners of the Administration;

''(4) for any travel by the staff of the Office, the destination of such travel and the benefits to the Administration and to small business concerns resulting from such travel; and

''(5) a description of the participation by the Office in trade negotiations.'';

(6) in subsection (g), by striking ''(g) The Office'' and inserting the following:

''(g) STUDIES.—The Associate Administrator''; and

(7) by adding after subsection (h), as added by section 1203 of this subtitle, the following:

''(i) EXPORT AND TRADE COUNSELING.—

''(1) DEFINITION.—In this subsection—

''(A) the term 'lead small business development center' means a small business development center that has received a grant from the Administration; and

''(B) the term 'lead women's business center' means a women's business center that has received a grant from the Administration.

''(2) CERTIFICATION PROGRAM.—The Administrator shall establish an export and trade counseling certification program to certify employees of lead small business development centers and lead women's business centers in providing export assistance to small business concerns.

''(3) NUMBER OF CERTIFIED EMPLOYEES.—The Administrator shall ensure that the number of employees of each lead small business development center who are certified in providing export assistance is not less than the lesser of—

''(A) 5; or

''(B) 10 percent of the total number of employees of the lead small business development center.

''(4) REIMBURSEMENT FOR CERTIFICATION.—

''(A) IN GENERAL.—Subject to the availability of appropriations, the Administrator shall reimburse a lead small business development center or a lead women's business center for costs relating to the certification of an employee of the lead small business center or lead women's business center in providing export assistance under the program established under paragraph (2).

''(B) LIMITATION.—The total amount reimbursed by the Administrator under subparagraph (A) may not exceed $350,000 in any fiscal year.

''(j) PERFORMANCE MEASURES.—

''(1) IN GENERAL.—The Associate Administrator shall develop performance measures for the Administration to support export growth goals for the activities of the Office under this section that include—

''(A) the number of small business concerns that—

''(i) receive assistance from the Administration;

''(ii) had not exported goods or services before receiving the assistance described in clause (i); and

''(iii) export goods or services;

''(B) the number of small business concerns receiving assistance from the Administration that export goods or services to a market outside the United States into which the small business concern did not export before receiving the assistance;

''(C) export revenues by small business concerns assisted by programs of the Administration;

''(D) the number of small business concerns referred to an Export Assistance Center or a small business development center by the staff of the Office;

''(E) the number of small business concerns referred to the Administration by an Export Assistance Center or a small business development center; and

''(F) the number of small business concerns referred to the Department of Commerce, the Department of Agriculture, the Department of State, the Export-Import Bank of the United States, the Overseas Private Investment Corporation, or the United States Trade and Development Agency by the staff of the Office, an Export Assistance Center, or a small business development center.

''(2) JOINT PERFORMANCE MEASURES.—The Associate Administrator shall develop joint performance measures for the district offices of the Administration and the Export Assistance Centers that include the number of export loans made under—

''(A) section 7(a)(16);

''(B) the Export Working Capital Program established under section 7(a)(14);

''(C) the Preferred Lenders Program, as defined in section 7(a)(2)(C)(ii); and

''(D) the export express program established under section 7(a)(34).

''(3) CONSISTENCY OF TRACKING.—The Associate Administrator, in coordination with the departments and agencies that are represented on the Trade Promotion Coordinating Committee established under section 2312 of the Export Enhancement Act of 1988 (15 U.S.C. 4727) and the small business development center network, shall develop a system to track exports by small business concerns, including information relating to the performance measures developed under paragraph (1), that is consistent with systems used by the departments and agencies and the network.''.

(b) REPORT.—Not later than 60 days after the date of enactment of this Act, the Administrator shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives on any travel by the staff of the Office of International Trade of the Administration, during the period beginning on October 1, 2004, and ending on the date of enactment of the Act, including the destination of such travel and the benefits to the Administration and to small business concerns resulting from such travel.

SEC. 1205. EXPORT ASSISTANCE CENTERS.

(a) EXPORT ASSISTANCE CENTERS.—Section 22 of the Small Business Act (15 U.S.C. 649), as amended by this subtitle, is amended by adding at the end the following:

''(k) EXPORT ASSISTANCE CENTERS.—

''(1) EXPORT FINANCE SPECIALISTS.—

''(A) MINIMUM NUMBER OF EXPORT FINANCE SPECIALISTS.—On and after the date that is 90 days after the date of enactment of this subsection, the Administrator, in coordination with the Secretary of Commerce, shall ensure that the number of export finance specialists is not less than the number of such employees so assigned on January 1, 2003.

''(B) EXPORT FINANCE SPECIALISTS ASSIGNED TO EACH REGION OF THE ADMINISTRATION.—On and after the date that is 2 years after the date of enactment of this subsection, the Administrator, in coordination with the Secretary of Commerce, shall ensure that there are not fewer than 3 export finance specialists in each region of the Administration.

''(2) PLACEMENT OF EXPORT FINANCE SPECIALISTS.—

''(A) PRIORITY.—The Administrator shall give priority, to the maximum extent practicable, to placing employees of the Administration at any Export Assistance Center that—

''(i) had an Administration employee assigned to the Export Assistance Center before January 2003; and

''(ii) has not had an Administration employee assigned to the Export Assistance Center during the period beginning January 2003, and ending on the date of enactment of this subsection, either through retirement or reassignment.

''(B) NEEDS OF EXPORTERS.—The Administrator shall, to the maximum extent practicable, strategically assign Administration employees to Export Assistance Centers, based on the needs of exporters.

''(C) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to require the Administrator to reassign or remove an export finance specialist who is assigned to an Export Assistance Center on the date of enactment of this subsection.

''(3) GOALS.—The Associate Administrator shall work with the Department of Commerce, the Export-Import Bank of the United States, and the Overseas Private Investment Corporation to establish shared annual goals for the Export Assistance Centers.

''(4) OVERSIGHT.—The Associate Administrator shall designate an individual within the Administration to oversee all activities conducted by Administration employees assigned to Export Assistance Centers.

''(l) DEFINITIONS.—In this section—

''(1) the term 'Associate Administrator' means the Associate Administrator for International Trade described in subsection (a)(2);

''(2) the term 'Export Assistance Center' means a one-stop shop for United States exporters established by the United States and Foreign Commercial Service of the Department of Commerce pursuant to section 2301(b)(8) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4721(b)(8));

''(3) the term 'export finance specialist' means a full-time equivalent employee of the Office assigned to an Export Assistance Center to carry out the duties described in subsection (e); and

''(4) the term 'Office' means the Office of International Trade established under subsection (a)(1).''.

(b) STUDY AND REPORT ON FILLING GAPS IN HIGH-AND-LOW-EXPORT VOLUME AREAS.—

(1) STUDY AND REPORT.—Not later than 6 months after the date of enactment of this Act, and every 2 years thereafter, the Administrator shall—

(A) conduct a study of—

(i) the volume of exports for each State;

(ii) the availability of export finance specialists in each State;

(iii) the number of exporters in each State that are small business concerns;

(iv) the percentage of exporters in each State that are small business concerns;

(v) the change, if any, in the number of exporters that are small business concerns in each State—

(I) for the first study conducted under this subparagraph, during the 10-year period ending on the date of enactment of this Act; and

(II) for each subsequent study, during the 10-year period ending on the date the study is commenced;

(vi) the total value of the exports in each State by small business concerns;

(vii) the percentage of the total volume of exports in each State that is attributable to small business concerns; and

(viii) the change, if any, in the percentage of the total volume of exports in each State that is attributable to small business concerns—

(I) for the first study conducted under this subparagraph, during the 10-year period ending on the date of enactment of this Act; and

(II) for each subsequent study, during the 10-year period ending on the date the study is commenced; and

(B) submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report containing—

(i) the results of the study under subparagraph (A);

(ii) to the extent practicable, a recommendation regarding how to eliminate gaps between the supply of and demand for export finance specialists in the 15 States that have the greatest volume of exports, based upon the most recent data available from the Department of Commerce;

(iii) to the extent practicable, a recommendation regarding how to eliminate gaps between the supply of and demand for export finance specialists in the 15 States that have the lowest volume of exports, based upon the most recent data available from the Department of Commerce; and

(iv) such additional information as the Administrator determines is appropriate.

(2) DEFINITION.—In this subsection, the term ''export finance specialist'' has the meaning given that term in section 22(l) of the Small Business Act, as added by this title.

SEC. 1206. INTERNATIONAL TRADE FINANCE PROGRAMS.

(a) LOAN LIMITS.—

(1) TOTAL AMOUNT OUTSTANDING.—Section 7(a)(3)(B) of the Small Business Act (15 U.S.C. 636(a)(3)(B)) is amended by striking ''$1,750,000, of which not more than $1,250,000'' and inserting ''$4,500,000 (or if the gross loan amount would exceed $5,000,000), of which not more than $4,000,000''.

(2) PARTICIPATION.—Section 7(a)(2) of the Small Business Act (15 U.S.C. 636(a)(2)) is amended—

(A) in subparagraph (A), in the matter preceding clause (i), by striking ''subparagraph (B)'' and inserting ''subparagraphs (B), (D), and (E)'';

(B) in subparagraph (D), by striking ''Notwithstanding subparagraph (A), in'' and inserting ''In''; and

(C) by adding at the end the following:

''(E) PARTICIPATION IN INTERNATIONAL TRADE LOAN.—In an agreement to participate in a loan on a deferred basis under paragraph (16), the participation by the Administration may not exceed 90 percent.''.

(b) WORKING CAPITAL.—Section 7(a)(16)(A) of the Small Business Act (15 U.S.C. 636(a)(16)(A)) is amended—

(1) in the matter preceding clause (i), by striking ''in—'' and inserting ''—'';

(2) in clause (i)—

(A) by inserting ''in'' after ''(i)''; and

(B) by striking ''or'' at the end;

(3) in clause (ii)—

(A) by inserting ''in'' after ''(ii)''; and

(B) by striking the period at the end and inserting '', including any debt that qualifies for refinancing under any other provision of this subsection; or''; and

(4) by adding at the end the following:

''(iii) by providing working capital.''.

(c) COLLATERAL.—Section 7(a)(16)(B) of the Small Business Act (15 U.S.C. 636(a)(16)(B)) is amended—

(1) by striking ''Each loan'' and inserting the following:

''(i) IN GENERAL.—Except as provided in clause (ii), each loan''; and

(2) by adding at the end the following:

''(ii) EXCEPTION.—A loan under this paragraph may be secured by a second lien position on the property or equipment financed by the loan or on other assets of the small business concern, if the Administrator determines the lien provides adequate assurance of the payment of the loan.''.

(d) EXPORT WORKING CAPITAL PROGRAM.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) in paragraph (2)(D), by striking ''not exceed'' and inserting ''be''; and

(2) in paragraph (14)—

(A) by striking ''(A) The Administration'' and inserting the following: ''EXPORT WORKING CAPITAL PROGRAM.—

''(A) IN GENERAL.—The Administrator'';

(B) by striking ''(B) When considering'' and inserting the following:

''(C) CONSIDERATIONS.—When considering'';

(C) by striking ''(C) The Administration'' and inserting the following:

''(D) MARKETING.—The Administrator''; and

(D) by inserting after subparagraph (A) the following:

''(B) TERMS.—

''(i) LOAN AMOUNT.—The Administrator may not guarantee a loan under this paragraph of more than $5,000,000.

''(ii) FEES.—

''(I) IN GENERAL.—For a loan under this paragraph, the Administrator shall collect the fee assessed under paragraph (23) not more frequently than once each year.

''(II) UNTAPPED CREDIT.—The Administrator may not assess a fee on capital that is not accessed by the small business concern.''.

(e) PARTICIPATION IN PREFERRED LENDERS PROGRAM.—Section 7(a)(2)(C) of the Small Business Act (15 U.S.C. 636(a)(2)(C)) is amended—

(1) by redesignating clause (ii) as clause (iii); and

(2) by inserting after clause (i) the following:

''(ii) EXPORT-IMPORT BANK LENDERS.—Any lender that is participating in the Delegated Authority Lender Program of the Export-Import Bank of the United States (or any successor to the Program) shall be eligible to participate in the Preferred Lenders Program.''.

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

''(35) EXPORT EXPRESS PROGRAM.—

''(A) DEFINITIONS.—In this paragraph—

''(i) the term 'export development activity' includes—

''(I) obtaining a standby letter of credit when required as a bid bond, performance bond, or advance payment guarantee;

''(II) participation in a trade show that takes place outside the United States;

''(III) translation of product brochures or catalogues for use in markets outside the United States;

''(IV) obtaining a general line of credit for export purposes;

''(V) performing a service contract from buyers located outside the United States;

''(VI) obtaining transaction-specific financing associated with completing export orders;

''(VII) purchasing real estate or equipment to be used in the production of goods or services for export;

''(VIII) providing term loans or other financing to enable a small business concern, including an export trading company and an export management company, to develop a market outside the United States; and

''(IX) acquiring, constructing, renovating, modernizing, improving, or expanding a production facility or equipment to be used in the United States in the production of goods or services for export; and

''(ii) the term 'express loan' means a loan in which a lender uses to the maximum extent practicable the loan analyses, procedures, and documentation of the lender to provide expedited processing of the loan application.

''(B) AUTHORITY.—The Administrator may guarantee the timely payment of an express loan to a small business concern made for an export development activity.

''(C) LEVEL OF PARTICIPATION.—

''(i) MAXIMUM AMOUNT.—The maximum amount of an express loan guaranteed under this paragraph shall be $500,000.

''(ii) PERCENTAGE.—For an express loan guaranteed under this paragraph, the Administrator shall guarantee—

''(I) 90 percent of a loan that is not more than $350,000; and

''(II) 75 percent of a loan that is more than $350,000 and not more than $500,000.''.

(g) ANNUAL LISTING OF EXPORT FINANCE LENDERS.—Section 7(a)(16) of the Small Business Act (15 U.S.C. 636(a)(16)) is amended by adding at the end the following:

''(F) LIST OF EXPORT FINANCE LENDERS.—

''(i) PUBLICATION OF LIST REQUIRED.—The Administrator shall publish an annual list of the banks and participating lending institutions that, during the 1-year period ending on the date of publication of the list, have made loans guaranteed by the Administration under—

''(I) this paragraph;

''(II) paragraph (14); or

''(III) paragraph (34).

''(ii) AVAILABILITY OF LIST.—The Administrator shall—

''(I) post the list published under clause (i) on the website of the Administration; and

''(II) make the list published under clause (i) available, upon request, at each district office of the Administration.''.

(h) APPLICABILITY.—The amendments made by subsections (a) through (f) shall apply with respect to any loan made after the date of enactment of this Act.

SEC. 1207. STATE TRADE AND EXPORT PROMOTION GRANT PROGRAM.

(a) DEFINITIONS.—In this section—

(1) the term ''eligible small business concern'' means a small business concern that—

(A) has been in business for not less than the 1-year period ending on the date on which assistance is provided using a grant under this section;

(B) is operating profitably, based on operations in the United States;

(C) has demonstrated understanding of the costs associated with exporting and doing business with foreign purchasers, including the costs of freight forwarding, customs brokers, packing and shipping, as determined by the Associate Administrator; and

(D) has in effect a strategic plan for exporting;

(2) the term ''program'' means the State Trade and Export Promotion Grant Program established under subsection (b);

(3) the term ''small business concern owned and controlled by women'' has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632);

(4) the term ''socially and economically disadvantaged small business concern'' has the meaning given that term in section 8(a)(4)(A) of the Small Business Act (15 U.S.C. 6537(a)(4)(A)); and

(5) the term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(b) ESTABLISHMENT OF PROGRAM.—The Associate Administrator shall establish a 3-year trade and export promotion pilot program to be known as the State Trade and Export Promotion Grant Program, to make grants to States to carry out export programs that assist eligible small business concerns in—

(1) participation in a foreign trade mission;

(2) a foreign market sales trip;

(3) a subscription to services provided by the Department of Commerce;
(4) the payment of website translation fees;
(5) the design of international marketing media;
(6) a trade show exhibition;
(7) participation in training workshops; or
(8) any other export initiative determined appropriate by the Associate Administrator.
(c) GRANTS.—
(1) JOINT REVIEW.—In carrying out the program, the Associate Administrator may make a grant to a State to increase the number of eligible small business concerns in the State that export or to increase the value of the exports by eligible small business concerns in the State.
(2) CONSIDERATIONS.—In making grants under this section, the Associate Administrator may give priority to an application by a State that proposes a program that—
(A) focuses on eligible small business concerns as part of an export promotion program;
(B) demonstrates success in promoting exports by—
(i) socially and economically disadvantaged small business concerns;
(ii) small business concerns owned or controlled by women; and
(iii) rural small business concerns;
(C) promotes exports from a State that is not 1 of the 10 States with the highest percentage of exporters that are small business concerns, based upon the latest data available from the Department of Commerce; and
(D) promotes new-to-market export opportunities to the People's Republic of China for eligible small business concerns in the United States.
(3) LIMITATIONS.—
(A) SINGLE APPLICATION.—A State may not submit more than 1 application for a grant under the program in any 1 fiscal year.
(B) PROPORTION OF AMOUNTS.—The total value of grants under the program made during a fiscal year to the 10 States with the highest number of exporters that are small business concerns, based upon the latest data available from the Department of Commerce, shall be not more than 40 percent of the amounts appropriated for the program for that fiscal year.
(4) APPLICATION.—A State desiring a grant under the program shall submit an application at such time, in such manner, and accompanied by such information as the Associate Administrator may establish.
(d) COMPETITIVE BASIS.—The Associate Administrator shall award grants under the program on a competitive basis.
(e) FEDERAL SHARE.—The Federal share of the cost of an export program carried out using a grant under the program shall be—
(1) for a State that has a high export volume, as determined by the Associate Administrator, not more than 65 percent; and
(2) for a State that does not have a high export volume, as determined by the Associate Administrator, not more than 75 percent.
(f) NON-FEDERAL SHARE.—The non-Federal share of the cost of an export program carried using a grant under the program shall be comprised of not less than 50 percent cash and not more than 50 percent of indirect costs and in-kind contributions, except that no such costs or contributions may be derived from funds from any other Federal program.
(g) REPORTS.—
(1) INITIAL REPORT.—Not later than 120 days after the date of enactment of this Act, the Associate Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report, which shall include—
(A) a description of the structure of and procedures for the program;
(B) a management plan for the program; and
(C) a description of the merit-based review process to be used in the program.
(2) ANNUAL REPORTS.—The Associate Administrator shall submit an annual report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives regarding the program, which shall include—
(A) the number and amount of grants made under the program during the preceding year;
(B) a list of the States receiving a grant under the program during the preceding year, including the activities being performed with grant; and
(C) the effect of each grant on exports by eligible small business concerns in the State receiving the grant.
(h) REVIEWS BY INSPECTOR GENERAL.—
(1) IN GENERAL.—The Inspector General of the Administration shall conduct a review of—
(A) the extent to which recipients of grants under the program are measuring the performance of the activities being conducted and the results of the measurements; and
(B) the overall management and effectiveness of the program.
(2) REPORT.—Not later than September 30, 2012, the Inspector General of the Administration shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding the review conducted under paragraph (1).
(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the program $30,000,000 for each of fiscal years 2011, 2012, and 2013.
(j) TERMINATION.—The authority to carry out the program shall terminate 3 years after the date on which the Associate Administrator establishes the program.

SEC. 1208. RURAL EXPORT PROMOTION.

Not later than 6 months after the date of enactment of this Act, the Administrator, in consultation with the Secretary of Agriculture and the Secretary of Commerce, shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report that contains—
(1) a description of each program of the Administration that promotes exports by rural small business concerns, including—
(A) the number of rural small business concerns served by the program;
(B) the change, if any, in the number of rural small business concerns as a result of participation in the program during the 10-year period ending on the date of enactment of this Act;
(C) the volume of exports by rural small business concerns that participate in the program; and
(D) the change, if any, in the volume of exports by rural small businesses that participate in the program during the 10-year period ending on the date of enactment of this Act;
(2) a description of the coordination between programs of the Administration and other Federal programs that promote exports by rural small business concerns;
(3) recommendations, if any, for improving the coordination described in paragraph (2);
(4) a description of any plan by the Administration to market the international trade financing programs of the Administration through lenders that—
(A) serve rural small business concerns; and
(B) are associated with financing programs of the Department of Agriculture;
(5) recommendations, if any, for improving coordination between the counseling programs and export financing programs of the Administration, in order to increase the volume of exports by rural small business concerns; and
(6) any additional information the Administrator determines is necessary.

SEC. 1209. INTERNATIONAL TRADE COOPERATION BY SMALL BUSINESS DEVELOPMENT CENTERS.

Section 21(a) of the Small Business Act (15 U.S.C. 648(a)) is amended—
(1) by striking ''(2) The Small Business Development Centers'' and inserting the following:
''(2) COOPERATION TO PROVIDE INTERNATIONAL TRADE SERVICES.—
''(A) INFORMATION AND SERVICES.—The small business development centers''; and
(2) in paragraph (2)—
(A) in subparagraph (A), as so designated, by inserting ''(including State trade agencies),'' after ''local agencies''; and
(B) by adding at the end the following:
''(B) COOPERATION WITH STATE TRADE AGENCIES AND EXPORT ASSISTANCE CENTERS.—A small business development center that counsels a small business concern on issues relating to international trade shall—
''(i) consult with State trade agencies and Export Assistance Centers to provide appropriate services to the small business concern; and
''(ii) as necessary, refer the small business concern to a State trade agency or an Export Assistance Center for further counseling or assistance.
''(C) DEFINITION.—In this paragraph, the term 'Export Assistance Center' has the same meaning as in section 22.''.

Subtitle C—Small Business Contracting

PART I—CONTRACT BUNDLING

SEC. 1311. SMALL BUSINESS ACT.

Section 3 of the Small Business Act (15 U.S.C. 632), as amended by section 1202, is amended by adding at the end the following:
''(v) MULTIPLE AWARD CONTRACT.—In this Act, the term 'multiple award contract' means—
''(1) a multiple award task order contract or delivery order contract that is entered into under the authority of sections 303H through 303K of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h through 253k); and
''(2) any other indefinite delivery, indefinite quantity contract that is entered into by the head of a Federal agency with 2 or more sources pursuant to the same solicitation.''.

SEC. 1312. LEADERSHIP AND OVERSIGHT.

(a) IN GENERAL.—Section 15 of the Small Business Act (15 U.S.C. 644) is amended by adding at the end the following:
''(q) BUNDLING ACCOUNTABILITY MEASURES.—
''(1) TEAMING REQUIREMENTS.—Each Federal agency shall include in each solicitation for any multiple award contract above the substantial bundling threshold of the Federal agency a provision soliciting bids from any responsible source, including responsible small business concerns and teams or joint ventures of small business concerns.
''(2) POLICIES ON REDUCTION OF CONTRACT BUNDLING.—
''(A) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Federal Acquisition Regulatory Council established under section 25(a) of the Office of Federal Procurement Policy Act (41

U.S.C. 4219(a)) shall amend the Federal Acquisition Regulation issued under section 25 of such Act to—

''(i) establish a Government-wide policy regarding contract bundling, including regarding the solicitation of teaming and joint ventures under paragraph (1); and

''(ii) require that the policy established under clause (i) be published on the website of each Federal agency.

''(B) RATIONALE FOR CONTRACT BUNDLING.—Not later than 30 days after the date on which the head of a Federal agency submits data certifications to the Administrator for Federal Procurement Policy, the head of the Federal agency shall publish on the website of the Federal agency a list and rationale for any bundled contract for which the Federal agency solicited bids or that was awarded by the Federal agency.

''(3) REPORTING.—Not later than 90 days after the date of enactment of this subsection, and every 3 years thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding procurement center representatives and commercial market representatives, which shall—

''(A) identify each area for which the Administration has assigned a procurement center representative or a commercial market representative;

''(B) explain why the Administration selected the areas identified under subparagraph (A); and

''(C) describe the activities performed by procurement center representatives and commercial market representatives.''.

(b) TECHNICAL CORRECTION.—Section 15(g) of the Small Business Act (15 U.S.C. 644(g)) is amended by striking ''Administrator of the Office of Federal Procurement Policy'' each place it appears and inserting ''Administrator for Federal Procurement Policy''.

(c) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report regarding the procurement center representative program of the Administration.

(2) CONTENTS.—The report submitted under paragraph (1) shall—

(A) address ways to improve the effectiveness of the procurement center representative program in helping small business concerns obtain Federal contracts;

(B) evaluate the effectiveness of procurement center representatives and commercial marketing representatives; and

(C) include recommendations, if any, on how to improve the procurement center representative program.

(d) ELECTRONIC PROCUREMENT CENTER REPRESENTATIVE.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall implement a 3-year pilot electronic procurement center representative program.

(2) REPORT.—Not later than 30 days after the pilot program under paragraph (1) ends, the Comptroller General of the United States shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding the pilot program.

SEC. 1313. CONSOLIDATION OF CONTRACT REQUIREMENTS.

(a) IN GENERAL.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 44 as section 45; and

(2) by inserting after section 43 the following:

''SEC. 44. CONSOLIDATION OF CONTRACT REQUIREMENTS.

''(a) DEFINITIONS.—In this section—

''(1) the term 'Chief Acquisition Officer' means the employee of a Federal agency designated as the Chief Acquisition Officer for the Federal agency under section 16(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(a));

''(2) the term 'consolidation of contract requirements', with respect to contract requirements of a Federal agency, means a use of a solicitation to obtain offers for a single contract or a multiple award contract to satisfy 2 or more requirements of the Federal agency for goods or services that have been provided to or performed for the Federal agency under 2 or more separate contracts lower in cost than the total cost of the contract for which the offers are solicited; and

''(3) the term 'senior procurement executive' means an official designated under section 16(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(c)) as the senior procurement executive for a Federal agency.

''(b) POLICY.—The head of each Federal agency shall ensure that the decisions made by the Federal agency regarding consolidation of contract requirements of the Federal agency are made with a view to providing small business concerns with appropriate opportunities to participate as prime contractors and subcontractors in the procurements of the Federal agency.

''(c) LIMITATION ON USE OF ACQUISITION STRATEGIES INVOLVING CONSOLIDATION.—

''(1) IN GENERAL.—Subject to paragraph (4), the head of a Federal agency may not carry out an acquisition strategy that includes a consolidation of contract requirements of the Federal agency with a total value of more than $2,000,000, unless the senior procurement executive or Chief Acquisition Officer for the Federal agency, before carrying out the acquisition strategy—

''(A) conducts market research;

''(B) identifies any alternative contracting approaches that would involve a lesser degree of consolidation of contract requirements;

''(C) makes a written determination that the consolidation of contract requirements is necessary and justified;

''(D) identifies any negative impact by the acquisition strategy on contracting with small business concerns; and

''(E) certifies to the head of the Federal agency that steps will be taken to include small business concerns in the acquisition strategy.

''(2) DETERMINATION THAT CONSOLIDATION IS NECESSARY AND JUSTIFIED.—

''(A) IN GENERAL.—A senior procurement executive or Chief Acquisition Officer may determine that an acquisition strategy involving a consolidation of contract requirements is necessary and justified for the purposes of paragraph (1)(C) if the benefits of the acquisition strategy substantially exceed the benefits of each of the possible alternative contracting approaches identified under paragraph (1)(B).

''(B) SAVINGS IN ADMINISTRATIVE OR PERSONNEL COSTS.—For purposes of subparagraph (A), savings in administrative or personnel costs alone do not constitute a sufficient justification for a consolidation of contract requirements in a procurement unless the expected total amount of the cost savings, as determined by the senior procurement executive or Chief Acquisition Officer, is expected to be substantial in relation to the total cost of the procurement.

''(3) BENEFITS TO BE CONSIDERED.—The benefits considered for the purposes of paragraphs (1) and (2) may include cost and, regardless of whether quantifiable in dollar amounts—

''(A) quality;

''(B) acquisition cycle;

''(C) terms and conditions; and

''(D) any other benefit.

''(4) DEPARTMENT OF DEFENSE.—

''(A) IN GENERAL.—The Department of Defense and each military department shall comply with this section until after the date described in subparagraph (C).

''(B) RULE.—After the date described in subparagraph (C), contracting by the Department of Defense or a military department shall be conducted in accordance with section 2382 of title 10, United States Code.

''(C) DATE.—The date described in this subparagraph is the date on which the Administrator determines the Department of Defense or a military department is in compliance with the Government-wide contracting goals under section 15.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 2382(b)(1) of title 10, United States Code, is amended by striking ''An official'' and inserting ''Subject to section 44(c)(4), an official''.

SEC. 1314. SMALL BUSINESS TEAMS PILOT PROGRAM.

(a) DEFINITIONS.—In this section—

(1) the term ''Pilot Program'' means the Small Business Teaming Pilot Program established under subsection (b); and

(2) the term ''eligible organization'' means a well-established national organization for small business concerns with the capacity to provide assistance to small business concerns (which may be provided with the assistance of the Administrator) relating to—

(A) customer relations and outreach;

(B) team relations and outreach; and

(C) performance measurement and quality assurance.

(b) ESTABLISHMENT.—The Administrator shall establish a Small Business Teaming Pilot Program for teaming and joint ventures involving small business concerns.

(c) GRANTS.—Under the Pilot Program, the Administrator may make grants to eligible organizations to provide assistance and guidance to teams of small business concerns seeking to compete for larger procurement contracts.

(d) CONTRACTING OPPORTUNITIES.—The Administrator shall work with eligible organizations receiving a grant under the Pilot Program to recommend appropriate contracting opportunities for teams or joint ventures of small business concerns.

(e) REPORT.—Not later than 1 year before the date on which the authority to carry out the Pilot Program terminates under subsection (f), the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the effectiveness of the Pilot Program.

(f) TERMINATION.—The authority to carry out the Pilot Program shall terminate 5 years after the date of enactment of this Act.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under subsection (c) $5,000,000 for each of fiscal years 2010 through 2015.

PART II—SUBCONTRACTING INTEGRITY

SEC. 1321. SUBCONTRACTING MISREPRESENTATIONS.

Not later than 1 year after the date of enactment of this Act, the Administrator, in consultation with the Administrator for Federal Procurement Policy, shall promulgate regulations relating to, and the Federal Acquisition Regulatory Council established under section 25(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(a))

shall amend the Federal Acquisition Regulation issued under section 25 of such Act to establish a policy on, subcontracting compliance relating to small business concerns, including assignment of compliance responsibilities between contracting offices, small business offices, and program offices and periodic oversight and review activities.

SEC. 1322. SMALL BUSINESS SUBCONTRACTING IMPROVEMENTS.

Section 8(d)(6) of the Small Business Act (15 U.S.C. 637(d)(6)) is amended—

(1) in subparagraph (E), by striking ''and'' at the end;

(2) in subparagraph (F), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end, the following:

''(G) a representation that the offeror or bidder will—

''(i) make a good faith effort to acquire articles, equipment, supplies, services, or materials, or obtain the performance of construction work from the small business concerns used in preparing and submitting to the contracting agency the bid or proposal, in the same amount and quality used in preparing and submitting the bid or proposal; and

''(ii) provide to the contracting officer a written explanation if the offeror or bidder fails to acquire articles, equipment, supplies, services, or materials or obtain the performance of construction work as described in clause (i).''.

PART III—ACQUISITION PROCESS

SEC. 1331. RESERVATION OF PRIME CONTRACT AWARDS FOR SMALL BUSINESSES.

Section 15 of the Small Business Act (15 U.S.C. 644), as amended by this Act, is amended by adding at the end the following:

''(r) MULTIPLE AWARD CONTRACTS.—Not later than 1 year after the date of enactment of this subsection, the Administrator for Federal Procurement Policy and the Administrator, in consultation with the Administrator of General Services, shall, by regulation, establish guidance under which Federal agencies may, at their discretion—

''(1) set aside part or parts of a multiple award contract for small business concerns, including the subcategories of small business concerns identified in subsection (g)(2);

''(2) notwithstanding the fair opportunity requirements under section 2304c(b) of title 10, United States Code, and section 303J(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(b)), set aside orders placed against multiple award contracts for small business concerns, including the subcategories of small business concerns identified in subsection (g)(2); and

''(3) reserve 1 or more contract awards for small business concerns under full and open multiple award procurements, including the subcategories of small business concerns identified in subsection (g)(2).''.

SEC. 1332. MICRO-PURCHASE GUIDELINES.

Not later than 1 year after the date of enactment of this Act, the Director of the Office of Management and Budget, in coordination with the Administrator of General Services, shall issue guidelines regarding the analysis of purchase card expenditures to identify opportunities for achieving and accurately measuring fair participation of small business concerns in purchases in an amount not in excess of the micro-purchase threshold, as defined in section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428) (in this section referred to as ''micro-purchases''), consistent with the national policy on small business participation in Federal procurements set forth in sections 2(a) and 15(g) of the Small Business Act (15 U.S.C. 631(a) and 644(g)), and dissemination of best practices for participation of small business concerns in micro-purchases.

SEC. 1333. AGENCY ACCOUNTABILITY.

Section 15(g)(2) of the Small Business Act (15 U.S.C. 644(g)(2)) is amended—

(1) by inserting ''(A)'' after ''(2)'';

(2) by striking ''Goals established'' and inserting the following:

''(B) Goals established'';

(3) by striking ''Whenever'' and inserting the following:

''(C) Whenever'';

(4) by striking ''For the purpose of'' and inserting the following:

''(D) For the purpose of'';

(5) by striking ''The head of each Federal agency, in attempting to attain such participation'' and inserting the following:

''(E) The head of each Federal agency, in attempting to attain the participation described in subparagraph (D)''.

(6) in subparagraph (E), as so designated—

(A) by striking ''(A) contracts'' and inserting ''(i) contracts''; and

(B) by striking ''(B) contracts'' and inserting ''(ii) contracts''; and

(7) by adding at the end the following:

''(F)(i) Each procurement employee or program manager described in clause (ii) shall communicate to the subordinates of the procurement employee or program manager the importance of achieving small business goals.

''(ii) A procurement employee or program manager described in this clause is a senior procurement executive, senior program manager, or Director of Small and Disadvantaged Business Utilization of a Federal agency having contracting authority.''.

SEC. 1334. PAYMENT OF SUBCONTRACTORS.

Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended by adding at the end the following:

''(12) PAYMENT OF SUBCONTRACTORS.—

''(A) DEFINITION.—In this paragraph, the term 'covered contract' means a contract relating to which a prime contractor is required to develop a subcontracting plan under paragraph (4) or (5).

''(B) NOTICE.—

''(i) IN GENERAL.—A prime contractor for a covered contract shall notify in writing the contracting officer for the covered contract if the prime contractor pays a reduced price to a subcontractor for goods and services upon completion of the responsibilities of the subcontractor or the payment to a subcontractor is more than 90 days past due for goods or services provided for the covered contract for which the Federal agency has paid the prime contractor.

''(ii) CONTENTS.—A prime contractor shall include the reason for the reduction in a payment to or failure to pay a subcontractor in any notice made under clause (i).

''(C) PERFORMANCE.—A contracting officer for a covered contract shall consider the unjustified failure by a prime contractor to make a full or timely payment to a subcontractor in evaluating the performance of the prime contractor.

''(D) CONTROL OF FUNDS.—If the contracting officer for a covered contract determines that a prime contractor has a history of unjustified, untimely payments to contractors, the contracting officer shall record the identity of the contractor in accordance with the regulations promulgated under subparagraph (E).

''(E) REGULATIONS.—Not later than 1 year after the date of enactment of this paragraph, the Federal Acquisition Regulatory Council established under section 25(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(a)) shall amend the Federal Acquisition Regulation issued under section 25 of such Act to—

''(i) describe the circumstances under which a contractor may be determined to have a history of unjustified, untimely payments to subcontractors;

''(ii) establish a process for contracting officers to record the identity of a contractor described in clause (i); and

''(iii) require the identity of a contractor described in clause (i) to be incorporated in, and made publicly available through, the Federal Awardee Performance and Integrity Information System, or any successor thereto.''.

SEC. 1335. REPEAL OF SMALL BUSINESS COMPETITIVENESS DEMONSTRATION PROGRAM.

(a) IN GENERAL.—The Business Opportunity Development Reform Act of 1988 (Public Law 100–656) is amended by striking title VII (15 U.S.C. 644 note).

(b) EFFECTIVE DATE AND APPLICABILITY.—The amendment made by this section—

(1) shall take effect on the date of enactment of this Act; and

(2) apply to the first full fiscal year after the date of enactment of this Act.

PART IV—SMALL BUSINESS SIZE AND STATUS INTEGRITY

SEC. 1341. POLICY AND PRESUMPTIONS.

Section 3 of the Small Business Act (15 U.S.C. 632), as amended by section 1311, is amended by adding at the end the following:

''(w) PRESUMPTION.—

''(1) IN GENERAL.—In every contract, subcontract, cooperative agreement, cooperative research and development agreement, or grant which is set aside, reserved, or otherwise classified as intended for award to small business concerns, there shall be a presumption of loss to the United States based on the total amount expended on the contract, subcontract, cooperative agreement, cooperative research and development agreement, or grant whenever it is established that a business concern other than a small business concern willfully sought and received the award by misrepresentation.

''(2) DEEMED CERTIFICATIONS.—The following actions shall be deemed affirmative, willful, and intentional certifications of small business size and status:

''(A) Submission of a bid or proposal for a Federal grant, contract, subcontract, cooperative agreement, or cooperative research and development agreement reserved, set aside, or otherwise classified as intended for award to small business concerns.

''(B) Submission of a bid or proposal for a Federal grant, contract, subcontract, cooperative agreement, or cooperative research and development agreement which in any way encourages a Federal agency to classify the bid or proposal, if awarded, as an award to a small business concern.

''(C) Registration on any Federal electronic database for the purpose of being considered for award of a Federal grant, contract, subcontract, cooperative agreement, or cooperative research agreement, as a small business concern.

''(3) CERTIFICATION BY SIGNATURE OF RESPONSIBLE OFFICIAL.—

''(A) IN GENERAL.—Each solicitation, bid, or application for a Federal contract, subcontract, or grant shall contain a certification concerning the small business size and status of a business concern seeking the Federal contract, subcontract, or grant.

''(B) CONTENT OF CERTIFICATIONS.—A certification that a business concern qualifies as a small business concern of the exact size and status claimed by the business concern for purposes of bidding on a Federal contract or subcontract, or applying for a Federal grant, shall contain the signature of an authorized official on the same page on which the certification is contained.

''(4) REGULATIONS.—The Administrator shall promulgate regulations to provide adequate protections to individuals and business

concerns from liability under this subsection in cases of unintentional errors, technical malfunctions, and other similar situations.''.

SEC. 1342. ANNUAL CERTIFICATION.

Section 3 of the Small Business Act (15 U.S.C. 632), as amended by section 1341, is amended by adding at the end the following:

''(x) ANNUAL CERTIFICATION.—

''(1) IN GENERAL.—Each business certified as a small business concern under this Act shall annually certify its small business size and, if appropriate, its small business status, by means of a confirming entry on the Online Representations and Certifications Application database of the Administration, or any successor thereto.

''(2) REGULATIONS.—Not later than 1 year after the date of enactment of this subsection, the Administrator, in consultation with the Inspector General and the Chief Counsel for Advocacy of the Administration, shall promulgate regulations to ensure that—

''(A) no business concern continues to be certified as a small business concern on the Online Representations and Certifications Application database of the Administration, or any successor thereto, without fulfilling the requirements for annual certification under this subsection; and

''(B) the requirements of this subsection are implemented in a manner presenting the least possible regulatory burden on small business concerns.''.

SEC. 1343. TRAINING FOR CONTRACTING AND ENFORCEMENT PERSONNEL.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Federal Acquisition Institute, in consultation with the Administrator for Federal Procurement Policy, the Defense Acquisition University, and the Administrator, shall develop courses for acquisition personnel concerning proper classification of business concerns and small business size and status for purposes of Federal contracts, subcontracts, grants, cooperative agreements, and cooperative research and development agreements.

(b) POLICY ON PROSECUTIONS OF SMALL BUSINESS SIZE AND STATUS FRAUD.—Section 3 of the Small Business Act (15 U.S.C. 632), as amended by section 1342, is amended by adding at the end the following:

''(y) POLICY ON PROSECUTIONS OF SMALL BUSINESS SIZE AND STATUS FRAUD.—Not later than 1 year after the date of enactment of this subsection, the Administrator, in consultation with the Attorney General, shall issue a Government-wide policy on prosecution of small business size and status fraud, which shall direct Federal agencies to appropriately publicize the policy.''.

SEC. 1344. UPDATED SIZE STANDARDS.

(a) ROLLING REVIEW.—

(1) IN GENERAL.—The Administrator shall—

(A) during the 18-month period beginning on the date of enactment of this Act, and during every 18-month period thereafter, conduct a detailed review of not less than ⅓ of the size standards for small business concerns established under section 3(a)(2) of the Small Business Act (15 U.S.C. 632(a)(2)), which shall include holding not less than 2 public forums located in different geographic regions of the United States;

(B) after completing each review under subparagraph (A) make appropriate adjustments to the size standards established under section 3(a)(2) of the Small Business Act to reflect market conditions;

(C) make publicly available—

(i) information regarding the factors evaluated as part of each review conducted under subparagraph (A); and

(ii) information regarding the criteria used for any revised size standards promulgated under subparagraph (B); and

(D) not later than 30 days after the date on which the Administrator completes each review under subparagraph (A), submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives and make publicly available a report regarding the review, including why the Administrator—

(i) used the factors and criteria described in subparagraph (C); and

(ii) adjusted or did not adjust each size standard that was reviewed under the review.

(2) COMPLETE REVIEW OF SIZE STANDARDS.—The Administrator shall ensure that each size standard for small business concerns established under section 3(a)(2) of the Small Business Act (15 U.S.C. 632(a)(2)) is reviewed under paragraph (1) not less frequently than once every 5 years.

(b) RULES.—Not later than 1 year after the date of enactment of this Act, the Administrator shall promulgate rules for conducting the reviews required under subsection (a).

SEC. 1345. STUDY AND REPORT ON THE MENTOR-PROTEGE PROGRAM.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the mentor-protege program of the Administration for small business concerns participating in programs under section 8(a) of the Small Business Act (15 U.S.C. 637(a)), and other relationships and strategic alliances pairing a larger business and a small business concern partner to gain access to Federal Government contracts, to determine whether the programs and relationships are effectively supporting the goal of increasing the participation of small business concerns in Government contracting.

(b) MATTERS TO BE STUDIED.—The study conducted under this section shall include—

(1) a review of a broad cross-section of industries; and

(2) an evaluation of—

(A) how each Federal agency carrying out a program described in subsection (a) administers and monitors the program;

(B) whether there are systems in place to ensure that the mentor-protege relationship, or similar affiliation, promotes real gain to the protege, and is not just a mechanism to enable participants that would not otherwise qualify under section 8(a) of the Small Business Act (15 U.S.C. 637(a)) to receive contracts under that section; and

(C) the degree to which protege businesses become able to compete for Federal contracts without the assistance of a mentor.

(c) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the results of the study conducted under this section.

SEC. 1346. CONTRACTING GOALS REPORTS.

Section 15(h)(2) of the Small Business Act (15 U.S.C. 644(h)(2)) is amended by striking ''submit them'' and all that follows through ''the following:'' and inserting ''submit to the President and the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives the compilation and analysis, which shall include the following:''.

SEC. 1347. SMALL BUSINESS CONTRACTING PARITY.

(a) DEFINITIONS.—In this section—

(1) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively; and

(2) the terms ''HUBZone small business concern'', ''small business concern'', ''small business concern owned and controlled by service-disabled veterans'', and ''small business concern owned and controlled by women'' have the same meanings as in section 3 of the Small Business Act (15 U.S.C. 632).

(b) CONTRACTING IMPROVEMENTS.—

(1) CONTRACTING OPPORTUNITIES.—Section 31(b)(2)(B) of the Small Business Act (15 U.S.C. 657a(b)(2)(B)) is amended by striking ''shall'' and inserting ''may''.

(2) CONTRACTING GOALS.—Section 15(g)(1) of the Small Business Act (15 U.S.C. 644(g)(1)) is amended in the fourth sentence by inserting ''and subcontract'' after ''not less than 3 percent of the total value of all prime contract''.

(3) MENTOR-PROTEGE PROGRAMS.—The Administrator may establish mentor-protege programs for small business concerns owned and controlled by service-disabled veterans, small business concerns owned and controlled by women, and HUBZone small business concerns modeled on the mentor-protege program of the Administration for small business concerns participating in programs under section 8(a) of the Small Business Act (15 U.S.C. 637(a)).

(c) SMALL BUSINESS CONTRACTING PROGRAMS PARITY.—Section 31(b)(2) of the Small Business Act (15 U.S.C. 657a(b)(2)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''Notwithstanding any other provision of law—'';

(2) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking ''a contracting'' and inserting ''SOLE SOURCE CONTRACTS.—A contracting''; and

(B) in clause (iii), by striking the semicolon at the end and inserting a period;

(3) in subparagraph (B)—

(A) by striking ''a contract opportunity shall'' and inserting ''RESTRICTED COMPETITION.—A contract opportunity may''; and

(B) by striking ''; and'' and inserting a period; and

(4) in subparagraph (C), by striking ''not later'' and inserting ''APPEALS.—Not later''.

Subtitle D—Small Business Management and Counseling Assistance

SEC. 1401. MATCHING REQUIREMENTS UNDER SMALL BUSINESS PROGRAMS.

(a) MICROLOAN PROGRAM.—Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended—

(1) in paragraph (3)(B)—

(A) by striking ''As a condition'' and inserting the following:

''(i) IN GENERAL.—Subject to clause (ii), as a condition'';

(B) by striking ''the Administration'' and inserting ''the Administrator''; and

(C) by adding at the end the following:

''(ii) WAIVER OF NON-FEDERAL SHARE.—

''(I) IN GENERAL.—Upon request by an intermediary, and in accordance with this clause, the Administrator may waive, in whole or in part, the requirement to obtain non-Federal funds under clause (i) for a fiscal year. The Administrator may waive the requirement to obtain non-Federal funds under this clause for successive fiscal years.

''(II) CONSIDERATIONS.—In determining whether to waive the requirement to obtain non-Federal funds under this clause, the Administrator shall consider—

''(aa) the economic conditions affecting the intermediary;

''(bb) the impact a waiver under this clause would have on the credibility of the microloan program under this subsection;

''(cc) the demonstrated ability of the intermediary to raise non-Federal funds; and

''(dd) the performance of the intermediary.

''(III) LIMITATIONS.—

''(aa) IN GENERAL.—The Administrator may not waive the requirement to obtain non-Federal funds under this clause if granting the waiver would undermine the credibility of the microloan program under this subsection.

''(bb) SUNSET.—The Administrator may not waive the requirement to obtain non-Federal funds under this clause for fiscal year 2013 or any fiscal year thereafter.''; and

(2) in paragraph (4)(B)—

(A) by striking ''As a condition'' and all that follows through ''the Administration shall require'' and inserting the following:

''(i) IN GENERAL.—Subject to clause (ii), as a condition of a grant made under subparagraph (A), the Administrator shall require''; and

(B) by adding at the end the following:

''(ii) WAIVER OF NON-FEDERAL SHARE.—

''(I) IN GENERAL.—Upon request by an intermediary, and in accordance with this clause, the Administrator may waive, in whole or in part, the requirement to obtain non-Federal funds under clause (i) for a fiscal year. The Administrator may waive the requirement to obtain non-Federal funds under this clause for successive fiscal years.

''(II) CONSIDERATIONS.—In determining whether to waive the requirement to obtain non-Federal funds under this clause, the Administrator shall consider—

''(aa) the economic conditions affecting the intermediary;

''(bb) the impact a waiver under this clause would have on the credibility of the microloan program under this subsection;

''(cc) the demonstrated ability of the intermediary to raise non-Federal funds; and

''(dd) the performance of the intermediary.

''(III) LIMITATIONS.—

''(aa) IN GENERAL.—The Administrator may not waive the requirement to obtain non-Federal funds under this clause if granting the waiver would undermine the credibility of the microloan program under this subsection.

''(bb) SUNSET.—The Administrator may not waive the requirement to obtain non-Federal funds under this clause for fiscal year 2013 or any fiscal year thereafter.''.

(b) WOMEN'S BUSINESS CENTER PROGRAM.—Section 29(c) of the Small Business Act (15 U.S.C. 656(c)) is amended—

(1) in paragraph (1), by striking ''As a condition'' and inserting ''Subject to paragraph (5), as a condition''; and

(2) by adding at the end the following:

''(5) WAIVER OF NON-FEDERAL SHARE RELATING TO TECHNICAL ASSISTANCE AND COUNSELING.—

''(A) IN GENERAL.—Upon request by a recipient organization, and in accordance with this paragraph, the Administrator may waive, in whole or in part, the requirement to obtain non-Federal funds under this subsection for the technical assistance and counseling activities of the recipient organization carried out using financial assistance under this section for a fiscal year. The Administrator may waive the requirement to obtain non-Federal funds under this paragraph for successive fiscal years.

''(B) CONSIDERATIONS.—In determining whether to waive the requirement to obtain non-Federal funds under this paragraph, the Administrator shall consider—

''(i) the economic conditions affecting the recipient organization;

''(ii) the impact a waiver under this clause would have on the credibility of the women's business center program under this section;

''(iii) the demonstrated ability of the recipient organization to raise non-Federal funds; and

''(iv) the performance of the recipient organization.

''(C) LIMITATIONS.—

''(i) IN GENERAL.—The Administrator may not waive the requirement to obtain non-Federal funds under this paragraph if granting the waiver would undermine the credibility of the women's business center program under this section.

''(ii) SUNSET.—The Administrator may not waive the requirement to obtain non-Federal funds under this paragraph for fiscal year 2013 or any fiscal year thereafter.''.

(c) PROSPECTIVE REPEALS.—Effective October 1, 2012, the Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) in section 7(m) (15 U.S.C. 636(m))—

(A) in paragraph (3)(B)—

(i) by striking ''INTERMEDIARY CONTRIBUTION.—'' and all that follows through ''Subject to clause (ii), as'' and inserting ''INTERMEDIARY CONTRIBUTION.—As''; and

(ii) by striking clause (ii); and

(B) in paragraph (4)(B)—

(i) by striking ''CONTRIBUTION.—'' and all that follows through ''Subject to clause (ii), as'' and inserting ''CONTRIBUTION.—As''; and

(ii) by striking clause (ii); and

(2) in section 29(c) (15 U.S.C. 656(c))—

(A) in paragraph (1), by striking ''Subject to paragraph (5), as'' and inserting ''As''; and

(B) by striking paragraph (5).

SEC. 1402. GRANTS FOR SBDCS.

(a) IN GENERAL.—The Administrator may make grants to small business development centers under section 21 of the Small Business Act (15 U.S.C. 648) to provide targeted technical assistance to small business concerns seeking access to capital or credit, Federal procurement opportunities, energy efficiency audits to reduce energy bills, opportunities to export products or provide services to foreign customers, adopting, making innovations in, and using broadband technologies, or other assistance.

(b) ALLOCATION.—

(1) IN GENERAL.—Subject to paragraph (2), and notwithstanding the requirements of section 21(a)(4)(C)(iii) of the Small Business Act (15 U.S.C. 648(a)(4)(C)(iii)), the amount appropriated to carry out this section shall be allocated under the formula under section 21(a)(4)(C)(i) of that Act.

(2) MINIMUM FUNDING.—The amount made available under this section to each State shall be not less than $325,000.

(3) TYPES OF USES.—Of the total amount of the grants awarded by the Administrator under this section—

(A) not less than 80 percent shall be used for counseling of small business concerns; and

(B) not more than 20 percent may be used for classes or seminars.

(c) NO NON-FEDERAL SHARE REQUIRED.—Notwithstanding section 21(a)(4)(A) of the Small Business Act (15 U.S.C. 648(a)(4)(A)), the recipient of a grant made under this section shall not be required to provide non-Federal matching funds.

(d) DISTRIBUTION.—Not later than 30 days after the date on which amounts are appropriated to carry out this section, the Administrator shall disburse the total amount appropriated.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator $50,000,000 to carry out this section.

Subtitle E—Disaster Loan Improvement

SEC. 1501. AQUACULTURE BUSINESS DISASTER ASSISTANCE.

Section 3 of the Small Business Act (15 U.S.C. 632), as amended by section 1343, is amended by adding at the end the following:

''(z) AQUACULTURE BUSINESS DISASTER ASSISTANCE.—Subject to section 18(a) and notwithstanding section 18(b)(1), the Administrator may provide disaster assistance under section 7(b)(2) to aquaculture enterprises that are small businesses.''.

Subtitle F—Small Business Regulatory Relief

SEC. 1601. REQUIREMENTS PROVIDING FOR MORE DETAILED ANALYSES.

Section 604(a) of title 5, United States Code, is amended—

(1) in paragraph (1), by striking ''succinct'';

(2) in paragraph (2), by striking ''summary'' each place it appears and inserting ''statement'';

(3) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(4) by inserting after paragraph (2) the following:

''(3) the response of the agency to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration in response to the proposed rule, and a detailed statement of any change made to the proposed rule in the final rule as a result of the comments;''.

SEC. 1602. OFFICE OF ADVOCACY.

(a) IN GENERAL.—Section 203 of Public Law 94–305 (15 U.S.C. 634c) is amended—

(1) in paragraph (4), by striking ''and'' at the end;

(2) in paragraph (5), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(6) carry out the responsibilities of the Office of Advocacy under chapter 6 of title 5, United States Code.''.

(b) BUDGETARY LINE ITEM AND AUTHORIZATION OF APPROPRIATIONS.—Title II of Public Law 94–305 (15 U.S.C. 634a et seq.) is amended by striking section 207 and inserting the following:

''SEC. 207. BUDGETARY LINE ITEM AND AUTHORIZATION OF APPROPRIATIONS.

''(a) APPROPRIATION REQUESTS.—Each budget of the United States Government submitted by the President under section 1105 of title 31, United States Code, shall include a separate statement of the amount of appropriations requested for the Office of Advocacy of the Small Business Administration, which shall be designated in a separate account in the General Fund of the Treasury.

''(b) ADMINISTRATIVE OPERATIONS.—The Administrator of the Small Business Administration shall provide the Office of Advocacy with appropriate and adequate office space at central and field office locations, together with such equipment, operating budget, and communications facilities and services as may be necessary, and shall provide necessary maintenance services for such offices and the equipment and facilities located in such offices.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this title. Any amount appropriated under this subsection shall remain available, without fiscal year limitation, until expended.''.

Subtitle G—Appropriations Provisions

SEC. 1701. SALARIES AND EXPENSES.

(a) APPROPRIATION.—There is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010, $150,000,000, to remain available until September 30, 2012, for an additional amount for the appropriations account appropriated under the heading ''SALARIES AND EXPENSES'' under the heading ''SMALL BUSINESS ADMINISTRATION'', of which—

(1) $50,000,000 is for grants to small business development centers authorized under section 1402;

(2) $1,000,000 is for the costs of administering grants authorized under section 1402;

(3) $30,000,000 is for grants to States for fiscal year 2011 to carry out export programs that assist small business concerns authorized under section 1207;

(4) $30,000,000 is for grants to States for fiscal year 2012 to carry out export programs that assist small business concerns authorized under section 1207;

(5) $2,500,000 is for the costs of administering grants authorized under section 1207;

(6) $5,000,000 is for grants for fiscal year 2011 under the Small Business Teaming Pilot Program under section 1314; and

(7) $5,000,000 is for grants for fiscal year 2012 under the Small Business Teaming Pilot Program under section 1314.

(b) REPORT.—Not later than 60 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a detailed expenditure plan for using the funds provided under subsection (a).

SEC. 1702. BUSINESS LOANS PROGRAM ACCOUNT.

(a) IN GENERAL.—There is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010, for an additional amount for the appropriations account appropriated under the heading ''BUSINESS LOANS PROGRAM ACCOUNT'' under the heading ''SMALL BUSINESS ADMINISTRATION''—

(1) $8,000,000, to remain available until September 30, 2012, for fiscal year 2011 for the cost of direct loans authorized under section 7(l) of the Small Business Act, as added by section 1131 of this title, including the cost of modifying the loans;

(2) $8,000,000, to remain available until September 30, 2012, for fiscal year 2012 for the cost of direct loans authorized under section 7(l) of the Small Business Act, as added by section 1131 of this title, including the cost of modifying the loans;

(3) $6,500,000, to remain available until September 30, 2012, for administrative expenses to carry out the direct loan program authorized under section 7(l) of the Small Business Act, as added by section 1131 of this title, which may be transferred to and merged with the appropriations account appropriated under the heading ''SALARIES AND EXPENSES'' under the heading ''SMALL BUSINESS ADMINISTRATION''; and

(4) $15,000,000, to remain available until September 30, 2011, for the cost of guaranteed loans as authorized under section 7(a) of the Small Business Act, including the cost of modifying the loans.

(b) DEFINITION.—In this section, the term ''cost'' has the meaning given that term in section 502 of the Congressional Budget Act of 1974.

SEC. 1703. COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND PROGRAM ACCOUNT.

There is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010, for an additional amount for the appropriations account appropriated under the heading ''COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND PROGRAM ACCOUNT'' under the heading ''DEPARTMENT OF THE TREASURY'', $13,500,000, to remain available until September 30, 2012, for the costs of administering guarantees for bonds and notes as authorized under section 114A of the Riegle Community Development and Regulatory Improvement Act of 1994, as added by section 1134 of this Act.

SEC. 1704. SMALL BUSINESS LOAN GUARANTEE ENHANCEMENT EXTENSIONS.

(a) EXTENSION OF PROGRAMS.—

(1) IN GENERAL.—There is appropriated, out of any funds in the Treasury not otherwise appropriated, for an additional amount for ''Small Business Administration—Business Loans Program Account'', $505,000,000, to remain available through December 31, 2010, for the cost of—

(A) fee reductions and eliminations under section 501 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 151), as amended by this Act; and

(B) loan guarantees under section 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 152), as amended by this Act.

(2) COST.—For purposes of this subsection, the term ''cost'' has the same meaning as in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).

(b) ADMINISTRATIVE EXPENSES.—There is appropriated for an additional amount, out of any funds in the Treasury not otherwise appropriated, for administrative expenses to carry out sections 501 and 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), $5,000,000, to remain available until expended, which may be transferred and merged with the appropriation for ''Small Business Administration—Salaries and Expenses''.

TITLE II—TAX PROVISIONS

SEC. 2001. SHORT TITLE.

This title may be cited as the ''Creating Small Business Jobs Act of 2010''.

Subtitle A—Small Business Relief

PART I—PROVIDING ACCESS TO CAPITAL

SEC. 2011. TEMPORARY EXCLUSION OF 100 PERCENT OF GAIN ON CERTAIN SMALL BUSINESS STOCK.

(a) IN GENERAL.—Subsection (a) of section 1202 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(4) 100 PERCENT EXCLUSION FOR STOCK ACQUIRED DURING CERTAIN PERIODS IN 2010.—In the case of qualified small business stock acquired after the date of the enactment of the Creating Small Business Jobs Act of 2010 and before January 1, 2011—

''(A) paragraph (1) shall be applied by substituting '100 percent' for '50 percent',

''(B) paragraph (2) shall not apply, and

''(C) paragraph (7) of section 57(a) shall not apply.''.

(b) CONFORMING AMENDMENT.—Paragraph (3) of section 1202(a) of the Internal Revenue Code of 1986 is amended—

(1) by inserting ''CERTAIN PERIODS IN'' before ''2010'' in the heading, and

(2) by striking ''before January 1, 2011'' and inserting ''on or before the date of the enactment of the Creating Small Business Jobs Act of 2010''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to stock acquired after the date of the enactment of this Act.

SEC. 2012. GENERAL BUSINESS CREDITS OF ELIGIBLE SMALL BUSINESSES FOR 2010 CARRIED BACK 5 YEARS.

(a) IN GENERAL.—Section 39(a) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(4) 5-YEAR CARRYBACK FOR ELIGIBLE SMALL BUSINESS CREDITS.—

''(A) IN GENERAL.—Notwithstanding subsection (d), in the case of eligible small business credits determined in the first taxable year of the taxpayer beginning in 2010—

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

''(ii) paragraph (2) shall be applied—

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

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

''(B) ELIGIBLE SMALL BUSINESS CREDITS.—For purposes of this subsection, the term 'eligible small business credits' has the meaning given such term by section 38(c)(5)(B).''.

(b) CONFORMING AMENDMENT.—Section 39(a)(3)(A) of the Internal Revenue Code of 1986 is amended by inserting ''or the eligible small business credits'' after ''credit)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to credits determined in taxable years beginning after December 31, 2009.

SEC. 2013. GENERAL BUSINESS CREDITS OF ELIGIBLE SMALL BUSINESSES IN 2010 NOT SUBJECT TO ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Section 38(c) of the Internal Revenue Code of 1986 is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

''(5) SPECIAL RULES FOR ELIGIBLE SMALL BUSINESS CREDITS IN 2010.—

''(A) IN GENERAL.—In the case of eligible small business credits determined in taxable years beginning in 2010—

''(i) this section and section 39 shall be applied separately with respect to such credits, and

''(ii) in applying paragraph (1) to such credits—

''(I) the tentative minimum tax shall be treated as being zero, and

''(II) the limitation under paragraph (1) (as modified by subclause (I)) shall be reduced by the credit allowed under subsection (a) for the taxable year (other than the eligible small business credits).

''(B) ELIGIBLE SMALL BUSINESS CREDITS.—For purposes of this subsection, the term 'eligible small business credits' means the sum of the credits listed in subsection (b) which are determined for the taxable year with respect to an eligible small business. Such credits shall not be taken into account under paragraph (2), (3), or (4).

''(C) ELIGIBLE SMALL BUSINESS.—For purposes of this subsection, the term 'eligible small business' means, with respect to any taxable year—

''(i) a corporation the stock of which is not publicly traded,

''(ii) a partnership, or

''(iii) a sole proprietorship,

if the average annual gross receipts of such corporation, partnership, or sole proprietorship for the 3-taxable-year period preceding such taxable year does not exceed $50,000,000. For purposes of applying the test under the preceding sentence, rules similar to the rules of paragraphs (2) and (3) of section 448(c) shall apply.

''(D) TREATMENT OF PARTNERS AND S CORPORATION SHAREHOLDERS.—Credits determined with respect to a partnership or S corporation shall not be treated as eligible small business credits by any partner or shareholder unless such partner or shareholder meets the gross receipts test under subparagraph (C) for the taxable year in which such credits are treated as current year business credits.''.

(b) TECHNICAL AMENDMENT.—Section 55(e)(5) of the Internal Revenue Code of 1986 is amended by striking ''38(c)(3)(B)'' and inserting ''38(c)(6)(B)''.

(c) CONFORMING AMENDMENTS.—

(1) Subclause (II) of section 38(c)(2)(A)(ii) of the Internal Revenue Code of 1986 is amended by inserting ''the eligible small business credits,'' after ''the New York Liberty Zone business employee credit,''.

(2) Subclause (II) of section 38(c)(3)(A)(ii) of such Code is amended by inserting '', the eligible small business credits,'' after ''the New York Liberty Zone business employee credit''.

(3) Subclause (II) of section 38(c)(4)(A)(ii) of such Code is amended by inserting ''the eligible small business credits and'' before ''the specified credits''.

(d) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to credits determined in taxable years beginning after December 31, 2009, and to carrybacks of such credits.

SEC. 2014. TEMPORARY REDUCTION IN RECOGNITION PERIOD FOR BUILT-IN GAINS TAX.

(a) IN GENERAL.—Subparagraph (B) of section 1374(d)(7) of the Internal Revenue Code of 1986 is amended to read as follows:

''(B) SPECIAL RULES FOR 2009, 2010, AND 2011.—No tax shall be imposed on the net recognized built-in gain of an S corporation—

''(i) in the case of any taxable year beginning in 2009 or 2010, if the 7th taxable year in the recognition period preceded such taxable year, or

''(ii) in the case of any taxable year beginning in 2011, if the 5th year in the recognition period preceded such taxable year.

The preceding sentence shall be applied separately with respect to any asset to which paragraph (8) applies.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2010.

PART II—ENCOURAGING INVESTMENT

SEC. 2021. INCREASED EXPENSING LIMITATIONS FOR 2010 AND 2011; CERTAIN REAL PROPERTY TREATED AS SECTION 179 PROPERTY.

(a) INCREASED LIMITATIONS.—Subsection (b) of section 179 of the Internal Revenue Code of 1986 is amended—

(1) by striking ''shall not exceed'' and all that follows in paragraph (1) and inserting ''shall not exceed—

''(A) $250,000 in the case of taxable years beginning after 2007 and before 2010,

''(B) $500,000 in the case of taxable years beginning in 2010 or 2011, and

''(C) $25,000 in the case of taxable years beginning after 2011.'', and

(2) by striking ''exceeds'' and all that follows in paragraph (2) and inserting ''exceeds—

''(A) $800,000 in the case of taxable years beginning after 2007 and before 2010,

''(B) $2,000,000 in the case of taxable years beginning in 2010 or 2011, and

''(C) $200,000 in the case of taxable years beginning after 2011.''.

(b) INCLUSION OF CERTAIN REAL PROPERTY.—Section 179 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(f) SPECIAL RULES FOR QUALIFIED REAL PROPERTY.—

''(1) IN GENERAL.—If a taxpayer elects the application of this subsection for any taxable year beginning in 2010 or 2011, the term 'section 179 property' shall include any qualified real property which is—

''(A) of a character subject to an allowance for depreciation,

''(B) acquired by purchase for use in the active conduct of a trade or business, and

''(C) not described in the last sentence of subsection (d)(1).

''(2) QUALIFIED REAL PROPERTY.—For purposes of this subsection, the term 'qualified real property' means—

''(A) qualified leasehold improvement property described in section 168(e)(6),

''(B) qualified restaurant property described in section 168(e)(7) (without regard to the dates specified in subparagraph (A)(i) thereof), and

''(C) qualified retail improvement property described in section 168(e)(8) (without regard to subparagraph (E) thereof).

''(3) LIMITATION.—For purposes of applying the limitation under subsection (b)(1)(B), not more than $250,000 of the aggregate cost which is taken into account under subsection (a) for any taxable year may be attributable to qualified real property.

''(4) CARRYOVER LIMITATION.—

''(A) IN GENERAL.—Notwithstanding subsection (b)(3)(B), no amount attributable to qualified real property may be carried over to a taxable year beginning after 2011.

''(B) TREATMENT OF DISALLOWED AMOUNTS.—Except as provided in subparagraph (C), to the extent that any amount is not allowed to be carried over to a taxable year beginning after 2011 by reason of subparagraph (A), this title shall be applied as if no election under this section had been made with respect to such amount.

''(C) AMOUNTS CARRIED OVER FROM 2010.—If subparagraph (B) applies to any amount (or portion of an amount) which is carried over from a taxable year other than the taxpayer's last taxable year beginning in 2011, such amount (or portion of an amount) shall be treated for purposes of this title as attributable to property placed in service on the first day of the taxpayer's last taxable year beginning in 2011.

''(D) ALLOCATION OF AMOUNTS.—For purposes of applying this paragraph and subsection (b)(3)(B) to any taxable year, the amount which is disallowed under subsection (b)(3)(A) for such taxable year which is attributed to qualified real property shall be the amount which bears the same ratio to the total amount so disallowed as—

''(i) the aggregate amount attributable to qualified real property placed in service during such taxable year, increased by the portion of any amount carried over to such taxable year from a prior taxable year which is attributable to such property, bears to

''(ii) the total amount of section 179 property placed in service during such taxable year, increased by the aggregate amount carried over to such taxable year from any prior taxable year.

For purposes of the preceding sentence, only section 179 property with respect to which an election was made under subsection (c)(1) (determined without regard to subparagraph (B) of this paragraph) shall be taken into account.''.

(c) REVOCABILITY OF ELECTION.—Paragraph (2) of section 179(c) of the Internal Revenue Code of 1986 is amended by striking ''2011'' and inserting ''2012''.

(d) COMPUTER SOFTWARE TREATED AS 179 PROPERTY.—Clause (ii) of section 179(d)(1)(A) is amended by striking ''2011'' and inserting ''2012''.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to property placed in service after December 31, 2009, in taxable years beginning after such date.

(2) EXTENSIONS.—The amendments made by subsections (c) and (d) shall apply to taxable years beginning after December 31, 2010.

SEC. 2022. ADDITIONAL FIRST-YEAR DEPRECIATION FOR 50 PERCENT OF THE BASIS OF CERTAIN QUALIFIED PROPERTY.

(a) IN GENERAL.—Paragraph (2) of section 168(k) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''January 1, 2011'' in subparagraph (A)(iv) and inserting ''January 1, 2012'', and

(2) by striking ''January 1, 2010'' each place it appears and inserting ''January 1, 2011''.

(b) CONFORMING AMENDMENTS.—

(1) The heading for subsection (k) of section 168 of the Internal Revenue Code of 1986 is amended by striking ''JANUARY 1, 2010'' and inserting ''JANUARY 1, 2011''.

(2) The heading for clause (ii) of section 168(k)(2)(B) of such Code is amended by striking ''PRE-JANUARY 1, 2010'' and inserting ''PRE-JANUARY 1, 2011''.

(3) Subparagraph (D) of section 168(k)(4) of such Code is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting a comma, and by adding at the end the following new clauses:

''(iv) 'January 1, 2011' shall be substituted for 'January 1, 2012' in subparagraph (A)(iv) thereof, and

''(v) 'January 1, 2010' shall be substituted for 'January 1, 2011' each place it appears in subparagraph (A) thereof.''.

(4) Subparagraph (B) of section 168(l)(5) of such Code is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(5) Subparagraph (C) of section 168(n)(2) of such Code is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(6) Subparagraph (D) of section 1400L(b)(2) of such Code is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(7) Subparagraph (B) of section 1400N(d)(3) of such Code is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2009, in taxable years ending after such date.

SEC. 2023. SPECIAL RULE FOR LONG-TERM CONTRACT ACCOUNTING.

(a) IN GENERAL.—Section 460(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(6) SPECIAL RULE FOR ALLOCATION OF BONUS DEPRECIATION WITH RESPECT TO CERTAIN PROPERTY.—

''(A) IN GENERAL.—Solely for purposes of determining the percentage of completion under subsection (b)(1)(A), the cost of qualified property shall be taken into account as a cost allocated to the contract as if subsection (k) of section 168 had not been enacted.

''(B) QUALIFIED PROPERTY.—For purposes of this paragraph, the term 'qualified property' means property described in section 168(k)(2) which—

''(i) has a recovery period of 7 years or less, and

''(ii) is placed in service after December 31, 2009, and before January 1, 2011 (January 1, 2012, in the case of property described in section 168(k)(2)(B)).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

PART III—PROMOTING ENTREPRENEURSHIP

SEC. 2031. INCREASE IN AMOUNT ALLOWED AS DEDUCTION FOR START-UP EXPENDITURES IN 2010.

(a) START-UP EXPENDITURES.—Subsection (b) of section 195 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(3) SPECIAL RULE FOR TAXABLE YEARS BEGINNING IN 2010.—In the case of a taxable year beginning in 2010, paragraph (1)(A)(ii) shall be applied—

''(A) by substituting '$10,000' for '$5,000', and

''(B) by substituting '$60,000' for '$50,000'.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2009.

SEC. 2032. AUTHORIZATION OF APPROPRIATIONS FOR THE UNITED STATES TRADE REPRESENTATIVE TO DEVELOP MARKET ACCESS OPPORTUNITIES FOR UNITED STATES SMALL- AND MEDIUM-SIZED BUSINESSES AND TO ENFORCE TRADE AGREEMENTS.

(a) IN GENERAL.—There are authorized to be appropriated to the Office of the United States Trade Representative $5,230,000, to remain available until expended, for—

(1) analyzing and developing opportunities for businesses in the United States to access the markets of foreign countries; and

(2) enforcing trade agreements to which the United States is a party.

(b) REQUIREMENTS.—In obligating and expending the funds authorized to be appropriated under subsection (a), the United States Trade Representative shall—

(1) give preference to those initiatives that the United States Trade Representative determines will create or sustain the greatest number of jobs in the United States or result in the greatest benefit to the economy of the United States; and

(2) consider the needs of small- and medium-sized businesses in the United States with respect to—

(A) accessing the markets of foreign countries; and

(B) the enforcement of trade agreements to which the United States is a party.

PART IV—PROMOTING SMALL BUSINESS FAIRNESS

SEC. 2041. LIMITATION ON PENALTY FOR FAILURE TO DISCLOSE REPORTABLE TRANSACTIONS BASED ON RESULTING TAX BENEFITS.

(a) IN GENERAL.—Subsection (b) of section 6707A of the Internal Revenue Code of 1986 is amended to read as follows:

''(b) AMOUNT OF PENALTY.—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, the amount of the penalty under subsection (a) with respect to any reportable transaction shall be 75 percent of the decrease in tax shown on the return as a result of such transaction (or which would have resulted from such transaction if such transaction were respected for Federal tax purposes).

''(2) MAXIMUM PENALTY.—The amount of the penalty under subsection (a) with respect to any reportable transaction shall not exceed—

''(A) in the case of a listed transaction, $200,000 ($100,000 in the case of a natural person), or

''(B) in the case of any other reportable transaction, $50,000 ($10,000 in the case of a natural person).

''(3) MINIMUM PENALTY.—The amount of the penalty under subsection (a) with respect to any transaction shall not be less than $10,000 ($5,000 in the case of a natural person).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to penalties assessed after December 31, 2006.

SEC. 2042. DEDUCTION FOR HEALTH INSURANCE COSTS IN COMPUTING SELF-EMPLOYMENT TAXES IN 2010.

(a) IN GENERAL.—Paragraph (4) of section 162(l) of the Internal Revenue Code of 1986 is amended by inserting ''for taxable years beginning before January 1, 2010, or after December 31, 2010'' before the period.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 2043. REMOVAL OF CELLULAR TELEPHONES AND SIMILAR TELECOMMUNICATIONS EQUIPMENT FROM LISTED PROPERTY.

(a) IN GENERAL.—Subparagraph (A) of section 280F(d)(4) of the Internal Revenue Code of 1986 (defining listed property) is amended by adding ''and'' at the end of clause (iv), by striking clause (v), and by redesignating clause (vi) as clause (v).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

Subtitle B—Revenue Provisions

PART I—REDUCING THE TAX GAP

SEC. 2101. INFORMATION REPORTING FOR RENTAL PROPERTY EXPENSE PAYMENTS.

(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, is amended by redesignating subsections (h) and (i) as subsections (i) and (j), respectively, and by inserting after subsection (g) the following new subsection:

''(h) TREATMENT OF RENTAL PROPERTY EXPENSE PAYMENTS.—

''(1) IN GENERAL.—Solely for purposes of subsection (a) and except as provided in paragraph (2), a person receiving rental income from real estate shall be considered to be engaged in a trade or business of renting property.

''(2) EXCEPTIONS.—Paragraph (1) shall not apply to—

''(A) any individual, including any individual who is an active member of the uniformed services or an employee of the intelligence community (as defined in section 121(d)(9)(C)(iv)), if substantially all rental income is derived from renting the principal residence (within the meaning of section 121) of such individual on a temporary basis,

''(B) any individual who receives rental income of not more than the minimal amount, as determined under regulations prescribed by the Secretary, and

''(C) any other individual for whom the requirements of this section would cause hardship, as determined under regulations prescribed by the Secretary.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to payments made after December 31, 2010.

SEC. 2102. INCREASE IN INFORMATION RETURN PENALTIES.

(a) FAILURE TO FILE CORRECT INFORMATION RETURNS.—

(1) IN GENERAL.—Subsections (a)(1), (b)(1)(A), and (b)(2)(A) of section 6721 of the Internal Revenue Code of 1986 are each amended by striking ''$50'' and inserting ''$100''.

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (a)(1), (d)(1)(A), and (e)(3)(A) of section 6721 of such Code are each amended by striking ''$250,000'' and inserting ''$1,500,000''.

(b) REDUCTION WHERE CORRECTION WITHIN 30 DAYS.—

(1) IN GENERAL.—Subparagraph (A) of section 6721(b)(1) of the Internal Revenue Code of 1986 is amended by striking ''$15'' and inserting ''$30''.

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (b)(1)(B) and (d)(1)(B) of section 6721 of such Code are each amended by striking ''$75,000'' and inserting ''$250,000''.

(c) REDUCTION WHERE CORRECTION ON OR BEFORE AUGUST 1.—

(1) IN GENERAL.—Subparagraph (A) of section 6721(b)(2) of the Internal Revenue Code of 1986 is amended by striking ''$30'' and inserting ''$60''.

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (b)(2)(B) and (d)(1)(C) of section 6721 of such Code are each amended by striking ''$150,000'' and inserting ''$500,000''.

(d) AGGREGATE ANNUAL LIMITATIONS FOR PERSONS WITH GROSS RECEIPTS OF NOT MORE THAN $5,000,000.—

(1) IN GENERAL.—Paragraph (1) of section 6721(d) of the Internal Revenue Code of 1986 is amended—

(A) by striking ''$100,000'' in subparagraph (A) and inserting ''$500,000'',

(B) by striking ''$25,000'' in subparagraph (B) and inserting ''$75,000'', and

(C) by striking ''$50,000'' in subparagraph (C) and inserting ''$200,000''.

(2) TECHNICAL AMENDMENT.—Paragraph (1) of section 6721(d) of such Code is amended by striking ''such taxable year'' and inserting ''such calendar year''.

(e) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Paragraph (2) of section 6721(e) of the Internal Revenue Code of 1986 is amended by striking ''$100'' and inserting ''$250''.

(f) ADJUSTMENT FOR INFLATION.—Section 6721 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(f) ADJUSTMENT FOR INFLATION.—

''(1) IN GENERAL.—For each fifth calendar year beginning after 2012, each of the dollar amounts under subsections (a), (b), (d) (other than paragraph (2)(A) thereof), and (e) shall be increased by such dollar amount multiplied by the cost-of-living adjustment determined under section 1(f)(3) determined by substituting 'calendar year 2011' for 'calendar year 1992' in subparagraph (B) thereof.

''(2) ROUNDING.—If any amount adjusted under paragraph (1)—

''(A) is not less than $75,000 and is not a multiple of $500, such amount shall be rounded to the next lowest multiple of $500, and

''(B) is not described in subparagraph (A) and is not a multiple of $10, such amount shall be rounded to the next lowest multiple of $10.''.

(g) FAILURE TO FURNISH CORRECT PAYEE STATEMENTS.—Section 6722 of the Internal Revenue Code of 1986 is amended to read as follows:

''SEC. 6722. FAILURE TO FURNISH CORRECT PAYEE STATEMENTS.

''(a) IMPOSITION OF PENALTY.—

''(1) GENERAL RULE.—In the case of each failure described in paragraph (2) by any person with respect to a payee statement, such person shall pay a penalty of $100 for each statement with respect to which such a failure occurs, but the total amount imposed on such person for all such failures during any calendar year shall not exceed $1,500,000.

''(2) FAILURES SUBJECT TO PENALTY.—For purposes of paragraph (1), the failures described in this paragraph are—

''(A) any failure to furnish a payee statement on or before the date prescribed therefor to the person to whom such statement is required to be furnished, and

''(B) any failure to include all of the information required to be shown on a payee statement or the inclusion of incorrect information.

''(b) REDUCTION WHERE CORRECTION IN SPECIFIED PERIOD.—

''(1) CORRECTION WITHIN 30 DAYS.—If any failure described in subsection (a)(2) is corrected on or before the day 30 days after the required filing date—

''(A) the penalty imposed by subsection (a) shall be $30 in lieu of $100, and

''(B) the total amount imposed on the person for all such failures during any calendar year which are so corrected shall not exceed $250,000.

''(2) FAILURES CORRECTED ON OR BEFORE AUGUST 1.—If any failure described in subsection (a)(2) is corrected after the 30th day referred to in paragraph (1) but on or before August 1 of the calendar year in which the required filing date occurs—

''(A) the penalty imposed by subsection (a) shall be $60 in lieu of $100, and

''(B) the total amount imposed on the person for all such failures during the calendar year which are so corrected shall not exceed $500,000.

''(c) EXCEPTION FOR DE MINIMIS FAILURES.—

''(1) IN GENERAL.—If—

''(A) a payee statement is furnished to the person to whom such statement is required to be furnished,

''(B) there is a failure described in subsection (a)(2)(B) (determined after the application of section 6724(a)) with respect to such statement, and

''(C) such failure is corrected on or before August 1 of the calendar year in which the required filing date occurs,

for purposes of this section, such statement shall be treated as having been furnished with all of the correct required information.

''(2) LIMITATION.—The number of payee statements to which paragraph (1) applies for any calendar year shall not exceed the greater of—

''(A) 10, or

''(B) one-half of 1 percent of the total number of payee statements required to be filed by the person during the calendar year.

''(d) LOWER LIMITATIONS FOR PERSONS WITH GROSS RECEIPTS OF NOT MORE THAN $5,000,000.—

''(1) IN GENERAL.—If any person meets the gross receipts test of paragraph (2) with respect to any calendar year, with respect to failures during such calendar year—

''(A) subsection (a)(1) shall be applied by substituting '$500,000' for '$1,500,000',

''(B) subsection (b)(1)(B) shall be applied by substituting '$75,000' for '$250,000', and

''(C) subsection (b)(2)(B) shall be applied by substituting '$200,000' for '$500,000'.

''(2) GROSS RECEIPTS TEST.—A person meets the gross receipts test of this paragraph if such person meets the gross receipts test of section 6721(d)(2).

''(e) PENALTY IN CASE OF INTENTIONAL DISREGARD.—If 1 or more failures to which subsection (a) applies are due to intentional disregard of the requirement to furnish a payee statement (or the correct information reporting requirement), then, with respect to each such failure—

''(1) subsections (b), (c), and (d) shall not apply,

''(2) the penalty imposed under subsection (a)(1) shall be $250, or, if greater—

''(A) in the case of a payee statement other than a statement required under section 6045(b), 6041A(e) (in respect of a return required under section 6041A(b)), 6050H(d), 6050J(e), 6050K(b), or 6050L(c), 10 percent of the aggregate amount of the items required to be reported correctly, or

''(B) in the case of a payee statement required under section 6045(b), 6050K(b), or 6050L(c), 5 percent of the aggregate amount of the items required to be reported correctly, and

''(3) in the case of any penalty determined under paragraph (2)—

''(A) the $1,500,000 limitation under subsection (a) shall not apply, and

''(B) such penalty shall not be taken into account in applying such limitation to penalties not determined under paragraph (2).

''(f) ADJUSTMENT FOR INFLATION.—

''(1) IN GENERAL.—For each fifth calendar year beginning after 2012, each of the dollar amounts under subsections (a), (b), (d)(1), and (e) shall be increased by such dollar amount multiplied by the cost-of-living adjustment determined under section 1(f)(3) determined by substituting 'calendar year 2011' for 'calendar year 1992' in subparagraph (B) thereof.

''(2) ROUNDING.—If any amount adjusted under paragraph (1)—

''(A) is not less than $75,000 and is not a multiple of $500, such amount shall be rounded to the next lowest multiple of $500, and

''(B) is not described in subparagraph (A) and is not a multiple of $10, such amount shall be rounded to the next lowest multiple of $10.''.

(h) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to information returns required to be filed on or after January 1, 2011.

SEC. 2103. REPORT ON TAX SHELTER PENALTIES AND CERTAIN OTHER ENFORCEMENT ACTIONS.

(a) IN GENERAL.—The Commissioner of Internal Revenue, in consultation with the Secretary of the Treasury, shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate an annual report on the penalties assessed by the Internal Revenue Service during the preceding year under each of the following provisions of the Internal Revenue Code of 1986:

(1) Section 6662A (relating to accuracy-related penalty on understatements with respect to reportable transactions).

(2) Section 6700(a) (relating to promoting abusive tax shelters).

(3) Section 6707 (relating to failure to furnish information regarding reportable transactions).

(4) Section 6707A (relating to failure to include reportable transaction information with return).

(5) Section 6708 (relating to failure to maintain lists of advisees with respect to reportable transactions).

(b) ADDITIONAL INFORMATION.—The report required under subsection (a) shall also include information on the following with respect to each year:

(1) Any action taken under section 330(b) of title 31, United States Code, with respect to any reportable transaction (as defined in section 6707A(c) of the Internal Revenue Code of 1986).

(2) Any extension of the time for assessment of tax enforced, or assessment of any amount under such an extension, under paragraph (10) of section 6501(c) of the Internal Revenue Code of 1986.

(c) DATE OF REPORT.—The first report required under subsection (a) shall be submitted not later than December 31, 2010.

SEC. 2104. APPLICATION OF CONTINUOUS LEVY TO TAX LIABILITIES OF CERTAIN FEDERAL CONTRACTORS.

(a) IN GENERAL.—Subsection (f) of section 6330 of the Internal Revenue Code of 1986 is amended by striking ''or'' at the end of paragraph (2), by inserting ''or'' at the end of paragraph (3), and by inserting after paragraph (3) the following new paragraph:

''(4) the Secretary has served a Federal contractor levy,''.

(b) FEDERAL CONTRACTOR LEVY.—Subsection (h) of section 6330 of the Internal Revenue Code of 1986 is amended—

(1) by striking all that precedes ''any levy in connection with the collection'' and inserting the following:

''(h) DEFINITIONS RELATED TO EXCEPTIONS.—For purposes of subsection (f)—

''(1) DISQUALIFIED EMPLOYMENT TAX LEVY.—A disqualified employment tax levy is''; and

(2) by adding at the end the following new paragraph:

''(2) FEDERAL CONTRACTOR LEVY.—A Federal contractor levy is any levy if the person whose property is subject to the levy (or any predecessor thereof) is a Federal contractor.''.

(c) CONFORMING AMENDMENT.—The heading of subsection (f) of section 6330 of the Internal Revenue Code of 1986 is amended by striking ''JEOPARDY AND STATE REFUND COLLECTION'' and inserting ''EXCEPTIONS''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to levies issued after the date of the enactment of this Act.

PART II—PROMOTING RETIREMENT PREPARATION

SEC. 2111. PARTICIPANTS IN GOVERNMENT SECTION 457 PLANS ALLOWED TO TREAT ELECTIVE DEFERRALS AS ROTH CONTRIBUTIONS.

(a) IN GENERAL.—Section 402A(e)(1) of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following:

''(C) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).''.

(b) ELECTIVE DEFERRALS.—Section 402A(e)(2) of the Internal Revenue Code of 1986 is amended to read as follows:

''(2) ELECTIVE DEFERRAL.—The term 'elective deferral' means—

''(A) any elective deferral described in subparagraph (A) or (C) of section 402(g)(3), and

''(B) any elective deferral of compensation by an individual under an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

SEC. 2112. ROLLOVERS FROM ELECTIVE DEFERRAL PLANS TO DESIGNATED ROTH ACCOUNTS.

(a) IN GENERAL.—Section 402A(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(4) TAXABLE ROLLOVERS TO DESIGNATED ROTH ACCOUNTS.—

''(A) IN GENERAL.—Notwithstanding sections 402(c), 403(b)(8), and 457(e)(16), in the case of any distribution to which this paragraph applies—

''(i) there shall be included in gross income any amount which would be includible were it not part of a qualified rollover contribution,

''(ii) section 72(t) shall not apply, and

''(iii) unless the taxpayer elects not to have this clause apply, any amount required to be included in gross income for any taxable year beginning in 2010 by reason of this paragraph shall be so included ratably over the 2-taxable-year period beginning with the first taxable year beginning in 2011.

Any election under clause (iii) for any distributions during a taxable year may not be changed after the due date for such taxable year.

''(B) DISTRIBUTIONS TO WHICH PARAGRAPH APPLIES.—In the case of an applicable retirement plan which includes a qualified Roth contribution program, this paragraph shall apply to a distribution from such plan other than from a designated Roth account which is contributed in a qualified rollover contribution (within the meaning of section 408A(e)) to the designated Roth account maintained under such plan for the benefit of the individual to whom the distribution is made.

''(C) COORDINATION WITH LIMIT.—Any distribution to which this paragraph applies shall not be taken into account for purposes of paragraph (1).

''(D) OTHER RULES.—The rules of subparagraphs (D), (E), and (F) of section 408A(d)(3) (as in effect for taxable years beginning after 2009) shall apply for purposes of this paragraph.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after the date of the enactment of this Act.

SEC. 2113. SPECIAL RULES FOR ANNUITIES RECEIVED FROM ONLY A PORTION OF A CONTRACT.

(a) IN GENERAL.—Subsection (a) of section 72 of the Internal Revenue Code of 1986 is amended to read as follows:

''(a) GENERAL RULES FOR ANNUITIES.—

''(1) INCOME INCLUSION.—Except as otherwise provided in this chapter, gross income includes any amount received as an annuity (whether for a period certain or during one or more lives) under an annuity, endowment, or life insurance contract.

''(2) PARTIAL ANNUITIZATION.—If any amount is received as an annuity for a period of 10 years or more or during one or more lives under any portion of an annuity, endowment, or life insurance contract—

''(A) such portion shall be treated as a separate contract for purposes of this section,

''(B) for purposes of applying subsections (b), (c), and (e), the investment in the contract shall be allocated pro rata between each portion of the contract from which amounts are received as an annuity and the portion of the contract from which amounts are not received as an annuity, and

''(C) a separate annuity starting date under subsection (c)(4) shall be determined with respect to each portion of the contract from which amounts are received as an annuity.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts received in taxable years beginning after December 31, 2010.

PART III—CLOSING UNINTENDED LOOPHOLES

SEC. 2121. CRUDE TALL OIL INELIGIBLE FOR CELLULOSIC BIOFUEL PRODUCER CREDIT.

(a) IN GENERAL.—Clause (iii) of section 40(b)(6)(E) of the Internal Revenue Code of 1986, as added by the Health Care and Education Reconciliation Act of 2010, is amended—

(1) by striking ''or'' at the end of subclause (I),

(2) by striking the period at the end of subclause (II) and inserting '', or'',

(3) by adding at the end the following new subclause:

''(III) such fuel has an acid number greater than 25.'', and

(4) by striking ''UNPROCESSED'' in the heading and inserting ''CERTAIN''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to fuels sold or used on or after January 1, 2010.

SEC. 2122. SOURCE RULES FOR INCOME ON GUARANTEES.

(a) AMOUNTS SOURCED WITHIN THE UNITED STATES.—Subsection (a) of section 861 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(9) GUARANTEES.—Amounts received, directly or indirectly, from—

''(A) a noncorporate resident or domestic corporation for the provision of a guarantee of any indebtedness of such resident or corporation, or

''(B) any foreign person for the provision of a guarantee of any indebtedness of such person, if such amount is connected with income which is effectively connected (or treated as effectively connected) with the conduct of a trade or business in the United States.''.

(b) AMOUNTS SOURCED WITHOUT THE UNITED STATES.—Subsection (a) of section 862 of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of paragraph (7), by striking the period at the end of paragraph (8) and inserting ''; and'', and by adding at the end the following new paragraph:

''(9) amounts received, directly or indirectly, from a foreign person for the provision of a guarantee of indebtedness of such person other than amounts which are derived from sources within the United States as provided in section 861(a)(9).''.

(c) CONFORMING AMENDMENT.—Clause (ii) of section 864(c)(4)(B) of the Internal Revenue Code of 1986 is amended by striking ''dividends or interest'' and inserting ''dividends, interest, or amounts received for the provision of guarantees of indebtedness''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to guarantees issued after the date of the enactment of this Act.

PART IV—TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES

SEC. 2131. 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 36 percentage points.

TITLE III—STATE SMALL BUSINESS CREDIT INITIATIVE

SEC. 3001. SHORT TITLE.

This title may be cited as the ''State Small Business Credit Initiative Act of 2010''.

SEC. 3002. DEFINITIONS.

In this title, the following definitions shall apply:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Small Business and Entrepreneurship, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Banking, Housing, and Urban Affairs, the Committee on Finance, the Committee on the Budget, and the Committee on Appropriations of the Senate; and

(B) the Committee on Small Business, the Committee on Agriculture, the Committee on Financial Services, the Committee on Ways and Means, the Committee on the Budget, and the Committee on Appropriations of the House of Representatives.

(2) APPROPRIATE FEDERAL BANKING AGENCY.—The term ''appropriate Federal banking agency''—

(A) has the same meaning as in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)); and

(B) includes the National Credit Union Administration Board in the case of any credit union the deposits of which are insured in accordance with the Federal Credit Union Act.

(3) ENROLLED LOAN.—The term ''enrolled loan'' means a loan made by a financial institution lender that is enrolled by a participating State in an approved State capital access program in accordance with this title.

(4) FEDERAL CONTRIBUTION.—The term ''Federal contribution'' means the portion of the contribution made by a participating State to, or for the account of, an approved State program that is made with Federal funds allocated to the State by the Secretary under section 3003.

(5) FINANCIAL INSTITUTION.—The term ''financial institution'' means any insured depository institution, insured credit union, or community development financial institution, as those terms are each defined in section 103 of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4702)

(6) PARTICIPATING STATE.—The term ''participating State'' means any State that has been approved for participation in the Program under section 3004.

(7) PROGRAM.—The term ''Program'' means the State Small Business Credit Initiative established under this title.

(8) QUALIFYING LOAN OR SWAP FUNDING FACILITY.—The term ''qualifying loan or swap funding facility'' means a contractual arrangement between a participating State and a private financial entity under which—

(A) the participating State delivers funds to the entity as collateral;

(B) the entity provides funding from the arrangement back to the participating State; and

(C) the full amount of resulting funding from the arrangement, less any fees and other costs of the arrangement, is contributed to, or for the account of, an approved State program.

(9) RESERVE FUND.—The term ''reserve fund'' means a fund, established by a participating State, dedicated to a particular financial institution lender, for the purposes of—

(A) depositing all required premium charges paid by the financial institution lender and by each borrower receiving a loan under an approved State program from that financial institution lender;

(B) depositing contributions made by the participating State, including State contributions made with Federal contributions; and

(C) covering losses on enrolled loans by disbursing accumulated funds.

(10) STATE.—The term ''State'' means—

(A) a State of the United States;

(B) the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of Northern Mariana Islands, Guam, American Samoa, and the United States Virgin Islands;

(C) when designated by a State of the United States, a political subdivision of that State that the Secretary determines has the capacity to participate in the Program; and

(D) under the circumstances described in section 3004(d), a municipality of a State of the United States to which the Secretary has given a special permission under section 3004(d).

(11) STATE CAPITAL ACCESS PROGRAM.—The term ''State capital access program'' means a program of a State that—

(A) uses public resources to promote private access to credit; and

(B) meets the eligibility criteria in section 3005(c).

(12) STATE OTHER CREDIT SUPPORT PROGRAM.—The term ''State other credit support program''—

(A) means a program of a State that—

(i) uses public resources to promote private access to credit;

(ii) is not a State capital access program; and

(iii) meets the eligibility criteria in section 3006(c); and

(B) includes, collateral support programs, loan participation programs, State-run venture capital fund programs, and credit guarantee programs.

(13) STATE PROGRAM.—The term ''State program'' means a State capital access program or a State other credit support program.

(14) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury.

SEC. 3003. FEDERAL FUNDS ALLOCATED TO STATES.

(a) PROGRAM ESTABLISHED; PURPOSE.—There is established the State Small Business Credit Initiative, to be administered by the Secretary. Under the Program, the Secretary shall allocate Federal funds to participating States and make the allocated funds available to the participating States as provided in this section for the uses described in this section.

(b) ALLOCATION FORMULA.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall allocate Federal funds to participating States so that each State is eligible to receive an amount equal to the average of the respective amounts that the State—

(A) would receive under the 2009 allocation, as determined under paragraph (2); and

(B) would receive under the 2010 allocation, as determined under paragraph (3).

(2) 2009 ALLOCATION FORMULA.—

(A) IN GENERAL.—The Secretary shall determine the 2009 allocation by allocating Federal funds among the States in the proportion that each such State's 2008 State employment decline bears to the aggregate of the 2008 State employment declines for all States.

(B) MINIMUM ALLOCATION.—The Secretary shall adjust the allocations under subparagraph (A) for each State to the extent necessary to ensure that no State receives less than 0.9 percent of the Federal funds.

(C) 2008 STATE EMPLOYMENT DECLINE DEFINED.—In this paragraph and with respect to

a State, the term ''2008 State employment decline'' means the excess (if any) of—

(i) the number of individuals employed in such State determined for December 2007; over

(ii) the number of individuals employed in such State determined for December 2008.

(3) 2010 ALLOCATION FORMULA.—

(A) IN GENERAL.—The Secretary shall determine the 2010 allocation by allocating Federal funds among the States in the proportion that each such State's 2009 unemployment number bears to the aggregate of the 2009 unemployment numbers for all of the States.

(B) MINIMUM ALLOCATION.—The Secretary shall adjust the allocations under subparagraph (A) for each State to the extent necessary to ensure that no State receives less than 0.9 percent of the Federal funds.

(C) 2009 UNEMPLOYMENT NUMBER DEFINED.—In this paragraph and with respect to a State, the term ''2009 unemployment number'' means the number of individuals within such State who were determined to be unemployed by the Bureau of Labor Statistics for December 2009.

(c) AVAILABILITY OF ALLOCATED AMOUNT.—The amount allocated by the Secretary to each participating State under subsection (b) shall be made available to the State as follows:

(1) ALLOCATED AMOUNT GENERALLY TO BE AVAILABLE TO STATE IN ONE-THIRDS.—

(A) IN GENERAL.—The Secretary shall—

(i) apportion the participating State's allocated amount into thirds;

(ii) transfer to the participating State the first ⅓ when the Secretary approves the State for participation under section 3004; and

(iii) transfer to the participating State each successive ⅓ when the State has certified to the Secretary that it has expended, transferred, or obligated 80 percent of the last transferred ⅓ for Federal contributions to, or for the account of, State programs.

(B) AUTHORITY TO WITHHOLD PENDING AUDIT.—The Secretary may withhold the transfer of any successive ⅓ pending results of a financial audit.

(C) INSPECTOR GENERAL AUDITS.—

(i) IN GENERAL.—The Inspector General of the Department of the Treasury shall carry out an audit of the participating State's use of allocated Federal funds transferred to the State.

(ii) RECOUPMENT OF MISUSED TRANSFERRED FUNDS REQUIRED.—The allocation agreement between the Secretary and the participating State shall provide that the Secretary shall recoup any allocated Federal funds transferred to the participating State if the results of the an audit include a finding that there was an intentional or reckless misuse of transferred funds by the State.

(iii) PENALTY FOR MISSTATEMENT.—Any participating State that is found to have intentionally misstated any report issued to the Secretary under the Program shall be ineligible to receive any additional funds under the Program. Funds that had been allocated or that would otherwise have been allocated to such participating State shall be paid into the general fund of the Treasury for reduction of the public debt.

(iv) MUNICIPALITIES.—In this subparagraph, the term ''participating State'' shall include a municipality given special permission to participate in the Program, under section 3004(d).

(D) EXCEPTION.—The Secretary may, in the Secretary's discretion, transfer the full amount of the participating State's allocated amount to the State in a single transfer if the participating State applies to the Secretary for approval to use the full amount of the allocation as collateral for a qualifying loan or swap funding facility.

(2) TRANSFERRED AMOUNTS.—Each amount transferred to a participating State under this section shall remain available to the State until used by the State as permitted under paragraph (3).

(3) USE OF TRANSFERRED FUNDS.—Each participating State may use funds transferred to it under this section only—

(A) for making Federal contributions to, or for the account of, an approved State program;

(B) as collateral for a qualifying loan or swap funding facility;

(C) in the case of the first ⅓ transferred, for paying administrative costs incurred by the State in implementing an approved State program in an amount not to exceed 5 percent of that first ⅓; or

(D) in the case of each successive ⅓ transferred, for paying administrative costs incurred by the State in implementing an approved State program in an amount not to exceed 3 percent of that successive ⅓.

(4) TERMINATION OF AVAILABILITY OF AMOUNTS NOT TRANSFERRED WITHIN 2 YEARS OF PARTICIPATION.—Any portion of a participating State's allocated amount that has not been transferred to the State under this section by the end of the 2-year period beginning on the date that the Secretary approves the State for participation may be deemed by the Secretary to be no longer allocated to the State and no longer available to the State and shall be returned to the General Fund of the Treasury.

(5) TRANSFERRED AMOUNTS NOT ASSISTANCE.—The amounts transferred to a participating State under this section shall not be considered assistance for purposes of subtitle V of title 31, United States Code.

(6) DEFINITIONS.—In this section—

(A) the term ''allocated amount'' means the total amount of Federal funds allocated by the Secretary under subsection (b) to the participating State; and

(B) the term ''⅓'' means—

(i) in the case of the first ⅓ and second ⅓, an amount equal to 33 percent of a participating State's allocated amount; and

(ii) in the case of the last ⅓, an amount equal to 34 percent of a participating State's allocated amount.

SEC. 3004. APPROVING STATES FOR PARTICIPATION.

(a) APPLICATION.—Any State may apply to the Secretary for approval to be a participating State under the Program and to be eligible for an allocation of Federal funds under the Program.

(b) GENERAL APPROVAL CRITERIA.—The Secretary shall approve a State to be a participating State, if—

(1) a specific department, agency, or political subdivision of the State has been designated to implement a State program and participate in the Program;

(2) all legal actions necessary to enable such designated department, agency, or political subdivision to implement a State program and participate in the Program have been accomplished;

(3) the State has filed an application with the Secretary for approval of a State capital access program under section 3005 or approval as a State other credit support program under section 3006, in each case within the time period provided in the respective section; and

(4) the State and the Secretary have executed an allocation agreement that—

(A) conforms to the requirements of this title;

(B) ensures that the State program complies with such national standards as are established by the Secretary under section 3009(a)(2);

(C) sets forth internal control, compliance, and reporting requirements as established by the Secretary, and such other terms and conditions necessary to carry out the purposes of this title, including an agreement by the State to allow the Secretary to audit State programs;

(D) requires that the State program be fully positioned, within 90 days of the State's execution of the allocation agreement with the Secretary, to act on providing the kind of credit support that the State program was established to provide; and

(E) includes an agreement by the State to deliver to the Secretary, and update annually, a schedule describing how the State intends to apportion among its State programs the Federal funds allocated to the State.

(c) CONTRACTUAL ARRANGEMENTS FOR IMPLEMENTATION OF STATE PROGRAMS.—A State may be approved to be a participating State, and be eligible for an allocation of Federal funds under the Program, if the State has contractual arrangements for the implementation and administration of its State program with—

(1) an existing, approved State program administered by another State; or

(2) an authorized agent of, or entity supervised by, the State, including for-profit and not-for-profit entities.

(d) SPECIAL PERMISSION.—

(1) CIRCUMSTANCES WHEN A MUNICIPALITY MAY APPLY DIRECTLY.—If a State does not, within 60 days after the date of enactment of this Act, file with the Secretary a notice of its intent to apply for approval by the Secretary of a State program or within 9 months after the date of enactment of this Act, file with the Secretary a complete application for approval of a State program, the Secretary may grant to municipalities of that State a special permission that will allow them to apply directly to the Secretary without the State for approval to be participating municipalities.

(2) TIMING REQUIREMENTS APPLICABLE TO MUNICIPALITIES APPLYING DIRECTLY.—To qualify for the special permission, a municipality of a State shall be required, within 12 months after the date of enactment of this Act, to file with the Secretary a complete application for approval by the Secretary of a State program.

(3) NOTICES OF INTENT AND APPLICATIONS FROM MORE THAN 1 MUNICIPALITY.—A municipality of a State may combine with 1 or more other municipalities of that State to file a joint notice of intent to file and a joint application.

(4) APPROVAL CRITERIA.—The general approval criteria in paragraphs (2) and (4) shall apply.

(5) ALLOCATION TO MUNICIPALITIES.—

(A) IF MORE THAN 3.—If more than 3 municipalities, or combination of municipalities as provided in paragraph (3), of a State apply for approval by the Secretary to be participating municipalities under this subsection, and the applications meet the approval criteria in paragraph (4), the Secretary shall allocate Federal funds to the 3 municipalities with the largest populations.

(B) IF 3 OR FEWER.—If 3 or fewer municipalities, or combination of municipalities as provided in paragraph (3), of a State apply for approval by the Secretary to be participating municipalities under this subsection, and the applications meet the approval criteria in paragraph (4), the Secretary shall allocate Federal funds to each applicant municipality or combination of municipalities.

(6) APPORTIONMENT OF ALLOCATED AMOUNT AMONG PARTICIPATING MUNICIPALITIES.—If the Secretary approves municipalities to be participating municipalities under this subsection, the Secretary shall apportion the

full amount of the Federal funds that are allocated to that State to municipalities that are approved under this subsection in amounts proportionate to the population of those municipalities, based on the most recent available decennial census.

(7) APPROVING STATE PROGRAMS FOR MUNICIPALITIES.—If the Secretary approves municipalities to be participating municipalities under this subsection, the Secretary shall take into account the additional considerations in section 3006(d) in making the determination under section 3005 or 3006 that the State program or programs to be implemented by the participating municipalities, including a State capital access program, is eligible for Federal contributions to, or for the account of, the State program.

SEC. 3005. APPROVING STATE CAPITAL ACCESS PROGRAMS.

(a) APPLICATION.—A participating State that establishes a new, or has an existing, State capital access program that meets the eligibility criteria in subsection (c) may apply to Secretary to have the State capital access program approved as eligible for Federal contributions to the reserve fund.

(b) APPROVAL.—The Secretary shall approve such State capital access program as eligible for Federal contributions to the reserve fund if—

(1) within 60 days after the date of enactment of this Act, the State has filed with the Secretary a notice of intent to apply for approval by the Secretary of a State capital access program;

(2) within 9 months after the date of enactment of this Act, the State has filed with the Secretary a complete application for approval by the Secretary of a capital access program;

(3) the State satisfies the requirements of subsections (a) and (b) of section 3004; and

(4) the State capital access program meets the eligibility criteria in subsection (c).

(c) ELIGIBILITY CRITERIA FOR STATE CAPITAL ACCESS PROGRAMS.—For a State capital access program to be approved under this section, that program shall be required to be a program of the State that—

(1) provides portfolio insurance for business loans based on a separate loan-loss reserve fund for each financial institution;

(2) requires insurance premiums to be paid by the financial institution lenders and by the business borrowers to the reserve fund to have their loans enrolled in the reserve fund;

(3) provides for contributions to be made by the State to the reserve fund in amounts at least equal to the sum of the amount of the insurance premium charges paid by the borrower and the financial institution to the reserve fund for any newly enrolled loan; and

(4) provides its portfolio insurance solely for loans that meet both the following requirements:

(A) The borrower has 500 employees or less at the time that the loan is enrolled in the Program.

(B) The loan amount does not exceed $5,000,000.

(d) FEDERAL CONTRIBUTIONS TO APPROVED STATE CAPITAL ACCESS PROGRAMS.—A State capital access program approved under this section will be eligible for receiving Federal contributions to the reserve fund in an amount equal to the sum of the amount of the insurance premium charges paid by the borrowers and by the financial institution to the reserve fund for loans that meet the requirements in subsection (c)(4). A participating State may use the Federal contribution to make its contribution to the reserve fund of an approved State capital access program.

(e) MINIMUM PROGRAM REQUIREMENTS FOR STATE CAPITAL ACCESS PROGRAMS.—The Secretary shall, by regulation or other guidance, prescribe Program requirements that meet the following minimum requirements:

(1) EXPERIENCE AND CAPACITY.—The participating State shall determine for each financial institution that participates in the State capital access program, after consultation with the appropriate Federal banking agency or, in the case of a financial institution that is a nondepository community development financial institution, the Community Development Financial Institution Fund, that the financial institution has sufficient commercial lending experience and financial and managerial capacity to participate in the approved State capital access program. The determination by the State shall not be reviewable by the Secretary.

(2) INVESTMENT AUTHORITY.—Subject to applicable State law, the participating State may invest, or cause to be invested, funds held in a reserve fund by establishing a deposit account at the financial institution lender in the name of the participating State. In the event that funds in the reserve fund are not deposited in such an account, such funds shall be invested in a form that the participating State determines is safe and liquid.

(3) LOAN TERMS AND CONDITIONS TO BE DETERMINED BY AGREEMENT.—A loan to be filed for enrollment in an approved State capital access program may be made with such interest rate, fees, and other terms and conditions, and the loan may be enrolled in the approved State capital access program and claims may be filed and paid, as agreed upon by the financial institution lender and the borrower, consistent with applicable law.

(4) LENDER CAPITAL AT-RISK.—A loan to be filed for enrollment in the State capital access program shall require the financial institution lender to have a meaningful amount of its own capital resources at risk in the loan.

(5) PREMIUM CHARGES MINIMUM AND MAXIMUM AMOUNTS.—The insurance premium charges payable to the reserve fund by the borrower and the financial institution lender shall be prescribed by the financial institution lender, within minimum and maximum limits that require that the sum of the insurance premium charges paid in connection with a loan by the borrower and the financial institution lender may not be less than 2 percent nor more than 7 percent of the amount of the loan enrolled in the approved State capital access program.

(6) STATE CONTRIBUTIONS.—In enrolling a loan in an approved State capital access program, the participating State may make a contribution to the reserve fund to supplement Federal contributions made under this Program.

(7) LOAN PURPOSE.—

(A) PARTICULAR LOAN PURPOSE REQUIREMENTS AND PROHIBITIONS.—In connection with the filing of a loan for enrollment in an approved State capital access program, the financial institution lender—

(i) shall obtain an assurance from each borrower that—

(I) the proceeds of the loan will be used for a business purpose;

(II) the loan will not be used to finance such business activities as the Secretary, by regulation, may proscribe as prohibited loan purposes for enrollment in an approved State capital access program; and

(III) the borrower is not—

(aa) an executive officer, director, or principal shareholder of the financial institution lender;

(bb) a member of the immediate family of an executive officer, director, or principal shareholder of the financial institution lender; or

(cc) a related interest of any such executive officer, director, principal shareholder, or member of the immediate family;

(ii) shall provide assurances to the participating State that the loan has not been made in order to place under the protection of the approved State capital access program prior debt that is not covered under the approved State capital access program and that is or was owed by the borrower to the financial institution lender or to an affiliate of the financial institution lender;

(iii) shall not allow the enrollment of a loan to a borrower that is a refinancing of a loan previously made to that borrower by the financial institution lender or an affiliate of the financial institution lender; and

(iv) may include additional restrictions on the eligibility of loans or borrowers that are not inconsistent with the provisions and purposes of this title, including compliance with all applicable Federal and State laws, regulations, ordinances, and Executive orders.

(B) DEFINITIONS.—In this paragraph, the terms ''executive officer'', ''director'', ''principal shareholder'', ''immediate family'', and ''related interest'' refer to the same relationship to a financial institution lender as the relationship described in part 215 of title 12 of the Code of Federal Regulations, or any successor to such part.

(8) CAPITAL ACCESS FOR SMALL BUSINESSES IN UNDERSERVED COMMUNITIES.—At the time that a State applies to the Secretary to have the State capital access program approved as eligible for Federal contributions, the State shall deliver to the Secretary a report stating how the State plans to use the Federal contributions to the reserve fund to provide access to capital for small businesses in low- and moderate-income, minority, and other underserved communities, including women- and minority-owned small businesses.

SEC. 3006. APPROVING COLLATERAL SUPPORT AND OTHER INNOVATIVE CREDIT ACCESS AND GUARANTEE INITIATIVES FOR SMALL BUSINESSES AND MANUFACTURERS.

(a) APPLICATION.—A participating State that establishes a new, or has an existing, credit support program that meets the eligibility criteria in subsection (c) may apply to the Secretary to have the State other credit support program approved as eligible for Federal contributions to, or for the account of, the State program.

(b) APPROVAL.—The Secretary shall approve such State other credit support program as eligible for Federal contributions to, or for the account of, the program if—

(1) the Secretary determines that the State satisfies the requirements of paragraphs (1) through (3) of section 3005(b);

(2) the Secretary determines that the State other credit support program meets the eligibility criteria in subsection (c);

(3) the Secretary determines the State other credit support program to be eligible based on the additional considerations in subsection (d); and

(4) within 9 months after the date of enactment of this Act, the State has filed with Treasury a complete application for Treasury approval.

(c) ELIGIBILITY CRITERIA FOR STATE OTHER CREDIT SUPPORT PROGRAMS.—For a State other credit support program to be approved under this section, that program shall be required to be a program of the State that—

(1) can demonstrate that, at a minimum, $1 of public investment by the State program will cause and result in $1 of new private credit;

(2) can demonstrate a reasonable expectation that, when considered with all other State programs of the State, such State programs together have the ability to use amounts of new Federal contributions to, or

for the account of, all such programs in the State to cause and result in amounts of new small business lending at least 10 times the new Federal contribution amount;

(3) for those State other credit support programs that provide their credit support through 1 or more financial institution lenders, requires the financial institution lenders to have a meaningful amount of their own capital resources at risk in their small business lending; and

(4) uses Federal funds allocated under this title to extend credit support that—

(A) targets an average borrower size of 500 employees or less;

(B) does not extend credit support to borrowers that have more than 750 employees;

(C) targets support towards loans with an average principal amount of $5,000,000 or less; and

(D) does not extend credit support to loans that exceed a principal amount of $20,000,000.

(d) ADDITIONAL CONSIDERATIONS.—In making a determination that a State other credit support program is eligible for Federal contributions to, or for the account of, the State program, the Secretary shall take into account the following additional considerations:

(1) The anticipated benefits to the State, its businesses, and its residents to be derived from the Federal contributions to, or for the account of, the approved State other credit support program, including the extent to which resulting small business lending will expand economic opportunities.

(2) The operational capacity, skills, and experience of the management team of the State other credit support program.

(3) The capacity of the State other credit support program to manage increases in the volume of its small business lending.

(4) The internal accounting and administrative controls systems of the State other credit support program, and the extent to which they can provide reasonable assurance that funds of the State program are safeguarded against waste, loss, unauthorized use, or misappropriation.

(5) The soundness of the program design and implementation plan of the State other credit support program.

(e) FEDERAL CONTRIBUTIONS TO APPROVED STATE OTHER CREDIT SUPPORT PROGRAMS.—A State other credit support program approved under this section will be eligible for receiving Federal contributions to, or for the account of, the State program in an amount consistent with the schedule describing the apportionment of allocated Federal funds among State programs delivered by the State to the Secretary under the allocation agreement.

(f) MINIMUM PROGRAM REQUIREMENTS FOR STATE OTHER CREDIT SUPPORT PROGRAMS.—

(1) FUND TO PRESCRIBE.—The Secretary shall, by regulation or other guidance, prescribe Program requirements for approved State other credit support programs.

(2) CONSIDERATIONS FOR FUND.—In prescribing minimum Program requirements for approved State other credit support programs, the Secretary shall take into consideration, to the extent the Secretary determines applicable and appropriate, the minimum Program requirements for approved State capital access programs in section 3005(e).

SEC. 3007. REPORTS.

(a) QUARTERLY USE-OF-FUNDS REPORT.—

(1) IN GENERAL.—Not later than 30 days after the beginning of each calendar quarter, beginning after the first full calendar quarter to occur after the date the Secretary approves a State for participation, the participating State shall submit to the Secretary a report on the use of Federal funding by the participating State during the previous calendar quarter.

(2) REPORT CONTENTS.—Each report under this subsection shall—

(A) indicate the total amount of Federal funding used by the participating State; and

(B) include a certification by the participating State that—

(i) the information provided in accordance with subparagraph (A) is accurate;

(ii) funds continue to be available and legally committed to contributions by the State to, or for the account of, approved State programs, less any amount that has been contributed by the State to, or for the account of, approved State programs subsequent to the State being approved for participation in the Program; and

(iii) the participating State is implementing its approved State program or programs in accordance with this title and regulations issued under section 3010.

(b) ANNUAL REPORT.—Not later than March 31 of each year, beginning March 31, 2011, each participating State shall submit to the Secretary an annual report that shall include the following information:

(1) The number of borrowers that received new loans originated under the approved State program or programs after the State program was approved as eligible for Federal contributions.

(2) The total amount of such new loans.

(3) Breakdowns by industry type, loan size, annual sales, and number of employees of the borrowers that received such new loans.

(4) The zip code of each borrower that received such a new loan.

(5) Such other data as the Secretary, in the Secretary's sole discretion, may require to carry out the purposes of the Program.

(c) FORM.—The reports and data filed under subsections (a) and (b) shall be in such form as the Secretary, in the Secretary's sole discretion, may require.

(d) TERMINATION OF REPORTING REQUIREMENTS.—The requirement to submit reports under subsections (a) and (b) shall terminate for a participating State with the submission of the completed reports due on the first March 31 to occur after 5 complete 12-month periods after the State is approved by the Secretary to be a participating State.

SEC. 3008. REMEDIES FOR STATE PROGRAM TERMINATION OR FAILURES.

(a) REMEDIES.—

(1) IN GENERAL.—If any of the events listed in paragraph (2) occur, the Secretary, in the Secretary's discretion, may—

(A) reduce the amount of Federal funds allocated to the State under the Program; or

(B) terminate any further transfers of allocated amounts that have not yet been transferred to the State.

(2) CAUSAL EVENTS.—The events referred to in paragraph (1) are—

(A) termination by a participating State of its participation in the Program;

(B) failure on the part of a participating State to submit complete reports under section 3007 on a timely basis; or

(C) noncompliance by the State with the terms of the allocation agreement between the Secretary and the State.

(b) DEALLOCATED AMOUNTS TO BE REALLOCATED.—If, after 13 months, any portion of the amount of Federal funds allocated to a participating State is deemed by the Secretary to be no longer allocated to the State after actions taken by the Secretary under subsection (a)(1), the Secretary shall reallocate that portion among the participating States, excluding the State whose allocated funds were deemed to be no longer allocated, as provided in section 3003(b).

SEC. 3009. IMPLEMENTATION AND ADMINISTRATION.

(a) GENERAL AUTHORITIES AND DUTIES.—The Secretary shall—

(1) consult with the Administrator of the Small Business Administration and the appropriate Federal banking agencies on the administration of the Program;

(2) establish minimum national standards for approved State programs;

(3) provide technical assistance to States for starting State programs and generally disseminate best practices;

(4) manage, administer, and perform necessary program integrity functions for the Program; and

(5) ensure adequate oversight of the approved State programs, including oversight of the cash flows, performance, and compliance of each approved State program.

(b) APPROPRIATIONS.—There is hereby appropriated to the Secretary, out of funds in the Treasury not otherwise appropriated, $1,500,000,000 to carry out the Program, including to pay reasonable costs of administering the Program.

(c) TERMINATION OF SECRETARY'S PROGRAM ADMINISTRATION FUNCTIONS.—The authorities and duties of the Secretary to implement and administer the Program shall terminate at the end of the 7-year period beginning on the date of enactment of this Act.

(d) EXPEDITED CONTRACTING.—During the 1-year period beginning on the date of enactment of this Act, the Secretary may enter into contracts without regard to any other provision of law regarding public contracts, for purposes of carrying out this title.

SEC. 3010. REGULATIONS.

The Secretary, in consultation with the Administrator of the Small Business Administration, shall issue such regulations and other guidance as the Secretary determines necessary or appropriate to implement this title including to define terms, to establish compliance and reporting requirements, and such other terms and conditions necessary to carry out the purposes of this title.

SEC. 3011. OVERSIGHT AND AUDITS.

(a) INSPECTOR GENERAL OVERSIGHT.—The Inspector General of the Department of the Treasury shall conduct, supervise, and coordinate audits and investigations of the use of funds made available under the Program.

(b) GAO AUDIT.—The Comptroller General of the United States shall perform an annual audit of the Program and issue a report to the appropriate committees of Congress containing the results of such audit.

(c) REQUIRED CERTIFICATION.—

(1) FINANCIAL INSTITUTIONS CERTIFICATION.—With respect to funds received by a participating State under the Program, any financial institution that receives a loan, a loan guarantee, or other financial assistance using such funds after the date of the enactment of this Act shall certify that such institution is in compliance with the requirements of section 103.121 of title 31, Code of Federal Regulations, a regulation that, at a minimum, requires financial institutions, as that term is defined in section 5312 (a)(2) and (c)(1)(A) of title 31, United States Code, to implement reasonable procedures to verify the identity of any person seeking to open an account, to the extent reasonable and practicable, maintain records of the information used to verify the person's identity, and determine whether the person appears on any lists of known or suspected terrorists or terrorist organizations provided to the financial institution by any government agency.

(2) SEX OFFENSE CERTIFICATION.—With respect to funds received by a participating State under the Program, any private entity that receives a loan, a loan guarantee, or other financial assistance using such funds after the date of the enactment of this Act shall certify to the participating State that the principals of such entity have not been convicted of a sex offense against a minor (as

such terms are defined in section 111 of the Sex Offender Registration and Notification Act (42 U.S.C. 16911)).

(d) PROHIBITION ON PORNOGRAPHY.—None of the funds made available under this title may be used to pay the salary of any individual engaged in activities related to the Program who has been officially disciplined for violations of subpart G of the Standards of Ethical Conduct for Employees of the Executive Branch for viewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties.

TITLE IV—BUDGETARY PROVISIONS

SEC. 4001. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SA 4500. Mr. REID (for Mr. LEMIEUX (for himself, Ms. LANDRIEU, Mr. MERKLEY, Mrs. BOXER, Ms. CANTWELL, Ms. KLOBUCHAR, and Mrs. MURRAY)) proposed an amendment to amendment SA 4499 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; as follows:

At the end, add the following:

TITLE V—ADDITIONAL SMALL BUSINESS PROVISIONS

Subtitle A—Small Business Lending Fund

SEC. 5101. PURPOSE.

The purpose of this subtitle is to address the ongoing effects of the financial crisis on small businesses by providing temporary authority to the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses.

SEC. 5102. DEFINITIONS.

For purposes of this subtitle:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Small Business and Entrepreneurship, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Banking, Housing, and Urban Affairs, the Committee on Finance, the Committee on the Budget, and the Committee on Appropriations of the Senate; and

(B) the Committee on Small Business, the Committee on Agriculture, the Committee on Financial Services, the Committee on Ways and Means, the Committee on the Budget, and the Committee on Appropriations of the House of Representatives.

(2) APPROPRIATE FEDERAL BANKING AGENCY.—The term ''appropriate Federal banking agency'' has the meaning given such term under section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)).

(3) BANK HOLDING COMPANY.—The term ''bank holding company'' has the meaning given such term under section 2(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(2)(a)(1)).

(4) CALL REPORT.—The term ''call report'' means—

(A) reports of Condition and Income submitted to the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, and the Federal Deposit Insurance Corporation;

(B) the Office of Thrift Supervision Thrift Financial Report;

(C) any report that is designated by the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, or the Office of Thrift Supervision, as applicable, as a successor to any report referred to in subparagraph (A) or (B);

(D) reports of Condition and Income as designated through guidance developed by the Secretary, in consultation with the Director of the Community Development Financial Institutions Fund; and

(E) with respect to an eligible institution for which no report exists that is described under subparagraph (A), (B), (C), or (D), such other report or set of information as the Secretary, in consultation with the Administrator of the Small Business Administration, may prescribe.

(5) CDCI.—The term ''CDCI'' means the Community Development Capital Initiative created by the Secretary under the Troubled Asset Relief Program established by the Emergency Economic Stabilization Act of 2008.

(6) CDCI INVESTMENT.—The term ''CDCI investment'' means, with respect to any eligible institution, the principal amount of any investment made by the Secretary in such eligible institution under the CDCI that has not been repaid.

(7) CDFI; COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION.—The terms ''CDFI'' and ''community development financial institution'' have the meaning given the term ''community development financial institution'' under the Riegle Community Development and Regulatory Improvement Act of 1994.

(8) CDLF; COMMUNITY DEVELOPMENT LOAN FUND.—The terms ''CDLF'' and ''community development loan fund'' mean any entity that—

(A) is certified by the Department of the Treasury as a community development financial institution loan fund;

(B) is exempt from taxation under the Internal Revenue Code of 1986; and

(C) had assets less than or equal to $10,000,000,000 as of the end of the fourth quarter of calendar year 2009.

(9) CPP.—The term ''CPP'' means the Capital Purchase Program created by the Secretary under the Troubled Asset Relief Program established by the Emergency Economic Stabilization Act of 2008.

(10) CPP INVESTMENT.—The term ''CPP investment'' means, with respect to any eligible institution, the principal amount of any investment made by the Secretary in such eligible institution under the CPP that has not been repaid.

(11) ELIGIBLE INSTITUTION.—The term ''eligible institution'' means—

(A) any insured depository institution, which—

(i) is not controlled by a bank holding company or savings and loan holding company that is also an eligible institution;

(ii) has total assets of equal to or less than $10,000,000,000, as reported in the call report of the insured depository institution as of the end of the fourth quarter of calendar year 2009; and

(iii) is not directly or indirectly controlled by any company or other entity that has total consolidated assets of more than $10,000,000,000, as so reported;

(B) any bank holding company which has total consolidated assets of equal to or less than $10,000,000,000, as reported in the call report of the bank holding company as of the end of the fourth quarter of calendar year 2009;

(C) any savings and loan holding company which has total consolidated assets of equal to or less than $10,000,000,000, as reported in the call report of the savings and loan holding company as of the end of the fourth quarter of calendar year 2009; and

(D) any community development financial institution loan fund which has total assets of equal to or less than $10,000,000,000, as reported in audited financial statements for the fiscal year of the community development financial institution loan fund that ends in calendar year 2009.

(12) FUND.—The term ''Fund'' means the Small Business Lending Fund established under section 5103(a)(1).

(13) INSURED DEPOSITORY INSTITUTION.—The term ''insured depository institution'' has the meaning given such term under section 3(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1813(c)(2)).

(14) MINORITY-OWNED AND WOMEN-OWNED BUSINESS.—The terms ''minority-owned business'' and ''women-owned business'' shall have the meaning given the terms ''minority-owned business'' and ''women's business'', respectively, under section 21A(r)(4) of the Federal Home Loan Bank Act (12 U.S.C. 1441A(r)(4)).

(15) PROGRAM.—The term ''Program'' means the Small Business Lending Fund Program authorized under section 5103(a)(2).

(16) SAVINGS AND LOAN HOLDING COMPANY.—The term ''savings and loan holding company'' has the meaning given such term under section 10(a)(1)(D) of the Home Owners' Loan Act (12 U.S.C. 1467a(a)(1)(D)).

(17) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury.

(18) SMALL BUSINESS LENDING.—

(A) IN GENERAL.—The term ''small business lending'' means lending, as defined by and reported in an eligible institutions' quarterly call report, where each loan comprising such lending is one of the following types:

(i) Commercial and industrial loans.

(ii) Owner-occupied nonfarm, nonresidential real estate loans.

(iii) Loans to finance agricultural production and other loans to farmers.

(iv) Loans secured by farmland.

(B) EXCLUSION.—No loan that has an original amount greater than $10,000,000 or that goes to a business with more than $50,000,000 in revenues shall be included in the measure.

(C) TREATMENT OF HOLDING COMPANIES.—In the case of eligible institutions that are bank holding companies or savings and loan holding companies having one or more insured depository institution subsidiaries, small business lending shall be measured based on the combined small business lending reported in the call report of the insured depository institution subsidiaries.

(19) VETERAN-OWNED BUSINESS.—

(A) The term ''veteran-owned business'' means a business—

(i) more than 50 percent of the ownership or control of which is held by 1 or more veterans;

(ii) more than 50 percent of the net profit or loss of which accrues to 1 or more veterans; and

(iii) a significant percentage of senior management positions of which are held by veterans.

(B) For purposes of this paragraph, the term ''veteran'' has the meaning given such term in section 101(2) of title 38, United States Code.

SEC. 5103. SMALL BUSINESS LENDING FUND.

(a) FUND AND PROGRAM.—

(1) FUND ESTABLISHED.—There is established in the Treasury of the United States a fund to be known as the ''Small Business Lending Fund'', which shall be administered by the Secretary.

(2) PROGRAMS AUTHORIZED.—The Secretary is authorized to establish the Small Business Lending Fund Program for using the Fund consistent with this subtitle.

(b) USE OF FUND.—

(1) IN GENERAL.—Subject to paragraph (2), the Fund shall be available to the Secretary, without further appropriation or fiscal year limitation, for the costs of purchases (including commitments to purchase), and modifications of such purchases, of preferred stock and other financial instruments from eligible institutions on such terms and conditions as are determined by the Secretary in accordance with this subtitle. For purposes of this paragraph and with respect to an eligible institution, the term ''other financial instruments'' shall include only debt instruments for which such eligible institution is fully liable or equity equivalent capital of the eligible institution. Such debt instruments may be subordinated to the claims of other creditors of the eligible institution.

(2) MAXIMUM PURCHASE LIMIT.—The aggregate amount of purchases (and commitments to purchase) made pursuant to paragraph (1) may not exceed $30,000,000,000.

(3) PROCEEDS USED TO PAY DOWN PUBLIC DEBT.—All funds received by the Secretary in connection with purchases made pursuant to paragraph (1), including interest payments, dividend payments, and proceeds from the sale of any financial instrument, shall be paid into the general fund of the Treasury for reduction of the public debt.

(4) LIMITATION ON PURCHASES FROM CDLFS.—

(A) IN GENERAL.—Not more than 1 percent of the maximum purchase limit of the Program, pursuant to paragraph (2), may be used to make purchases from community development loan funds.

(B) ELIGIBILITY STANDARDS.—The Secretary, in consultation with the Community Development Financial Institutions Fund, shall develop eligibility criteria to determine the financial ability of a CDLF to participate in the Program and repay the investment. Such criteria shall include the following:

(i) Ratio of net assets to total assets is at least 20 percent.

(ii) Ratio of loan loss reserves to loans and leases 90 days or more delinquent (including loans sold with full recourse) is at least 30 percent.

(iii) Positive net income measured on a 3-year rolling average.

(iv) Operating liquidity ratio of at least 1.0 for the 4 most recent quarters and for one or both of the two preceding years.

(v) Ratio of loans and leases 90 days or more delinquent (including loans sold with full recourse) to total equity plus loan loss reserves is less than 40 percent.

(C) REQUIREMENT TO SUBMIT AUDITED FINANCIAL STATEMENTS.—CDLFs participating in the Program shall submit audited financial statements to the Secretary, have a clean audit opinion, and have at least 3 years of operating experience.

(c) CREDITS TO THE FUND.—There shall be credited to the Fund amounts made available pursuant to section 5108, to the extent provided by appropriations Acts.

(d) TERMS.—

(1) APPLICATION.—

(A) INSTITUTIONS WITH ASSETS OF $1,000,000,000 OR LESS.—Eligible institutions having total assets equal to or less than $1,000,000,000, as reported in a call report as of the end of the fourth quarter of calendar year 2009, may apply to receive a capital investment from the Fund in an amount not exceeding 5 percent of risk-weighted assets, as reported in the call report immediately preceding the date of application, less the amount of any CDCI investment and any CPP investment.

(B) INSTITUTIONS WITH ASSETS OF MORE THAN $1,000,000,000 AND LESS THAN OR EQUAL TO $10,000,000,000.—Eligible institutions having total assets of more than $1,000,000,000 but less than $10,000,000,000, as of the end of the fourth quarter of calendar year 2009, may apply to receive a capital investment from the Fund in an amount not exceeding 3 percent of risk-weighted assets, as reported in the call report immediately preceding the date of application, less the amount of any CDCI investment and any CPP investment.

(C) TREATMENT OF HOLDING COMPANIES.—In the case of an eligible institution that is a bank holding company or a savings and loan holding company having one or more insured depository institution subsidiaries, total assets shall be measured based on the combined total assets reported in the call report of the insured depository institution subsidiaries as of the end of the fourth quarter of calendar year 2009 and risk-weighted assets shall be measured based on the combined risk-weighted assets of the insured depository institution subsidiaries as reported in the call report immediately preceding the date of application.

(D) TREATMENT OF APPLICANTS THAT ARE INSTITUTIONS CONTROLLED BY HOLDING COMPANIES.—If an eligible institution that applies to receive a capital investment under the Program is under the control of a bank holding company or a savings and loan holding company, then the Secretary may use the Fund to purchase preferred stock or other financial instruments from the top-tier bank holding company or savings and loan holding company of such eligible institution, as applicable. For purposes of this subparagraph, the term ''control'' with respect to a bank holding company shall have the same meaning as in section 2(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(2)(a)(2)). For purposes of this subparagraph, the term ''control'' with respect to a savings and loan holding company shall have the same meaning as in 10(a)(2) of the Home Owners' Loan Act (12 U.S.C. 1467a(a)(2)).

(E) REQUIREMENT TO PROVIDE A SMALL BUSINESS LENDING PLAN.—At the time that an applicant submits an application to the Secretary for a capital investment under the Program, the applicant shall deliver to the appropriate Federal banking agency, and, for applicants that are State-chartered banks, to the appropriate State banking regulator, a small business lending plan describing how the applicant's business strategy and operating goals will allow it to address the needs of small businesses in the areas it serves, as well as a plan to provide linguistically and culturally appropriate outreach, where appropriate. In the case of eligible institutions that are community development loan funds, this plan shall be submitted to the Secretary. This plan shall be confidential supervisory information.

(F) TREATMENT OF APPLICANTS THAT ARE COMMUNITY DEVELOPMENT LOAN FUNDS.—Eligible institutions that are community development loan funds may apply to receive a capital investment from the Fund in an amount not exceeding 5 percent of total assets, as reported in the audited financial statements for the fiscal year of the eligible institution that ends in calendar year 2009.

(2) CONSULTATION WITH REGULATORS.—For each eligible institution that applies to receive a capital investment under the Program, the Secretary shall—

(A) consult with the appropriate Federal banking agency or, in the case of an eligible institution that is a nondepository community development financial institution, the Community Development Financial Institution Fund, for the eligible institution, to determine whether the eligible institution may receive such capital investment;

(B) in the case of an eligible institution that is a State-chartered bank, consider any views received from the State banking regulator of the State of the eligible institution regarding the financial condition of the eligible institution; and

(C) in the case of a community development financial institution loan fund, consult with the Community Development Financial Institution Fund.

(3) CONSIDERATION OF MATCHED PRIVATE INVESTMENTS.—

(A) IN GENERAL.—For an eligible institution that applies to receive a capital investment under the Program, if the entity to be consulted under paragraph (2) would not otherwise recommend the eligible institution to receive the capital investment, the Secretary, in consultation with the entity to be so consulted, may consider whether the entity to be consulted would recommend the eligible institution to receive a capital investment based on the financial condition of the institution if the conditions in subparagraph (B) are satisfied.

(B) CONDITIONS.—The conditions referred to in subparagraph (A) are as follows:

(i) CAPITAL SOURCES.—The eligible institution shall receive capital both under the Program and from private, nongovernment investors.

(ii) AMOUNT OF CAPITAL.—The amount of capital to be received under the Program shall not exceed 3 percent of risk-weighted assets, as reported in the call report immediately preceding the date of application, less the amount of any CDCI investment and any CPP investment.

(iii) TERMS.—The amount of capital to be received from private, nongovernment investors shall be—

(I) equal to or greater than 100 percent of the capital to be received under the Program; and

(II) subordinate to the capital investment made by the Secretary under the Program.

(4) INELIGIBILITY OF INSTITUTIONS ON FDIC PROBLEM BANK LIST.—

(A) IN GENERAL.—An eligible institution may not receive any capital investment under the Program, if—

(i) such institution is on the FDIC problem bank list; or

(ii) such institution has been removed from the FDIC problem bank list for less than 90 days.

(B) CONSTRUCTION.—Nothing in subparagraph (A) shall be construed as limiting the discretion of the Secretary to deny the application of an eligible institution that is not on the FDIC problem bank list.

(C) FDIC PROBLEM BANK LIST DEFINED.—For purposes of this paragraph, the term ''FDIC problem bank list'' means the list of depository institutions having a current rating of 4 or 5 under the Uniform Financial Institutions Rating System, or such other list designated by the Federal Deposit Insurance Corporation.

(5) INCENTIVES TO LEND.—

(A) REQUIREMENTS ON PREFERRED STOCK AND OTHER FINANCIAL INSTRUMENTS.—Any preferred stock or other financial instrument issued to Treasury by an eligible institution receiving a capital investment under the Program shall provide that—

(i) the rate at which dividends or interest are payable shall be 5 percent per annum initially;

(ii) within the first 2 years after the date of the capital investment under the Program, the rate may be adjusted based on the amount of an eligible institution's small business lending. Changes in the amount of small business lending shall be measured against the average amount of small business lending reported by the eligible institution in its call reports for the 4 full quarters immediately preceding the date of enactment of this Act, minus adjustments from each quarterly balance in respect of—

(I) net loan charge offs with respect to small business lending; and

(II) gains realized by the eligible institution resulting from mergers, acquisitions or purchases of loans after origination and syndication; which adjustments shall be determined in accordance with guidance promulgated by the Secretary; and

(iii) during any calendar quarter during the initial 2-year period referred to in clause (ii), an institution's rate shall be adjusted to reflect the following schedule, based on that institution's change in the amount of small business lending relative to the baseline—

(I) if the amount of small business lending has increased by less than 2.5 percent, the dividend or interest rate shall be 5 percent;

(II) if the amount of small business lending has increased by 2.5 percent or greater, but by less than 5.0 percent, the dividend or interest rate shall be 4 percent;

(III) if the amount of small business lending has increased by 5.0 percent or greater, but by less than 7.5 percent, the dividend or interest rate shall be 3 percent;

(IV) if the amount of small business lending has increased by 7.5 percent or greater, and but by less than 10.0 percent, the dividend or interest rate shall be 2 percent; or

(V) if the amount of small business lending has increased by 10 percent or greater, the dividend or interest rate shall be 1 percent.

(B) BASIS OF INITIAL RATE.—The initial dividend or interest rate shall be based on call report data published in the quarter immediately preceding the date of the capital investment under the Program.

(C) TIMING OF RATE ADJUSTMENTS.—Any rate adjustment shall occur in the calendar quarter following the publication of call report data, such that the rate based on call report data from any one calendar quarter, which is published in the first following calendar quarter, shall be adjusted in that first following calendar quarter and payable in the second following quarter.

(D) RATE FOLLOWING INITIAL 2-YEAR PERIOD.—Generally, the rate based on call report data from the eighth calendar quarter after the date of the capital investment under the Program shall be payable until the expiration of the 4½-year period that begins on the date of the investment. In the case where the amount of small business lending has remained the same or decreased relative to the institution's baseline in the eighth quarter after the date of the capital investment under the Program, the rate shall be 7 percent until the expiration of the 4½-year period that begins on the date of the investment.

(E) RATE FOLLOWING INITIAL 4½ -YEAR PERIOD.—The dividend or interest rate paid on any preferred stock or other financial instrument issued by an eligible institution that receives a capital investment under the Program shall increase to 9 percent at the end of the 4½-year period that begins on the date of the capital investment under the Program.

(F) LIMITATION ON RATE REDUCTIONS WITH RESPECT TO CERTAIN AMOUNT.—The reduction in the dividend or interest rate payable to Treasury by any eligible institution shall be limited such that the rate reduction shall not apply to a dollar amount of the investment made by Treasury that is greater than the dollar amount increase in the amount of small business lending realized under this program. The Secretary may issue guidelines that will apply to new capital investments limiting the amount of capital available to eligible institutions consistent with this limitation.

(G) RATE ADJUSTMENTS FOR S CORPORATION.—Before making a capital investment in an eligible institution that is an S corporation or a corporation organized on a mutual basis, the Secretary may adjust the dividend or interest rate on the financial instrument to be issued to the Secretary, from the dividend or interest rate that would apply under subparagraphs (A) through (F), to take into account any differential tax treatment of securities issued by such eligible institution. For purpose of this subparagraph, the term ''S corporation'' has the same meaning as in section 1361(a) of the Internal Revenue Code of 1986.

(H) REPAYMENT DEADLINE.—The capital investment received by an eligible institution under the Program shall be evidenced by preferred stock or other financial instrument that—

(i) includes, as a term and condition, that the capital investment will—

(I) be repaid not later than the end of the 10-year period beginning on the date of the capital investment under the Program; or

(II) at the end of such 10-year period, be subject to such additional terms as the Secretary shall prescribe, which shall include a requirement that the stock or instrument shall carry the highest dividend or interest rate payable; and

(ii) provides that the term and condition described under clause (i) shall not apply if the application of that term and condition would adversely affect the capital treatment of the stock or financial instrument under current or successor applicable capital provisions compared to a capital instrument with identical terms other than the term and condition described under clause (i).

(I) REQUIREMENTS ON FINANCIAL INSTRUMENTS ISSUED BY A COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION LOAN FUND.—Any equity equivalent capital issued to the Treasury by a community development loan fund receiving a capital investment under the Program shall provide that the rate at which interest is payable shall be 2 percent per annum for 8 years. After 8 years, the rate at which interest is payable shall be 9 percent.

(6) ADDITIONAL INCENTIVES TO REPAY.—The Secretary may, by regulation or guidance issued under section 5104(9), establish repayment incentives in addition to the incentive in paragraph (5)(E) that will apply to new capital investments in a manner that the Secretary determines to be consistent with the purposes of this subtitle.

(7) CAPITAL PURCHASE PROGRAM REFINANCE.—

(A) IN GENERAL.—The Secretary shall, in a manner that the Secretary determines to be consistent with the purposes of this subtitle, issue regulations and other guidance to permit eligible institutions to refinance securities issued to Treasury under the CDCI and the CPP for securities to be issued under the Program.

(B) PROHIBITION ON PARTICIPATION BY NONPAYING CPP PARTICIPANTS.—Subparagraph (A) shall not apply to any eligible institution that has missed more than one dividend payment due under the CPP. For purposes of this subparagraph, a CPP dividend payment that is submitted within 60 days of the due date of such payment shall not be considered a missed dividend payment.

(8) OUTREACH TO MINORITIES, WOMEN, AND VETERANS.—The Secretary shall require eligible institutions receiving capital investments under the Program to provide linguistically and culturally appropriate outreach and advertising in the applicant pool describing the availability and application process of receiving loans from the eligible institution that are made possible by the Program through the use of print, radio, television or electronic media outlets which target organizations, trade associations, and individuals that—

(A) represent or work within or are members of minority communities;

(B) represent or work with or are women; and

(C) represent or work with or are veterans.

(9) ADDITIONAL TERMS.—The Secretary may, by regulation or guidance issued under section 5104(9), make modifications that will apply to new capital investments in order to manage risks associated with the administration of the Fund in a manner consistent with the purposes of this subtitle.

(10) MINIMUM UNDERWRITING STANDARDS.—The appropriate Federal banking agency for an eligible institution that receives funds under the Program shall within 60 days issue guidance regarding prudent underwriting standards that must be used for loans made by the eligible institution using such funds.

SEC. 5104. ADDITIONAL AUTHORITIES OF THE SECRETARY.

The Secretary may take such actions as the Secretary deems necessary to carry out the authorities in this subtitle, including, without limitation, the following:

(1) The Secretary may use the services of any agency or instrumentality of the United States or component thereof on a reimbursable basis, and any such agency or instrumentality or component thereof is authorized to provide services as requested by the Secretary using all authorities vested in or delegated to that agency, instrumentality, or component.

(2) The Secretary may enter into contracts, including contracts for services authorized by section 3109 of title 5, United States Code.

(3) The Secretary may designate any bank, savings association, trust company, security broker or dealer, asset manager, or investment adviser as a financial agent of the Federal Government and such institution shall perform all such reasonable duties related to this subtitle as financial agent of the Federal Government as may be required. The Secretary shall have authority to amend existing agreements with financial agents, entered into during the 2-year period before the date of enactment of this Act, to perform reasonable duties related to this subtitle.

(4) The Secretary may exercise any rights received in connection with any preferred stock or other financial instruments or assets purchased or acquired pursuant to the authorities granted under this subtitle.

(5) Subject to section 5103(b)(3), the Secretary may manage any assets purchased under this subtitle, including revenues and portfolio risks therefrom.

(6) The Secretary may sell, dispose of, transfer, exchange or enter into securities loans, repurchase transactions, or other financial transactions in regard to, any preferred stock or other financial instrument or asset purchased or acquired under this subtitle, upon terms and conditions and at a price determined by the Secretary.

(7) The Secretary may manage or prohibit conflicts of interest that may arise in connection with the administration and execution of the authorities provided under this subtitle.

(8) The Secretary may establish and use vehicles, subject to supervision by the Secretary, to purchase, hold, and sell preferred stock or other financial instruments and issue obligations.

(9) The Secretary may, in consultation with the Administrator of the Small Business Administration, issue such regulations and other guidance as may be necessary or appropriate to define terms or carry out the authorities or purposes of this subtitle.

SEC. 5105. CONSIDERATIONS.

In exercising the authorities granted in this subtitle, the Secretary shall take into consideration—

(1) increasing the availability of credit for small businesses;

(2) providing funding to minority-owned eligible institutions and other eligible institutions that serve small businesses that are minority-, veteran-, and women-owned and that also serve low- and moderate-income, minority, and other underserved or rural communities;

(3) protecting and increasing American jobs;

(4) increasing the opportunity for small business development in areas with high unemployment rates that exceed the national average;

(5) ensuring that all eligible institutions may apply to participate in the program established under this subtitle, without discrimination based on geography;

(6) providing transparency with respect to use of funds provided under this subtitle;

(7) minimizing the cost to taxpayers of exercising the authorities;

(8) promoting and engaging in financial education to would-be borrowers; and

(9) providing funding to eligible institutions that serve small businesses directly affected by the discharge of oil arising from the explosion on and sinking of the mobile offshore drilling unit Deepwater Horizon and small businesses in communities that have suffered negative economic effects as a result of that discharge with particular consideration to States along the coast of the Gulf of Mexico.

SEC. 5106. REPORTS.

The Secretary shall provide to the appropriate committees of Congress—

(1) within 7 days of the end of each month commencing with the first month in which transactions are made under the Program, a written report describing all of the transactions made during the reporting period pursuant to the authorities granted under this subtitle;

(2) after the end of March and the end of September, commencing September 30, 2010, a written report on all projected costs and liabilities, all operating expenses, including compensation for financial agents, and all transactions made by the Fund, which shall include participating institutions and amounts each institution has received under the Program; and

(3) within 7 days of the end of each calendar quarter commencing with the first calendar quarter in which transactions are made under the Program, a written report detailing how eligible institutions participating in the Program have used the funds such institutions received under the Program.

SEC. 5107. OVERSIGHT AND AUDITS.

(a) INSPECTOR GENERAL OVERSIGHT.—The Inspector General of the Department of the Treasury shall conduct, supervise, and coordinate audits and investigations of the Program through the Office of Small Business Lending Fund Program Oversight established under subsection (b).

(b) OFFICE OF SMALL BUSINESS LENDING FUND PROGRAM OVERSIGHT.—

(1) ESTABLISHMENT.—There is hereby established within the Office of the Inspector General of the Department of the Treasury a new office to be named the ''Office of Small Business Lending Fund Program Oversight'' to provide oversight of the Program.

(2) LEADERSHIP.—The Inspector General shall appoint a Special Deputy Inspector General for SBLF Program Oversight to lead the Office, with commensurate staff, who shall report directly to the Inspector General and who shall be responsible for the performance of all auditing and investigative activities relating to the Program.

(3) REPORTING.—

(A) IN GENERAL.—The Inspector General shall issue a report no less than two times a year to the Congress and the Secretary devoted to the oversight provided by the Office, including any recommendations for improvements to the Program.

(B) RECOMMENDATIONS.—With respect to any deficiencies identified in a report under subparagraph (A), the Secretary shall either—

(i) take actions to address such deficiencies; or

(ii) certify to the appropriate committees of Congress that no action is necessary or appropriate.

(4) COORDINATION.—The Inspector General, in maximizing the effectiveness of the Office, shall work with other Offices of Inspector General, as appropriate, to minimize duplication of effort and ensure comprehensive oversight of the Program.

(5) TERMINATION.—The Office shall terminate at the end of the 6-month period beginning on the date on which all capital investments are repaid under the Program or the date on which the Secretary determines that any remaining capital investments will not be repaid.

(6) DEFINITIONS.—For purposes of this subsection:

(A) OFFICE.—The term ''Office'' means the Office of Small Business Lending Fund Program Oversight established under paragraph (1).

(B) INSPECTOR GENERAL.—The term ''Inspector General'' means the Inspector General of the Department of the Treasury.

(c) GAO AUDIT.—The Comptroller General of the United States shall perform an annual audit of the Program and issue a report to the appropriate committees of Congress containing the results of such audit.

(d) REQUIRED CERTIFICATIONS.—

(1) ELIGIBLE INSTITUTION CERTIFICATION.—Each eligible institution that participates in the Program must certify that such institution is in compliance with the requirements of section 103.121 of title 31, Code of Federal Regulations, a regulation that, at a minimum, requires financial institutions, as that term is defined in 31 U.S.C. 5312(a)(2) and (c)(1)(A), to implement reasonable procedures to verify the identity of any person seeking to open an account, to the extent reasonable and practicable, maintain records of the information used to verify the person's identity, and determine whether the person appears on any lists of known or suspected terrorists or terrorist organizations provided to the financial institution by any government agency.

(2) LOAN RECIPIENTS.—With respect to funds received by an eligible institution under the Program, any business receiving a loan from the eligible institution using such funds after the date of the enactment of this Act shall certify to such eligible institution that the principals of such business have not been convicted of a sex offense against a minor (as such terms are defined in section 111 of the Sex Offender Registration and Notification Act (42 U.S.C. 16911)).

(e) PROHIBITION ON PORNOGRAPHY.—None of the funds made available under this subtitle may be used to pay the salary of any individual engaged in activities related to the Program who has been officially disciplined for violations of subpart G of the Standards of Ethical Conduct for Employees of the Executive Branch for viewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties.

SEC. 5108. CREDIT REFORM; FUNDING.

(a) CREDIT REFORM.—The cost of purchases of preferred stock and other financial instruments made as capital investments under this subtitle shall be determined as provided under the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

(b) FUNDS MADE AVAILABLE.—There are hereby appropriated, out of funds in the Treasury not otherwise appropriated, such sums as may be necessary to pay the costs of $30,000,000,000 of capital investments in eligible institutions, including the costs of modifying such investments, and reasonable costs of administering the program of making, holding, managing, and selling the capital investments.

SEC. 5109. TERMINATION AND CONTINUATION OF AUTHORITIES.

(a) TERMINATION OF INVESTMENT AUTHORITY.—The authority to make capital investments in eligible institutions, including commitments to purchase preferred stock or other instruments, provided under this subtitle shall terminate 1 year after the date of enactment of this Act.

(b) CONTINUATION OF OTHER AUTHORITIES.—The authorities of the Secretary under section 5104 shall not be limited by the termination date in subsection (a).

SEC. 5110. PRESERVATION OF AUTHORITY.

Nothing in this subtitle may be construed to limit the authority of the Secretary under any other provision of law.

SEC. 5111. ASSURANCES.

(a) SMALL BUSINESS LENDING FUND SEPARATE FROM TARP.—The Small Business Lending Fund Program is established as separate and distinct from the Troubled Asset Relief Program established by the Emergency Economic Stabilization Act of 2008. An institution shall not, by virtue of a capital investment under the Small Business Lending Fund Program, be considered a recipient of the Troubled Asset Relief Program.

(b) CHANGE IN LAW.—If, after a capital investment has been made in an eligible institution under the Program, there is a change in law that modifies the terms of the investment or program in a materially adverse respect for the eligible institution, the eligible institution may, after consultation with the appropriate Federal banking agency for the eligible institution, repay the investment without impediment.

SEC. 5112. STUDY AND REPORT WITH RESPECT TO WOMEN-OWNED, VETERAN-OWNED, AND MINORITY-OWNED BUSINESSES.

(a) STUDY.—The Secretary shall conduct a study of the impact of the Program on women-owned businesses, veteran-owned businesses, and minority-owned businesses.

(b) REPORT.—Not later than one year after the date of enactment of this Act, the Secretary shall submit to Congress a report on the results of the study conducted pursuant to subsection (a). To the extent possible, the Secretary shall disaggregate the results of such study by ethnic group and gender.

(c) INFORMATION PROVIDED TO THE SECRETARY.—Eligible institutions that participate in the Program shall provide the Secretary with such information as the Secretary may require to carry out the study required by this section.

SEC. 5113. SENSE OF CONGRESS.

It is the sense of Congress that the Federal Deposit Insurance Corporation and other bank regulators are sending mixed messages to banks regarding regulatory capital requirements and lending standards, which is a

contributing cause of decreased small business lending and increased regulatory uncertainty at community banks.

Subtitle B—Other Provisions

PART I—SMALL BUSINESS EXPORT PROMOTION INITIATIVES

SEC. 5221. GLOBAL BUSINESS DEVELOPMENT AND PROMOTION ACTIVITIES OF THE DEPARTMENT OF COMMERCE.

(a) INCREASE IN EMPLOYEES WITH RESPONSIBILITY FOR GLOBAL BUSINESS DEVELOPMENT AND PROMOTION ACTIVITIES.—

(1) IN GENERAL.—During the 24-month period beginning on the date of the enactment of this Act, the Secretary of Commerce shall increase the number of full-time departmental employees whose primary responsibilities involve promoting or facilitating participation by United States businesses in the global marketplace and facilitating the entry into, or expansion of, such participation by United States businesses. In carrying out this subsection, the Secretary shall ensure that—

(A) the cohort of such employees is increased by not less than 80 persons; and

(B) a substantial portion of the increased cohort is stationed outside the United States.

(2) ENHANCED FOCUS ON UNITED STATES SMALL- AND MEDIUM-SIZED BUSINESSES.—In carrying out this subsection, the Secretary shall take such action as may be necessary to ensure that the activities of the Department of Commerce relating to promoting and facilitating participation by United States businesses in the global marketplace include promoting and facilitating such participation by small and medium-sized businesses in the United States.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for each of the fiscal years 2011 and 2012 such sums as may be necessary to carry out this section.

(b) ADDITIONAL FUNDING FOR GLOBAL BUSINESS DEVELOPMENT AND PROMOTION ACTIVITIES OF THE DEPARTMENT OF COMMERCE.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce for the period beginning on the date of the enactment of this Act and ending 18 months thereafter, $30,000,000 to promote or facilitate participation by United States businesses in the global marketplace and facilitating the entry into, or expansion of, such participation by United States businesses.

(2) REQUIREMENTS.—In obligating and expending the funds authorized to be appropriated by paragraph (1), the Secretary of Commerce shall give preference to activities that—

(A) assist small- and medium-sized businesses in the United States; and

(B) the Secretary determines will create or sustain the greatest number of jobs in the United States and obtain the maximum return on investment.

SEC. 5222. ADDITIONAL FUNDING TO IMPROVE ACCESS TO GLOBAL MARKETS FOR RURAL BUSINESSES.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce $5,000,000 for each of the fiscal years 2011 and 2012 for improving access to the global marketplace for goods and services provided by rural businesses in the United States.

(b) REQUIREMENTS.—In obligating and expending the funds authorized to be appropriated by subsection (a), the Secretary of Commerce shall give preference to activities that—

(1) assist small- and medium-sized businesses in the United States; and

(2) the Secretary determines will create or sustain the greatest number of jobs in the United States and obtain the maximum return on investment.

SEC. 5223. ADDITIONAL FUNDING FOR THE EXPORTECH PROGRAM.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce $11,000,000 for the period beginning on the date of the enactment of this Act and ending 18 months thereafter, to expand ExporTech, a joint program of the Hollings Manufacturing Partnership Program and the Export Assistance Centers of the Department of Commerce.

(b) REQUIREMENTS.—In obligating and expending the funds authorized to be appropriated by subsection (a), the Secretary of Commerce shall give preference to activities that—

(1) assist small- and medium-sized businesses in the United States; and

(2) the Secretary determines will create or sustain the greatest number of jobs in the United States and obtain the maximum return on investment.

SEC. 5224. ADDITIONAL FUNDING FOR THE MARKET DEVELOPMENT COOPERATOR PROGRAM OF THE DEPARTMENT OF COMMERCE.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce for the period beginning on the date of the enactment of this Act and ending 18 months thereafter, $15,000,000 for the Manufacturing and Services unit of the International Trade Administration—

(1) to establish public-private partnerships under the Market Development Cooperator Program of the International Trade Administration; and

(2) to underwrite a portion of the start-up costs for new projects carried out under that Program to strengthen the competitiveness and market share of United States industry, not to exceed, for each such project, the lesser of—

(A) ⅓ of the total start-up costs for the project; or

(B) $500,000.

(b) REQUIREMENTS.—In obligating and expending the funds authorized to be appropriated by subsection (a), the Secretary of Commerce shall give preference to activities that—

(1) assist small- and medium-sized businesses in the United States; and

(2) the Secretary determines will create or sustain the greatest number of jobs in the United States and obtain the maximum return on investment.

SEC. 5225. HOLLINGS MANUFACTURING PARTNERSHIP PROGRAM; TECHNOLOGY INNOVATION PROGRAM.

(a) HOLLINGS MANUFACTURING PARTNERSHIP PROGRAM.—Section 25(f) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(f)) is amended by adding at the end the following:

''(7) GLOBAL MARKETPLACE PROJECTS.—In making awards under this subsection, the Director, in consultation with the Manufacturing Extension Partnership Advisory Board and the Secretary of Commerce, may—

''(A) take into consideration whether an application has significant potential for enhancing the competitiveness of small and medium-sized United States manufacturers in the global marketplace; and

''(B) give a preference to applications for such projects to the extent the Director deems appropriate, taking into account the broader purposes of this subsection.''.

(b) TECHNOLOGY INNOVATION PROGRAM.—In awarding grants, cooperative agreements, or contracts under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n), in addition to the award criteria set forth in subsection (c) of that section, the Director of the National Institute of Standards and Technology may take into consideration whether an application has significant potential for enhancing the competitiveness of small- and medium-sized businesses in the United States in the global marketplace. The Director shall consult with the Technology Innovation Program Advisory Board and the Secretary of Commerce in implementing this subsection.

SEC. 5226. SENSE OF THE SENATE CONCERNING FEDERAL COLLABORATION WITH STATES ON EXPORT PROMOTION ISSUES.

It is the sense of the Senate that the Secretary of Commerce should enhance Federal collaboration with the States on export promotion issues by—

(1) providing the necessary training to the staff at State international trade agencies to enable them to assist the United States and Foreign Commercial Service (established by section 2301 of the Export Enhancement Act of 1988 (15 U.S.C. 4721)) in providing counseling and other export services to businesses in their communities; and

(2) entering into agreements with State international trade agencies for those agencies to deliver export promotion services in their local communities in order to extend the outreach of United States and Foreign Commercial Service programs.

SEC. 5227. REPORT ON TARIFF AND NONTARIFF BARRIERS.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Commerce, in consultation with the United States Trade Representative and other appropriate entities, shall report to Congress on the tariff and nontariff barriers imposed by Colombia, the Republic of Korea, and Panama with respect to exports of articles from the United States, including articles exported or produced by small- and medium-sized businesses in the United States.

PART II—MEDICARE FRAUD

SEC. 5241. USE OF PREDICTIVE MODELING AND OTHER ANALYTICS TECHNOLOGIES TO IDENTIFY AND PREVENT WASTE, FRAUD, AND ABUSE IN THE MEDICARE FEE-FOR-SERVICE PROGRAM.

(a) USE IN THE MEDICARE FEE-FOR-SERVICE PROGRAM.—The Secretary shall use predictive modeling and other analytics technologies (in this section referred to as ''predictive analytics technologies'') to identify improper claims for reimbursement and to prevent the payment of such claims under the Medicare fee-for-service program.

(b) PREDICTIVE ANALYTICS TECHNOLOGIES REQUIREMENTS.—The predictive analytics technologies used by the Secretary shall—

(1) capture Medicare provider and Medicare beneficiary activities across the Medicare fee-for-service program to provide a comprehensive view across all providers, beneficiaries, and geographies within such program in order to—

(A) identify and analyze Medicare provider networks, provider billing patterns, and beneficiary utilization patterns; and

(B) identify and detect any such patterns and networks that represent a high risk of fraudulent activity;

(2) be integrated into the existing Medicare fee-for-service program claims flow with minimal effort and maximum efficiency;

(3) be able to—

(A) analyze large data sets for unusual or suspicious patterns or anomalies or contain other factors that are linked to the occurrence of waste, fraud, or abuse;

(B) undertake such analysis before payment is made; and

(C) prioritize such identified transactions for additional review before payment is made in terms of the likelihood of potential waste, fraud, and abuse to more efficiently utilize investigative resources;

(4) capture outcome information on adjudicated claims for reimbursement to allow for refinement and enhancement of the predictive analytics technologies on the basis of such outcome information, including post-payment information about the eventual status of a claim; and

(5) prevent the payment of claims for reimbursement that have been identified as potentially wasteful, fraudulent, or abusive until such time as the claims have been verified as valid.

(c) IMPLEMENTATION REQUIREMENTS.—

(1) REQUEST FOR PROPOSALS.—Not later than January 1, 2011, the Secretary shall issue a request for proposals to carry out this section during the first year of implementation. To the extent the Secretary determines appropriate—

(A) the initial request for proposals may include subsequent implementation years; and

(B) the Secretary may issue additional requests for proposals with respect to subsequent implementation years.

(2) FIRST IMPLEMENTATION YEAR.—The initial request for proposals issued under paragraph (1) shall require the contractors selected to commence using predictive analytics technologies on July 1, 2011, in the 10 States identified by the Secretary as having the highest risk of waste, fraud, or abuse in the Medicare fee-for-service program.

(3) SECOND IMPLEMENTATION YEAR.—Based on the results of the report and recommendation required under subsection (e)(1)(B), the Secretary shall expand the use of predictive analytics technologies on October 1, 2012, to apply to an additional 10 States identified by the Secretary as having the highest risk of waste, fraud, or abuse in the Medicare fee-for-service program, after the States identified under paragraph (2).

(4) THIRD IMPLEMENTATION YEAR.—Based on the results of the report and recommendation required under subsection (e)(2), the Secretary shall expand the use of predictive analytics technologies on January 1, 2014, to apply to the Medicare fee-for-service program in any State not identified under paragraph (2) or (3) and the commonwealths and territories.

(5) FOURTH IMPLEMENTATION YEAR.—Based on the results of the report and recommendation required under subsection (e)(3), the Secretary shall expand the use of predictive analytics technologies, beginning April 1, 2015, to apply to Medicaid and CHIP. To the extent the Secretary determines appropriate, such expansion may be made on a phased-in basis.

(6) OPTION FOR REFINEMENT AND EVALUATION.—If, with respect to the first, second, or third implementation year, the Inspector General of the Department of Health and Human Services certifies as part of the report required under subsection (e) for that year no or only nominal actual savings to the Medicare fee-for-service program, the Secretary may impose a moratorium, not to exceed 12 months, on the expansion of the use of predictive analytics technologies under this section for the succeeding year in order to refine the use of predictive analytics technologies to achieve more than nominal savings before further expansion. If a moratorium is imposed in accordance with this paragraph, the implementation dates applicable for the succeeding year or years shall be adjusted to reflect the length of the moratorium period.

(d) CONTRACTOR SELECTION, QUALIFICATIONS, AND DATA ACCESS REQUIREMENTS.—

(1) SELECTION.—

(A) IN GENERAL.—The Secretary shall select contractors to carry out this section using competitive procedures as provided for in the Federal Acquisition Regulation.

(B) NUMBER OF CONTRACTORS.—The Secretary shall select at least 2 contractors to carry out this section with respect to any year.

(2) QUALIFICATIONS.—

(A) IN GENERAL.—The Secretary shall enter into a contract under this section with an entity only if the entity—

(i) has leadership and staff who—

(I) have the appropriate clinical knowledge of, and experience with, the payment rules and regulations under the Medicare fee-for-service program; and

(II) have direct management experience and proficiency utilizing predictive analytics technologies necessary to carry out the requirements under subsection (b); or

(ii) has a contract, or will enter into a contract, with another entity that has leadership and staff meeting the criteria described in clause (i).

(B) CONFLICT OF INTEREST.—The Secretary may only enter into a contract under this section with an entity to the extent that the entity complies with such conflict of interest standards as are generally applicable to Federal acquisition and procurement.

(3) DATA ACCESS.—The Secretary shall provide entities with a contract under this section with appropriate access to data necessary for the entity to use predictive analytics technologies in accordance with the contract.

(e) REPORTING REQUIREMENTS.—

(1) FIRST IMPLEMENTATION YEAR REPORT.—Not later than 3 months after the completion of the first implementation year under this section, the Secretary shall submit to the appropriate committees of Congress and make available to the public a report that includes the following:

(A) A description of the implementation of the use of predictive analytics technologies during the year.

(B) A certification of the Inspector General of the Department of Health and Human Services that—

(i) specifies the actual and projected savings to the Medicare fee-for-service program as a result of the use of predictive analytics technologies, including estimates of the amounts of such savings with respect to both improper payments recovered and improper payments avoided;

(ii) the actual and projected savings to the Medicare fee-for-service program as a result of such use of predictive analytics technologies relative to the return on investment for the use of such technologies and in comparison to other strategies or technologies used to prevent and detect fraud, waste, and abuse in the Medicare fee-for-service program; and

(iii) includes recommendations regarding—

(I) whether the Secretary should continue to use predictive analytics technologies;

(II) whether the use of such technologies should be expanded in accordance with the requirements of subsection (c); and

(III) any modifications or refinements that should be made to increase the amount of actual or projected savings or mitigate any adverse impact on Medicare beneficiaries or providers.

(C) An analysis of the extent to which the use of predictive analytics technologies successfully prevented and detected waste, fraud, or abuse in the Medicare fee-for-service program.

(D) A review of whether the predictive analytics technologies affected access to, or the quality of, items and services furnished to Medicare beneficiaries.

(E) A review of what effect, if any, the use of predictive analytics technologies had on Medicare providers.

(F) Any other items determined appropriate by the Secretary.

(2) SECOND YEAR IMPLEMENTATION REPORT.—Not later than 3 months after the completion of the second implementation year under this section, the Secretary shall submit to the appropriate committees of Congress and make available to the public a report that includes, with respect to such year, the items required under paragraph (1) as well as any other additional items determined appropriate by the Secretary with respect to the report for such year.

(3) THIRD YEAR IMPLEMENTATION REPORT.—Not later than 3 months after the completion of the third implementation year under this section, the Secretary shall submit to the appropriate committees of Congress, and make available to the public, a report that includes with respect to such year, the items required under paragraph (1), as well as any other additional items determined appropriate by the Secretary with respect to the report for such year, and the following:

(A) An analysis of the cost-effectiveness and feasibility of expanding the use of predictive analytics technologies to Medicaid and CHIP.

(B) An analysis of the effect, if any, the application of predictive analytics technologies to claims under Medicaid and CHIP would have on States and the commonwealths and territories.

(C) Recommendations regarding the extent to which technical assistance may be necessary to expand the application of predictive analytics technologies to claims under Medicaid and CHIP, and the type of any such assistance.

(f) INDEPENDENT EVALUATION AND REPORT.—

(1) EVALUATION.—Upon completion of the first year in which predictive analytics technologies are used with respect to claims under Medicaid and CHIP, the Secretary shall, by grant, contract, or interagency agreement, conduct an independent evaluation of the use of predictive analytics technologies under the Medicare fee-for-service program and Medicaid and CHIP. The evaluation shall include an analysis with respect to each such program of the items required for the third year implementation report under subsection (e)(3).

(2) REPORT.—Not later than 18 months after the evaluation required under paragraph (1) is initiated, the Secretary shall submit a report to Congress on the evaluation that shall include the results of the evaluation, the Secretary's response to such results and, to the extent the Secretary determines appropriate, recommendations for legislation or administrative actions.

(g) WAIVER AUTHORITY.—The Secretary may waive such provisions of titles XI, XVIII, XIX, and XXI of the Social Security Act, including applicable prompt payment requirements under titles XVIII and XIX of such Act, as the Secretary determines to be appropriate to carry out this section.

(h) FUNDING.—

(1) APPROPRIATION.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to the Secretary to carry out this section, $100,000,000 for the period beginning January 1, 2011, to remain available until expended.

(2) RESERVATIONS.—

(A) INDEPENDENT EVALUATION.—The Secretary shall reserve not more than 5 percent of the funds appropriated under paragraph (1) for purposes of conducting the independent evaluation required under subsection (f).

(B) APPLICATION TO MEDICAID AND CHIP.—The Secretary shall reserve such portion of the funds appropriated under paragraph (1) as the Secretary determines appropriate for purposes of providing assistance to States for administrative expenses in the event of

the expansion of predictive analytics technologies to claims under Medicaid and CHIP.

(i) DEFINITIONS.—In this section:

(1) COMMONWEALTHS AND TERRITORIES.—The term ''commonwealth and territories'' includes the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States in which the Medicare fee-for-service program, Medicaid, or CHIP operates.

(2) CHIP.—The term ''CHIP'' means the Children's Health Insurance Program established under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.).

(3) MEDICAID.—The term ''Medicaid'' means the program to provide grants to States for medical assistance programs established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(4) MEDICARE BENEFICIARY.—The term ''Medicare beneficiary'' means an individual enrolled in the Medicare fee-for-service program.

(5) MEDICARE FEE-FOR-SERVICE PROGRAM.—The term ''Medicare fee-for-service program'' means the original medicare fee-for-service program under parts A and B of title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(6) MEDICARE PROVIDER.—The term ''Medicare provider'' means a provider of services (as defined in subsection (u) of section 1861 of the Social Security Act (42 U.S.C. 1395x)) and a supplier (as defined in subsection (d) of such section).

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services, acting through the Administrator of the Centers for Medicare & Medicaid Services.

(8) STATE.—The term ''State'' means each of the 50 States and the District of Columbia.

PART III—ADVANCE REFUNDABILITY

SEC. 5261. ELIMINATION OF ADVANCE REFUNDABILITY OF EARNED INCOME CREDIT.

(a) IN GENERAL.—Notwithstanding any other provision of this Act, section 2122 and the amendments made by section 2122 shall have no force or effect.

(b) ELIMINATION.—

(1) IN GENERAL.—The following provisions of the Internal Revenue Code of 1986 are repealed:

(A) Section 3507.

(B) Subsection (g) of section 32.

(C) Paragraph (7) of section 6051(a).

(2) CONFORMING AMENDMENTS.—

(A) Section 6012(a) of the Internal Revenue Code of 1986 is amended by striking paragraph (8) and by redesignating paragraph (9) as paragraph (8).

(B) Section 6302 of such Code is amended by striking subsection (i).

(C) The table of sections for chapter 25 of such Code is amended by striking the item relating to section 3507.

(3) EFFECTIVE DATE.—The repeals and amendments made by this subsection shall apply to taxable years beginning after December 31, 2010.

SA 4501. Mr. REID proposed an amendment to amendment SA 4500 proposed by Mr. REID (for Mr. LEMIEUX (for himself, Ms. LANDRIEU, Mr. MERKLEY, Mrs. BOXER, Ms. CANTWELL, Ms. KLOBUCHAR, and Mrs. MURRAY)) to the amendment SA 4499 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; as follows:

At the end of the amendment, insert the following:

The provisions of this Act shall become effective 10 days after enactment.

SA 4502. Mr. REID proposed an amendment to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; as follows:

At the end of the language proposed to be stricken, insert the following:

This section shall become effective 5 days after enactment.

SA 4503. Mr. REID proposed an amendment to amendment SA 4502 proposed by Mr. REID to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; as follows:

In amendment, strike ''5'' and insert ''4''.

SA 4504. Mr. REID proposed an amendment to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; as follows:

At the end, insert the following:

The Finance Committee is requested to study the impact of changes to the system whereby small business entities are provided with opportunities for access to capital.

SA 4505. Mr. REID proposed an amendment to amendment SA 4504 proposed by Mr. REID to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; as follows:

At the end, insert the following:

and the economic impact on local communities served by small businesses,

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SA 4506. Mr. REID proposed an amendment to amendment SA 4505 proposed by Mr. REID to the amendment SA 4504 proposed by Mr. REID to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; as follows:

At the end, insert the following:

and its impact on state and local governments.

SA 4507. Mr. DORGAN (for himself, Mr. CRAPO, Mr. TESTER, and Mr. BEGICH) submitted an amendment intended to be proposed by him to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE _____—NATIVE AMERICAN INVESTMENT INITIATIVES

SEC. __01. IMPROVING ACCESS TO CAPITAL FOR INDIAN TRIBES.

Section 201 of the Indian Financing Act of 1974 (25 U.S.C. 1481) is amended by adding at the end the following:

''(c) IMPROVING ACCESS TO CAPITAL FOR INDIAN TRIBES.—The Secretary shall consider more favorable equity terms or allow an increase in loan guarantees from 90 percent up to 95 percent of the unpaid principal and interest due on any loan made under this section for energy development or manufacturing carried out on Indian land or within a tribal service area recognized by the Bureau of Indian Affairs.''.

SEC. __02. SURETY BOND GUARANTEES.

Section 218 of the Indian Financing Act of 1974 (25 U.S.C. 1497a) is amended to read as follows:

''SEC. 218. SURETY BOND GUARANTEES.

''(a) AMOUNT; ELIGIBILITY.—The Secretary may issue a guarantee up to 100 percent of amounts covered by a surety bond issued for eligible construction, renovation, or demolition work performed or to be performed by an Indian individual or Indian economic enterprise.

''(b) CONDITIONS.—

''(1) IN GENERAL.—The Secretary may provide a surety bond guarantee under this section only if the Secretary determines that—

''(A) the guarantee is necessary for the Indian individual or Indian economic enterprise to secure a surety bond on commercially reasonable terms;

''(B) not more than 25 percent of the business of the surety is comprised of bonds guaranteed pursuant to this section; and

''(C) the surety meets eligibility standards established by the Secretary in rules and regulations.

''(2) PREVENTION AND MITIGATION OF LOSS.—The Secretary shall condition each surety bond guarantee to an Indian business on the existence of—

''(A) appropriate technical assistance and advice; and

''(B) adequate monitoring of the performance of the project.

''(c) FEES AND CHARGES.—

''(1) IN GENERAL.—The rules and regulations promulgated by the Secretary to carry out this section shall include the setting of—

''(A) reasonable fees to be paid by the Indian individual or economic enterprise; and

''(B) reasonable premium charges to be paid by sureties.

''(2) RECEIPTS.—The receipts from fees and charges shall be made available to the Secretary for administration and management of this section.''.

SEC. __03. INDIAN EMPLOYMENT, TRAINING, AND RELATED SERVICES.

The Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 U.S.C. 3401 et seq.) is amended—

(1) in section 2 (25 U.S.C. 3401), by striking ''The purposes of this chapter are to demonstrate how Indian tribal governments can integrate the employment, training, and related services they provide in order'' and inserting ''The purposes of this chapter are to promote tribal government integration of employment, training, and related services'';

(2) in section 3 (25 U.S.C. 3402), by adding at the end the following:

''(5) TRIBAL ORGANIZATION.—The term 'tribal organization' has meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).'';

(3) in section 4 (25 U.S.C. 3403)—

(A) by striking ''The Secretary'' and inserting the following:

''(a) IN GENERAL.—The Secretary''; and

(B) by adding at the end the following:

''(b) SINGLE INTEGRATED PLAN.—On approval by the Secretary of a plan submitted by an Indian tribe or tribal organization under subsection (a), the covered programs shall be fully integrated into a single, coordinated, comprehensive program that shall not require the Indian tribe or tribal organization to submit to any additional budgets, reports, audits, supplemental audits, or other documentation requirements.

''(c) TRANSFER OF FUNDS.—Notwithstanding any other provision of law, all funds for programs and services covered by an approved plan under this section shall, at the request of the Indian tribe or tribal organization, be transferred to the Indian tribe or tribal organization pursuant to an existing contract, compact, or funding agreement, including those awarded under title I or IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).'';

(4) in section 5 (25 U.S.C. 3404), by striking ''in a demonstration project under any such'' and inserting ''under any'';

(5) in section 6 (25 U.S.C. 3405), by striking paragraph (3) and inserting the following:

''(3) identify—

''(A) the full range of potential employment opportunities on and near the service area of the Indian tribe or tribal organization; and

''(B) the education, training, and related services to be provided to assist individual Indians to access those employment opportunities;'';

(6) by striking sections 7 and 8 (25 U.S.C. 3406, 3407) and inserting the following:

''SEC. 7. PLAN REVIEW AND APPROVAL.

''(a) IN GENERAL.—Not later than 90 days after the date of receipt of a plan under section 4, the Secretary shall approve the plan, including any request for a waiver that is made as part of the plan, and authorize the transfer of funds pursuant to that plan, unless the Secretary provides written notification of disapproval of the plan that contains a specific finding that clearly demonstrates that, or that is supported by a controlling legal authority that, the plan does not meet the requirements of section 6.

''(b) FAILURE TO ACT.—Any plan that the Secretary fails to act on by the date that is 90 days after the date of receipt (or such extended time as may be provided under subsection (c)) shall be considered to be approved.

''(c) EXTENSION OF TIME.—Notwithstanding any other provision of law, the Secretary may extend or otherwise modify the 90-day period specified in subsection (a), if before the expiration of that period, the Secretary obtains the express written consent of the Indian tribe or tribal organization to extend or alter the period for up to 90 additional days.

''(d) REVIEW OF DECISION; APPLICABLE PROVISIONS.—On a decision to disapprove a plan, the following provisions of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) shall apply to the review of the decision:

''(1) Section 102(b) (25 U.S.C. 450f(b)) (relating to the declination process).

''(2) Section 102(e) (25 U.S.C. 450f(e)) (relating to burden of proof and finality).

''(3) Subsections (a) and (c) of section 110 (25 U.S.C. 450m–1) (relating to appeals).'';

(7) in section 11 (25 U.S.C. 3410)—

(A) in subsection (a), by striking paragraphs (1) through (4) and inserting the following:

''(1) the development and use of a model single report for each approved plan submitted by an Indian tribe or tribal organization to report on the consolidated activities undertaken and joint expenditures made under the plan;

''(2) the provision, either directly or through contract, of appropriate technical assistance to an Indian tribe or tribal organization with an approved plan, on the condition that the Indian tribe or tribal organization retains the authority to accept the plan for providing such technical assistance and the technical assistance provider;

''(3) the development and use of a single monitoring and oversight system for the plan;

''(4)(A) the receipt of all funds covered by a plan submitted by an Indian tribe or tribal organization and approved by the Secretary; and

''(B) the distribution of all such funds to the respective Indian tribe or tribal organization; and

''(5) the performance of activities described in section 7 relating to agency waivers and the establishment of an inter-agency dispute resolution process.'';

(B) by redesignating subsection (b) as subsection (c); and

(C) by inserting after subsection (a) the following:

''(b) INTERDEPARTMENTAL MEMORANDUM.—

''(1) IN GENERAL.—The interdepartmental memorandum described in subsection (a) shall include, at a minimum, requirements for—

''(A) an annual meeting of participating Indian tribes, tribal organizations, and Federal agencies, with the meeting co-chaired by a representative of the President and a representative of the participating Indian tribes;

''(B) an annual review of the achievements under the Act as well as statutory, regulatory, administrative, and policy obstacles that prevent participating Indian tribes from fully carrying out the purposes of the Act; and

''(C) in accordance with paragraph (2), the establishment of an advisory committee to identify and resolve inter-agency or Federal-tribal conflicts in the administration of the Act.

''(2) ADVISORY COMMITTEE.—The Advisory Committee described in paragraph (1)(C) shall—

''(A) be comprised of representatives appointed by the Secretary of the Interior, the Secretary of Labor, the Secretary of Health and Human Services, the Secretary of Education, the Secretary of Commerce, the Secretary of Transportation, and the Secretary of Agriculture;

''(B) have 2 representatives appointed by the Secretary of the Interior from nominations submitted by Indian tribes or tribal organizations;

''(C) meet at least twice per year; and

''(D) be exempt from the requirements of Federal Advisory Committee Act (5 U.S.C. App.).'';

(8) in section 12 (25 U.S.C. 3411), by striking ''tribal government involved in any demonstration project be reduced as a result of'' and inserting ''participating Indian tribe or tribal organization be reduced as a result of the approval or implementation of a plan under this Act or'';

(9) in section 13 (25 U.S.C. 3412), by striking ''a tribal government in order to further the purposes of this Act'' and inserting ''an Indian tribe or tribal organization in order to further the purposes of this Act (including any amendments made to this Act)'';

(10) in section 14 (25 U.S.C. 3413)—

(A) in subsection (a), by striking paragraph (2) and inserting the following:

''(2) SEPARATE RECORDS AND AUDITS NOT REQUIRED.—Notwithstanding any other provision of law, including any regulation or circular of any agency (including Circular A–133 of the Office of Management and Budget), a participating Indian tribe or tribal organization shall not be required—

''(A) to maintain separate records tracing any services or activities conducted under the approved plan of the Indian tribe or tribal organization to the individual programs under which funds were authorized or transferred;

''(B) to allocate expenditures among the individual programs; or

''(C) to audit expenditures by original program source.''; and

(B) by striking subsection (b) and inserting the following:

''(b) OVERAGE; CARRYOVER; INDIRECT COSTS.—

''(1) OVERAGE.—

''(A) IN GENERAL.—All administrative costs may be commingled and participating Indian tribes shall be entitled to the full amount of the costs, subject to the regulations of each program or department.

''(B) AUDIT PURPOSES.—The difference between the amount of the commingled funds and the actual administrative cost of the programs, or the overage, shall be considered to be properly spent for Federal audit purposes, if the overage is used to carry out this Act.

''(C) REQUIREMENTS.—Amounts described in subparagraphs (A) and (B) shall be required to be obligated or expended consistent with the plan of the Indian tribe or tribal organization, but no additional justification or documentation of the purposes shall be required to be provided by the Indian tribe or tribal organization as a condition of receiving or expending the funds.

''(2) CARRYOVER.—

''(A) IN GENERAL.—For each fiscal year, any amounts transferred to an Indian tribe or tribal organization pursuant to this Act that remain unobligated or unexpended shall remain available for obligation or expenditure without fiscal year limitation.

''(B) REQUIREMENTS.—Amounts described in subparagraph (A) shall be required to be obligated or expended consistent with the plan of the Indian tribe or tribal organization, but no additional justification or documentation shall be required of the Indian

tribe or tribal organization as a condition of receiving or expending the amounts.

''(3) INDIRECT COSTS.—Notwithstanding any other provision of law, an Indian tribe or tribal organization shall be entitled to recover the full indirect costs associated with any amounts transferred to the Indian tribe or tribal organization pursuant to this Act, at the applicable indirect cost rate of the Indian tribe or tribal organization, as approved by the relevant Federal agency.''; and

(11) by amending section 16 (25 U.S.C. 3415) to read as follows:

''SEC. 16. REPORT ON STATUTORY OBSTACLES TO PROGRAM INTEGRATION.

''(a) IN GENERAL.—Not later than 3 years after the date of enactment of the Small Business Jobs and Credit Act of 2010, the advisory committee established pursuant to section 11(b)(2) shall submit to the Committee on Indian Affairs and the Committee on Finance of the Senate and the Committee on Natural Resources and the Committee on Education and Labor of the House of Representatives a report on the implementation and administration of this Act and any inter-agency or Federal-tribal conflicts in the administration of this Act.

''(b) REQUIREMENTS.—The report shall identify any barriers to the ability of tribal governments to integrate more effectively the employment, training, and related services of the tribal governments in a manner consistent with the purposes of this Act.

''(c) FEASIBILITY STUDY.—Not later than 18 months after the date of enactment of the Small Business Jobs and Credit Act of 2010, the Comptroller General of the United States shall publish a study on the feasibility of expanding the integration program established under this Act to other Federal agencies that provide funding for employment, training, and related services to Indian tribes and tribal organizations.''.

TITLE _____—HEARTH

SEC. _01. SHORT TITLE.

This title may be cited as the ''Helping Expedite and Advance Responsible Tribal Homeownership Act of 2010'' or the ''HEARTH Act of 2010''.

SEC. _02. APPROVAL OF, AND REGULATIONS RELATED TO, TRIBAL LEASES.

The first section of the Act titled ''An Act to authorize the leasing of restricted Indian lands for public, religious, educational, recreational, residential, business, and other purposes requiring the grant of long-term leases'', approved August 9, 1955 (25 U.S.C. 415) is amended as follows:

(1) In subsection (d)—

(A) in paragraph (4), by striking ''the Navajo Nation'' and inserting ''an applicable Indian tribe'';

(B) in paragraph (6), by striking ''the Navajo Nation'' and inserting ''an Indian tribe'';

(C) in paragraph (7), by striking ''and'' after the semicolon at the end;

(D) in paragraph (8)—

(i) by striking ''the Navajo Nation'';

(ii) by striking ''with Navajo Nation law'' and inserting ''with applicable tribal law''; and

(iii) by striking the period at the end and inserting a semicolon; and

(E) by adding at the end the following:

''(9) the term 'Indian tribe' has the meaning given such term in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a); and

''(10) the term 'individually owned allotted land' means a parcel of land that—

''(A)(i) is located within the jurisdiction of an Indian tribe; or

''(ii) is held in trust or restricted status by the United States for the benefit of an Indian tribe or a member of an Indian tribe; and

''(B) is allotted to a member of an Indian tribe.''.

(2) By adding at the end the following:

''(h) TRIBAL APPROVAL OF LEASES.—

''(1) IN GENERAL.—At the discretion of any Indian tribe, any lease by the Indian tribe for the purposes authorized under subsection (a) (including any amendments to subsection (a)), except a lease for the exploration, development, or extraction of any mineral resources, shall not require the approval of the Secretary, if the lease is executed under the tribal regulations approved by the Secretary under this subsection and the term of the lease does not exceed—

''(A) in the case of a business or agricultural lease, 25 years, except that any such lease may include an option to renew for up to 2 additional terms, each of which may not exceed 25 years; and

''(B) in the case of a lease for public, religious, educational, recreational, or residential purposes, 75 years, if such a term is provided for by the regulations issued by the Indian tribe.

''(2) ALLOTTED LAND.—Paragraph (1) shall not apply to any lease of individually owned Indian allotted land.

''(3) AUTHORITY OF SECRETARY OVER TRIBAL REGULATIONS.—

''(A) IN GENERAL.—The Secretary shall have the authority to approve or disapprove any tribal regulations issued in accordance with paragraph (1).

''(B) CONSIDERATIONS FOR APPROVAL.—The Secretary shall approve any tribal regulation issued in accordance with paragraph (1), if the tribal regulations—

''(i) are consistent with any regulations issued by the Secretary under subsection (a) (including any amendments to the subsection or regulations); and

''(ii) provide for an environmental review process that includes—

''(I) the identification and evaluation of any significant effects of the proposed action on the environment; and

''(II) a process for ensuring that—

''(aa) the public is informed of, and has a reasonable opportunity to comment on, any significant environmental impacts of the proposed action identified by the Indian tribe; and

''(bb) the Indian tribe provides responses to relevant and substantive public comments on any such impacts before the Indian tribe approves the lease.

''(4) REVIEW PROCESS.—

''(A) IN GENERAL.—Not later than 120 days after the date on which the tribal regulations described in paragraph (1) are submitted to the Secretary, the Secretary shall review and approve or disapprove the regulations.

''(B) WRITTEN DOCUMENTATION.—If the Secretary disapproves the tribal regulations described in paragraph (1), the Secretary shall include written documentation with the disapproval notification that describes the basis for the disapproval.

''(C) EXTENSION.—The deadline described in subparagraph (A) may be extended by the Secretary, after consultation with the Indian tribe.

''(5) FEDERAL ENVIRONMENTAL REVIEW.—Notwithstanding paragraphs (3) and (4), if an Indian tribe carries out a project or activity funded by a Federal agency, the Indian tribe shall have the authority to rely on the environmental review process of the applicable Federal agency rather than any tribal environmental review process under this subsection.

''(6) DOCUMENTATION.—If an Indian tribe executes a lease pursuant to tribal regulations under paragraph (1), the Indian tribe shall provide the Secretary with—

''(A) a copy of the lease, including any amendments or renewals to the lease; and

''(B) in the case of tribal regulations or a lease that allows for lease payments to be made directly to the Indian tribe, documentation of the lease payments that are sufficient to enable the Secretary to discharge the trust responsibility of the United States under paragraph (7).

''(7) TRUST RESPONSIBILITY.—

''(A) IN GENERAL.—The United States shall not be liable for losses sustained by any party to a lease executed pursuant to tribal regulations under paragraph (1).

''(B) AUTHORITY OF SECRETARY.—Pursuant to the authority of the Secretary to fulfill the trust obligation of the United States to the applicable Indian tribe under Federal law (including regulations), the Secretary may, upon reasonable notice from the applicable Indian tribe and at the discretion of the Secretary, enforce the provisions of, or cancel, any lease executed by the Indian tribe under paragraph (1).

''(8) COMPLIANCE.—

''(A) IN GENERAL.—An interested party, after exhausting of any applicable tribal remedies, may submit a petition to the Secretary, at such time and in such form as the Secretary determines to be appropriate, to review the compliance of the applicable Indian tribe with any tribal regulations approved by the Secretary under this subsection.

''(B) VIOLATIONS.—If, after carrying out a review under subparagraph (A), the Secretary determines that the tribal regulations were violated, the Secretary may take any action the Secretary determines to be necessary to remedy the violation, including rescinding the approval of the tribal regulations and reassuming responsibility for the approval of leases of tribal trust lands.

''(C) DOCUMENTATION.—If the Secretary determines that a violation of the tribal regulations has occurred and a remedy is necessary, the Secretary shall—

''(i) make a written determination with respect to the regulations that have been violated;

''(ii) provide the applicable Indian tribe with a written notice of the alleged violation together with such written determination; and

''(iii) prior to the exercise of any remedy, the rescission of the approval of the regulation involved, or the reassumption of lease approval responsibilities, provide the applicable Indian tribe with—

''(I) a hearing that is on the record; and

''(II) a reasonable opportunity to cure the alleged violation.

''(9) SAVINGS CLAUSE.—Nothing in this subsection shall affect subsection (e) or any tribal regulations issued under that subsection.''.

SEC. _03. LAND TITLE REPORTS—REVIEW AND REPORT TO CONGRESS.

Not later than 180 days after funds are made available for this section, the Bureau of Indian Affairs shall prepare and submit to the Committees on Financial Services and Natural Resources in the House of Representatives and the Committees on Banking, Housing, and Urban Affairs and Indian Affairs in the Senate a report regarding the history and experience of Indian tribes that have chosen to assume responsibility for operating the Indian Land Title and Records Office (hereafter referred to as the ''LTRO'') functions from the Bureau of Indian Affairs. In conducting the review, the Bureau of Indian Affairs shall consult with the Department of Housing and Urban Development Office of Native American Programs and those Indian tribes that are managing LTRO functions (hereafter referred to as the ''managing Indian tribes''). The review shall include an analysis of the following factors:

(1) Whether and how tribal management of the LTRO functions has expedited the processing and issuance of Indian land title certifications as compared to when the Bureau of Indian Affairs managed these programs.

(2) Whether and how tribal management of the LTRO functions has increased home ownership among the managing Indian tribe's population.

(3) What internal preparations and processes were required of the managing Indian tribes prior to assuming management of the LTRO functions.

(4) Whether tribal management of the LTRO functions resulting in a transfer of financial resources and manpower from the Bureau of Indian Affairs to the managing Indian tribes and, if so, what transfers were undertaken.

(5) Whether, in appropriate circumstances and with the approval of geographically proximate Indian tribes, the LTRO functions may be performed by a single Indian tribe or a tribal consortium in a cost effective manner.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on July 21, 2010 at 9 a.m. in room SR–328A of the Russell Senate Office Building.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 21, 2010, at 2 p.m.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on July 21, 2010, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on July 21, 2010, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

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

COMMITTEE ON FINANCE

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on July 21, 2010, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''An Update on the TARP Program.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on foreign relations be authorized to meet during the session of the Senate on July 21, 2010, at 2:30 p.m.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled ''Treating Rare and Neglected Pediatric Diseases: Promoting the Developent of New Treatments and Cures'' on July 21, 2010. The hearing will commence at 10 a.m. in room 430 of the Dirksen Senate Office Building.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on July 21, 2010, at 10 a.m. to conduct a hearing entitled ''Charting a Path Forward: The Homeland Security Department's Quadrennial Homeland Security Review and Bottom-Up Review.''

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

COMMITTEE ON THE JUDICIARY

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on July 21, 2010, at 2:30 p.m. in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''The Second Chance Act: Strengthening Safe and Effective Community Reentry.''

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on July 21, 2010, in room 418 of the Russell Senate Office Building beginning at 9:30 a.m.

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

SUBCOMMITTEE ON OCEANS, ATMOSPHERE, FISHERIES, AND COAST GUARD

Mr. CARDIN. Mr. President, I ask unanimous consent that the Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on July 21, 2010, at 10 a.m., in room 253 of the Russell Senate Office Building.

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

SPECIAL COMMITTEE ON AGING

Mr. CARDIN. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on July 21, 2010, in room 106 of the Dirksen Senate Office Building.

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

MEASURE PLACED ON THE CALENDAR—S. RES. 591

Mr. REID. Mr. President, I ask unanimous consent that on Thursday, July 22, after any leader time, the Senate proceed to the immediate consideration of S. Res. 591, a resolution recognizing and honoring the 20th anniversary of the enactment of the Americans with Disabilities Act; that there be 2 hours of debate with respect to the resolution, with the time equally divided and controlled between Senators HARKIN and ENZI or their designees; that no amendments or motions be in order to the resolution; that upon the use or yielding back of time, the resolution be set aside; and that upon adoption, the preamble be agreed to.

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

Mr. REID. I ask unanimous consent that the resolution be placed on the calendar.

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

Mr. REID. I just have one brief comment. Senator HARKIN has been the face of the Americans with Disabilities Act for many years. He has worked so hard. He has done many things in this Capitol complex dealing with the people with disabilities. For example, the closed captioning you see, that is all Senator HARKIN. He has done wonderful work for the people of America.

I am glad he is going to have the ability to talk about it a little while tomorrow.

UNANIMOUS CONSENT AGREEMENT—H.J. RES. 83

Mr. REID. I ask unanimous consent that on Thursday, July 22, following the use or yielding back of time with respect to S. Res. 591, the Senate proceed to consideration of Calendar No. 470, H.J. Res. 83, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; that all statutory time be yielded back except for 20 minutes, with that time equally divided and controlled between Senators BAUCUS and MCCONNELL or their designees; that upon the use or yielding back of time, the joint resolution be read a third time and the Senate then proceed to a vote on passage of the joint resolution, with all other provisions of the statute remaining in effect; that upon disposition of the joint resolution, the Senate then resume S. Res. 591 and vote on adoption of the resolution, with the provisions of the order governing S. Res. 591 still in effect.

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

INTERNATIONAL ADOPTION SIMPLIFICATION ACT

Mr. REID. I ask unanimous consent that we proceed to Calendar No. 330.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1376) to restore immunization and sibling age exemptions for children adopted by United States citizens under the Hague Convention on Intercountry Adoption to allow their admission to the United States.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as ''International Adoption Simplification Act''.

SEC. 2. EXEMPTION FROM VACCINATION DOCUMENTATION REQUIREMENT.

Section 212(a)(1)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(1)(C)(ii)) is amended by striking ''section 101(b)(1)(F),'' and inserting ''subparagraph (F) or (G) of section 101(b)(1);''.

SEC. 3. SIBLING ADOPTIONS.

Section 101(b)(1)(G) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)(G)) is amended to read as follows:

''(G)(i) a child, younger than 16 years of age at the time a petition is filed on the child's behalf to accord a classification as an immediate relative under section 201(b), who has been adopted in a foreign state that is a party to the Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption done at The Hague on May 29, 1993, or who is emigrating from such a foreign state to be adopted in the United States by a United States citizen and spouse jointly or by an unmarried United States citizen who is at least 25 years of age, Provided, That—

''(I) the Attorney General is satisfied that proper care will be furnished the child if admitted to the United States;

''(II) the child's natural parents (or parent, in the case of a child who has one sole or surviving parent because of the death or disappearance of, abandonment or desertion by, the other parent), or other persons or institutions that retain legal custody of the child, have freely given their written irrevocable consent to the termination of their legal relationship with the child, and to the child's emigration and adoption;

''(III) in the case of a child having two living natural parents, the natural parents are incapable of providing proper care for the child;

''(IV) the Attorney General is satisfied that the purpose of the adoption is to form a bona fide parent-child relationship, and the parent-child relationship of the child and the natural parents has been terminated (and in carrying out both obligations under this subclause the Attorney General may consider whether there is a petition pending to confer immigrant status on one or both of such natural parents); and

''(V) in the case of a child who has not been adopted—

''(aa) the competent authority of the foreign state has approved the child's emigration to the United States for the purpose of adoption by the prospective adoptive parent or parents; and

''(bb) the prospective adoptive parent or parents has or have complied with any pre-adoption requirements of the child's proposed residence; and

''(ii) except that no natural parent or prior adoptive parent of any such child shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this chapter; or

''(iii) subject to the same provisos as in clauses (i) and (ii), a child who—

''(I) is a natural sibling of a child described in clause (i), subparagraph (E)(i), or subparagraph (F)(i);

''(II) was adopted abroad, or is coming to the United States for adoption, by the adoptive parent (or prospective adoptive parent) or parents of the sibling described in clause (i), subparagraph (E)(i), or subparagraph (F)(i); and

''(III) is otherwise described in clause (i), except that the child is younger than 18 years of age at the time a petition is filed on his or her behalf for classification as an immediate relative under section 201(b).''.

SEC. 4. EFFECTIVE DATE.

The amendments made by this Act shall take effect as if enacted on April 1, 2008.

Mr. REID. I ask unanimous consent that the committee-reported substitute be considered; that a Klobuchar amendment which is at the desk be agreed to; the substitute amendment, as amended, be agreed to; the bill, as amended, be read a third time and passed; the motions to reconsider be laid upon the table, with no intervening action or debate; and any statements relating to this matter be printed in the RECORD.

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

The amendment (No. 4498) was agreed to, as follows:

(Purpose: In the nature of a substitute)

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

SECTION 1. SHORT TITLE.

This Act may be cited as ''International Adoption Simplification Act''.

SEC. 2. EXEMPTION FROM VACCINATION DOCUMENTATION REQUIREMENT.

Section 212(a)(1)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(1)(C)(ii)) is amended by striking ''section 101(b)(1)(F),'' and inserting ''subparagraph (F) or (G) of section 101(b)(1);''.

SEC. 3. SIBLING ADOPTIONS.

Section 101(b)(1)(G) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)(G)) is amended to read as follows:

''(G)(i) a child, younger than 16 years of age at the time a petition is filed on the child's behalf to accord a classification as an immediate relative under section 201(b), who has been adopted in a foreign state that is a party to the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, done at The Hague on May 29, 1993, or who is emigrating from such a foreign state to be adopted in the United States by a United States citizen and spouse jointly or by an unmarried United States citizen who is at least 25 years of age, *Provided*, That—

''(I) the Secretary of Homeland Security is satisfied that proper care will be furnished the child if admitted to the United States;

''(II) the child's natural parents (or parent, in the case of a child who has one sole or surviving parent because of the death or disappearance of, abandonment or desertion by, the other parent), or other persons or institutions that retain legal custody of the child, have freely given their written irrevocable consent to the termination of their legal relationship with the child, and to the child's emigration and adoption;

''(III) in the case of a child having two living natural parents, the natural parents are incapable of providing proper care for the child;

''(IV) the Secretary of Homeland Security is satisfied that the purpose of the adoption is to form a bona fide parent-child relationship, and the parent-child relationship of the child and the natural parents has been terminated (and in carrying out both obligations under this subclause the Secretary of Homeland Security may consider whether there is a petition pending to confer immigrant status on one or both of such natural parents); and

''(V) in the case of a child who has not been adopted—

''(aa) the competent authority of the foreign state has approved the child's emigration to the United States for the purpose of adoption by the prospective adoptive parent or parents; and

''(bb) the prospective adoptive parent or parents has or have complied with any pre-adoption requirements of the child's proposed residence; and

''(ii) except that no natural parent or prior adoptive parent of any such child shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this chapter; or

''(iii) subject to the same provisos as in clauses (i) and (ii), a child who—

''(I) is a natural sibling of a child described in clause (i), subparagraph (E)(i), or subparagraph (F)(i);

''(II) was adopted abroad, or is coming to the United States for adoption, by the adoptive parent (or prospective adoptive parent) or parents of the sibling described in clause (i), subparagraph (E)(i), or subparagraph (F)(i); and

''(III) is otherwise described in clause (i), except that the child is younger than 18 years of age at the time a petition is filed on his or her behalf for classification as an immediate relative under section 201(b).''.

SEC. 4. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) EXCEPTION.—An alien who is described in section 101(b)(1)(G)(iii) of the Immigration and Nationality Act, as added by section 3, and attained 18 years of age on or after April 1, 2008, shall be deemed to meet the age requirement specified in subclause (III) of such section if a petition for classification of the alien as an immediate relative under section 201(b) of the Immigration and Nationality Act (8 U.S.C. 1151(b)) is filed not later than 2 years after the date of the enactment of this Act.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill, as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

AUTHORIZING PRINTING OF REVISED EDITION OF NOMINATION AND ELECTION OF PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES

Mr. REID. I ask unanimous consent that the Senate proceed to the consideration of S. Res. 589.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 589) to authorize the printing of a revised edition of the Nomination and Election of the President and Vice President of the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the

motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD.

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

The resolution (S. Res. 589) was agreed to, as follows:

S. RES. 589

Resolved, That—

(1) the Committee on Rules and Administration shall prepare a revised edition of the document entitled Nomination and Election of the President and Vice President of the United States (Senate Document 106–16);

(2) the revised document described in paragraph (1) shall be printed as a Senate document; and

(3) there shall be printed, beyond the usual number, 600 additional copies of the revised document described in paragraph (1) for the use of the Committee on Rules and Administration.

DESIGNATING SEPTEMBER 2010 AS GOSPEL MUSIC HERITAGE MONTH

Mr. REID. Mr. President, I ask unanimous consent to proceed to S. Res. 590.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 590) designating September 2010 as ''Gospel Music Heritage Month'' and honoring gospel music for its valuable contributions to the culture of the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to this matter be printed in the RECORD.

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

The resolution (S. Res. 590) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 590

Whereas gospel music is a beloved art form of the United States;

Whereas gospel music is a cornerstone of the musical traditions of the United States and has spread beyond origins in African-American spirituals to achieve popular cultural and historical relevance;

Whereas gospel music has spread beyond geographic origins in the United States to touch audiences around the world; and

Whereas gospel music is a testament to the universal appeal of a historical art form of the United States that both inspires and entertains across racial, ethnic, religious, and geographical boundaries: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2010 as ''Gospel Music Heritage Month''; and

(2) recognizes the valuable contributions to the culture of the United States derived from the rich heritage of gospel music and gospel music artists.

MEASURE READ THE FIRST TIME—S. 3628

Mr. REID. Mr. President, I understand that S. 3628, introduced earlier today by Senator SCHUMER, is at the desk and is now due for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title for the first time.

The legislative clerk read as follows:

A bill (S. 3628) to amend the Federal Election Campaign Act of 1971 to prohibit foreign influence in Federal elections, to prohibit government contractors from making expenditures with respect to such elections, and to establish additional disclosure requirements with respect to spending in such elections, and for other purposes.

Mr. REID. I now ask for a second reading and object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

ORDERS FOR THURSDAY, JULY 22, 2010

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 on Thursday, July 22; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate proceed to S. Res. 591, a resolution recognizing and honoring the 20th anniversary of the enactment of the Americans With Disabilities Act, as provided for under the previous order.

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

PROGRAM

Mr. REID. Mr. President, there will be up to 2 hours for debate on the Americans With Disabilities resolution to be followed by up to 20 minutes for debate on the Burmese Freedom and Democracy Act.

Upon the use or yielding back of time, at approximately 12 noon tomorrow, the Senate will proceed to a series of two stacked rollcall votes on adoption of S. Res. 591, to be followed by a vote on passage of H.J. Res. 83, the Burmese Freedom and Democracy Act.

Upon disposition of those matters, the Senate will resume consideration of H.R. 5297.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate adjourn under the previous order.

There being no objection, the Senate, at 8:56 p.m., adjourned until Thursday, July 22, 2010, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

MARK M. BOULWARE, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CHAD.

CHRISTOPHER J. MCMULLEN, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ANGOLA.

JOSEPH A. MUSSOMELI, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SLOVENIA.

WANDA L. NESBITT, OF PENNSYLVANIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NAMIBIA.

KAREN BREVARD STEWART, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE LAO PEOPLE'S DEMOCRATIC REPUBLIC.

THE JUDICIARY

CHARLES BERNARD DAY, OF MARYLAND, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MARYLAND, VICE PETER J. MESSITTE, RETIRED.

KATHLEEN M. WILLIAMS, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA, VICE DANIEL T. K. HURLEY, RETIRED.

DEPARTMENT OF JUSTICE

ALBERT NAJERA, OF CALIFORNIA, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF CALIFORNIA FOR THE TERM OF FOUR YEARS, VICE ANTONIO CANDIA AMADOR, TERM EXPIRED.

WILLIAM CLAUD SIBERT, OF MISSOURI, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF MISSOURI FOR THE TERM OF FOUR YEARS, VICE RONALD HENDERSON, TERM EXPIRED.

MYRON MARTIN SUTTON, OF INDIANA, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF INDIANA FOR THE TERM OF FOUR YEARS, VICE DAVID REID MURTAUGH.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

To be rear admiral (lower half)

MICHAEL S. DEVANY

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. ALFRED J. STEWART

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIG. GEN. HUGO E. SALAZAR

To be brigadier general

COL. WILLIAM L. GLASGOW

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be brigadier general

COL. STEVEN W. DUFF

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIG. GEN. JAMES A. HOYER

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. JOHN M. BIRD

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS COMMANDANT OF THE MARINE CORPS, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A

POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10 U.S.C., SECTIONS 5043 AND 601:

To be general

GEN. JAMES F. AMOS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GEN. JAMES N. MATTIS

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

MICHAEL P. MCGAFFIGAN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

JOHN P. BATSON
PAUL E. BOQUET
CHRISTOPHER G. BOWEN
STEVEN M. BROOKS
AILEEN R. CABANADALOGAN
JOSE A. CANGAS
DANIEL G. CHATTERLEY
STEPHEN S. CHERRINGTON
WOO J. CHI
DANIEL H. CHONG
MARK R. CHURCH
TYLER L. CLARK
JAMES W. COBB, JR.
TIMOTHY R. COLLINS
LUIS T. CRAIG
HURYN T. DANKULICH
STEVEN V. DRYDEN
ALI R. ELYASSI
DANIEL D. ESCALANTE
DEREK A. GAUDRY
CHESTINE S. GUEVARRA
EMILIE R. GUINTO
KIMBERLY A. INOUYE
ROBERT B. IOPPOLO
SUZANNE L. JONES
AGNIESZKA KUCHARSKAFRANIA
BRETT R. LANGSTON
LYNDSAY N. LANGSTON
ADAM R. LINCICUM
ADRIAN LOBONO
YAT H. MA
BENJAMIN J. MCGOVERN
DOUGLAS T. MO
VICTOR M. MOK
STEPHEN A. MOLINARO
PHILLIP W. NEAL
LESLIE A. OAKES
BENJAMIN A. PATTERSON
TRAN B. QUACHMILLER
ERIK F. REIFENSTAHL
SHAD D. ROUNDY
SCOTT V. SCHLOFMAN
ALEXANDER SMITH
CRYSTAL J. SMITH
BRANDON SPENCER
ERIC L. SWENSON
DAVID K. WALTON
TONY K. YOON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

CHRISTOPHER W. ABBOTT
ZAID I. ABDULRAHMAAN
ALFRED A. ACENAS
SHAFFIR ALIKHAN
JON W. ALTHOFF
SAMUEL S. ANCIRA, JR.
TACILDAYUS ANDREWS
MICHAEL J. ANLAGE
FAYE W. ANTHONY
CURTISS M. BAILEY, JR.
DAVID B. BAILEY
CLAUDE A. BARFIELD
JEFFERY M. BARLUP
JACKQUILINE M. BARNES
DEREK G. BEAN
LESLIE D. BEGLEY
BETH A. BEHN
JOHN C. BELANGER, JR.
MAUREEN T. BESSINGPAS
JOSEPH D. BLANDING
MARK A. BLISS
ROD L. BOLES
MICHAEL S. BOLSHAZY
WILLIAM BONILLA, JR.
PETER A. BOOKER
RALPH T. BORJA
CLARENCE O. BOSWELL, JR.
JENNIFER I. BOWER
DARRIN M. BOWSER
BARBARA D. BRACY
TERRI L. BRADLEY
FRANK D. BRIDGES
RODNEY O. BRIGGMAN
JEFFREY J. BRITTON
DARRYL B. BROWN
DERWIN A. BROWN
THELMA C. BROWN
JONATHAN D. BULSECO
DOUGLAS W. BURBEY
TODD W. BURNLEY
ELLIOTT R. CAGGINS
JEFFREY L. CALDWELL
ROBERT L. CANNADAY, JR.
STEVEN N. CAROZZA
FRANCIS J. CARR, JR.
FRAZARIEL I. CASTRO
MICHAEL J. CATHEY
DARREN L. CHARTIER
DAVID R. CHENEY II
SAMUEL CHISOLM, JR.
KERRY G. CLEMENTS
GEORGE G. CLEVELAND II
KEVIN S. COCHIE
GRAHAM J. COMPTON
JAMES L. CONATSER
JAMES M. COOK
SEAN M. COREY
CHRISTOPHER D. CORIZZO
JEFFREY J. CORTON
ENRIQUE L. COSTASOLIVERA
KEVIN L. COTMAN
JAMES R. COTTER, JR.
KIMBERLY A. COXCURRY
PETER J. CRANDALL
TERRY G. CRANK
GARY J. CREGAN
IRVING H. CROSS, JR.
ROBBIE J. CROSS
DAVID B. CUSHEN
CHRISTOPHER G. DAKE
DEXTER C. DANIEL
GARY J. DAVIS II
ROBYN R. DEATHERAGE
JOHN W. DONCHEZ
BRIAN J. DONLEY
JAMES M. DROPPLEMAN, JR.
JEFFREY J. DUDLEY
DANIEL J. DUNCAN
KEVIN A. DUNHAM
CHRISTOPHER L. DUNLAP
JON R. DURANT
MICHAEL D. EGAN
KELLY B. EILAND
STEPHEN F. ELDER
TAROLYN Y. ESKRIDGE
STEVEN R. ESTER
MICHAEL S. EVERTON
RICHARD J. FISHER
BRIAN R. FORMYDUVAL
BRIAN D. FORREST
JEFFREY L. FOSTER
BARRY J. FRANKS
RACQUEL M. GALLMAN
JAMES J. GALLUZZO III
ADRIAN GAMEZ
STEVEN GARCIA
JOSE A. GARCIAESMURRIA
ALLEN B. GARRISON, JR.
GREGORY J. GASTAN
CHARLES GATLING
TIMOTHY M. GEARHART
ISABEL E. GEIGER
ADDALYRICA Q. GEORGE
COURTNEY L. GLASS
JAMES J. GODFREY
NATHAN D. GOUBEAUX
DAVID A. GRANT
ERIN A. GRAVITT
THOMAS L. GRAVLEE
DAVID K. GREEN
SCOT W. GREIG
TIMOTHY J. GRIGGS
VINCENT E. GRIZIO
GARY A. GRUBB
MEGAN A. GUMPF
DARIN O. HAAS
RICHARD A. HALL
JIMMY W. HAMNER
ERINN S. HARDAWAY
AARON HARDY, JR.
MICHAEL R. HARPER
CHAD M. HARRIS
DEREK R. HART
MICHAEL R. HAUENSTEIN
JOEL W. HENDRICKSON
GERARD HENRY
PAUL A. HENRY
ARCHIE S. HERNDON
GREGORY T. HETZEL
JENNIFER K. HICKSMCGOWAN
LEON M. HILDRETH
HAROLD B. HODGE III
MATTHEW S. HODGE
MARCUS E. HOLLIEN
KEVIN M. HOLTON
LAWRENCE P. HOUSE III
CHARLES O. HOWALD
RICHARD C. HUBBARD
GLENN E. JENKINS
CHRISTOPHER D. JESELINK
MANUEL A. JIMENEZ
MATTHEW JOHNSON
ZANDRA L. JOHNSON
KING Y. KAO
STEPHEN L. KAVANAUGH
JIM R. KEENE
JAMES G. KENT
DENNIS W. KERWOOD
NICKOLAS T. KIOUTAS
MICHAEL S. KNAPP
JEFFREY C. KNIGHT
PETER J. KOCH
TRACY D. KOIVISTO
JOSEPH R. KURZ
ROGER D. KUYKENDALL
MICHAEL B. LALOR
JAY C. LAND
DAVINA LAUSEN
RICHARD D. LAZIK
MICHAEL J. LEGLER
KENNETH W. LETCHER
MICHELLE M. LETCHER
KARL S. LINDERMAN
BRUCE A. LLOYD
RAJESH LOBRECHT
MATTHEW C. LORENZ
RALPH A. LOUNSBROUGH
ERIK W. LOWE
NICOLE M. LUCAS
CAREY G. LUSE
OCTAVE V. MACDONALD
JASON C. MACKAY
NEIL R. MAHABIR
DANIEL M. MALONEY
RENEE L. MANN
ROBERT P. MANN
GREGORY A. MANNS
VICTOR R. MARKELL
KYLE R. MAROLF
ADRIAN A. MARSH
HOLLIE J. MARTIN
ANTHONY A. MARTINEZ
THERESA F. MASENGALE
ROBERT S. MATHEWS, JR.
KEVIN D. MCCARLEY
ROBERT E. MCCLINTOCK, JR.
TIMOTHY R. MCDONALD
WILLIAM P. MCDONOUGH
JESSE L. MCFARLAND, JR.
SCOTT M. MCFARLAND
TOMMIE T. MCGAY
JASON J. MCGUIRE
JIMMIE J. MCKINNEY
GARY S. MCLEOD
AMY M. MEEKS
BRIAN E. MEMOLI
NAOMI R. MERCER
DARREN B. MIDDLETON
ROBERT J. MIKESH, JR.
JIMMY C. MILLS
CHAD T. MITCHELL
DAVID C. MOORE
DAVID A. MOTES
JAMES D. MULLINAX
FELECIA D. MURRAY
SHAWN R. MURRAY
PATRICIA NANCE
JOSEPH A. NEUMANN
MARK T. NEUMANN
JENNIFER L. NEWLON
LEONARD J. NEWMAN III
MARCELLUS J. NEWSON
JEFFREY S. NIEMI
ALEXANDER G. NYGAARD
RONALD C. OLDANI
BRIAN K. ORWIG
JEFFREY M. OSADNICK
EDWARD J. OSPITAL
RANDALL C. PAGE
JIN H. PAK
JAMES C. PARRACK
MARIE T. PAULEY
JOSEPH H. PAULIN
ERIC W. PAVLICK
OSSIE L. PEACOCK, JR.
RALPH N. PERKINS IV
SEAN M. PICCIANO
JOHN L. PILGRIM
RICHARD A. POPE III
ROSS C. POPPENBERGER
MICHAEL T. POWELL
MARGARET H. PRATT
DAMON R. RAGSDALE
ANTONIO D. RALPH
ROBERT L. RALSTON
HOPE C. RAMPY
KEVIN J. RANTS
FRANKIE A. RAS
ANDREW M. REARDON
ONINTZA REGIL
MICHELE L. REID
MARCUS R. REINHART
KEVIN P. RESZKA
JASON G. RILEY
JOSEPH W. ROBERTS
CHRISTOPHER H. ROBERTSON
PATRICK A. ROSE
CHARLES X. ROTE
ROBERT D. ROUSE
PAUL U. ROYLE
AVERILL RUIZ
BRYAN W. RYDER
SHELLEY E. SANDERS
ARIZMENDI E. SANTIAGO
HERMANN W. SCHLORTT
MARIA D. SCHNEIDER
MATTHEW F. SCHRAMM
SHAWN C. SCHULDT
ERIC M. SCHWARTZ
CARMELIA J. SCOTTSKILLERN
ZABRINA D. SEAYMAYNARD
LAWRENCE M. SEWARD
KENNETH W. SHEETS
TALMADGE C. SHEPPARD
THEODORE B. SHINKLE
WILLIAM J. SHINN, JR.
TERRY D. SIMMS

SANDRA L. SIZEMORE
RICKY L. SKEEN
DONALD E. SMITH
JAMES R. SMITH
QUENTIN L. SMITH
JONATHAN E. SPEARS
CHARLONE E. STALLWORTH
RODGER M. STALLWORTH
TERESA L. STARKS
JAMES M. STEPIEN
LESLIE E. STONEHOCKER
MICHAEL E. STUBER
RODRIDGUEZ L. STUCKEY
SHANE M. SULLIVAN
STEPHEN K. SULLIVAN
NATHAN M. SWARTZ
JAMES B. SWIFT
KEITH L. TAYLOR
PATRICK E. TAYLOR
CALVIN C. THOMAS
KIM M. THOMAS
LENARD E. THOMAS II
STEVEN L. THOMAS
ANTHONY M. THORNTON
BOYD J. TOMASETTI
GREGORY A. TOROK
GREGORY S. TOWNSEND
DAVID S. TROUTMAN
ANDRE V. TUCKER
JERONALD M. TUELL
LINDA F. TURK
JOSE A. VALENTIN, JR.
GRANT A. VAUGHAN
MARC A. WALKER
JOSHUA F. WALSH
DINA S. WANDLER
MONICA P. WASHINGTON
PAUL A. WEBB
JOHN L. WEDGES III
PAUL I. WEIZER
JEANINE M. WHITE
SCOTT A. WHITE
RICHARD WHITTINGSLOW
BRADLEY A. WILLIAMS
MATTHEW D. WILLIAMS
HERBERT RAY WILLINGHAM, JR.
CAMILLA A. WOOD
CHRISTOPHER D. WOOD
DEAN W. WOOD
HARVEY L. WOODBURY, JR.
JOSEPH E. WORLEY, JR.
GARVEY A. WRIGHT
PATRICIA K. WRIGHT
MICHAEL A. YERKIC, JR.
CODY L. ZILHAVER
D005965
D010235
D003826
D005667
D006195
D010215
D005987

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

MATTHEW C. ABOUDARA
JASON L. ACEVEDO
KYLE D. AEMISEGGER
MATTHEW L. AGIUS
JOSEPH A. ALDRICH
JOHN J. ANDERSON
IVAN J. ANTOSH
DAVID T. ARMSTRONG
MARIE A. ARRINGDALE
MICHAEL I. ASIKE
MICHAEL J. ATTILIO
NIMAE N. AWANTANG
FERDINAND K. BACOMO
BENJAMIN L. BAKER
ESHITA M. BAKSHI
STEVEN R. BALLARD
JOHN B. BALMAN
PAUL B. BANDELIN
DARRELL F. BARKER
JESSE J. BARONDEAU
CORINNA BARTOS
SETH L. BARUFFI
TERRY A. BATEMAN
TIMOTHY S. BATIG
BENAKAR F. BATISTA
ELEANE M. BEADLE
WESLEY C. BEAUREGARD
LINDA C. BENAVIDES
KATHERINE B. BENTON
SLAVOMIR A. BILINSKI
DONALD J. BLAIR
JASON M. BLAYLOCK
JARED J. BLUM
MICHAEL R. BOIVIN
BRIAN M. BOLDT
SARAH E. BOUCHER
BRIAN W. BRENNAN
LIONEL R. BROUNTS
TIMOTHY P. BROWN
SILVIA BURGESS
RACHEL A. BURKE
OLEN B. BURNS
JASON K. BURRIS
VINCENT F. CAPALDI
NATHAN A. CARLSON
BHAVINI H. CARNS
MELINDA L. CAROL
JENNIFER L. CARTWRIGHT
DANIEL G. CASH
MARK A. CAUSIN
MIN H. CHANG
SCOTT E. CHERRY
JOSEPH A. CHIARA
MELISSA N. CHIARELLI
MEGAN L. CHILDS
JOON K. CHOI
TRACY A. CLARDY
AARON J. CLARK
REBEKAH CLIFFORD
VINCENT T. CODISPOTI
JENNIFER W. COLE
WILLIAM A. COOPER
WILLIAM C. CRAGUN
COURTNEY M. CRAWFORD
KEVIN M. CRON
DEBORAH J. CROWLEY
CHAD M. CRYER
CHRISTOPHER E. CURTIS
ROBERT L. CZECH
LEO J. DAAB
PATRICK E. DAVIS
KENNETH B. DEKAY
HEATHER M. DELANEY
RICHARD R. DELANEY
JAVIER E. DELATORRE
JENNIE L. DEMBSKI
AARON J. DENT
RAMONA A. DEVENEY
MICHAEL S. DIRKS
JASON E. DOMAGALSKI
JEREMY P. DOMANSKI
THOMAS C. DOWD
JOHN W. DOWNS
DOUGLAS M. DUDEWICZ
KYLE G. DUNNING
HYRUM F. DURTSCHI
AARON D. DYKSTRA
TOBIN T. ECKEL
JASON W. EDENS
ANDREW M. ELLEFSON
CHRISTOPHER L. ELLIOTT
KORBOI N. EVANS
JOHN EVERETT
CARLOS A. FELICIANO
JASON L. FERGUSON
SHELLY C. FERRELL
CHRISTOPHER H. FINCH
DAVID A. FISH
PHILLIP T. FIVECOAT
KATINA M. FOSEN
SARAH M. FRIOUX
NATHAN L. FROST
VINCENT T. FRY
JEREMY D. GATES
RICHARD J. GESHEL
SUZANNE M. GILLERN
JESSIE S. GLASSER
FRANKLIN W. GOLDWIRE
MONICA V. GONZALES
DAVID M. GORDON
MANJU GOYAL
MELISSA A. GRANT
JOHN C. GRAYBILL
BRIAN P. GREEN
SCOTT P. GROGAN
MARLENE E. GUBATA
JENNIFER L. GURSKI
KEVIN B. GUTHMILLER
DANIEL C. HAGEN
OMAR S. HAJIBRAHIM
JONATHAN HALL
BRADLEY K. HARRISON
KELLIE HAWORTH
AATIF M. HAYAT
JESSE J. HEER
THERESA A. HEIFERT
MATTHEW O. HEISEL
JOHN HELLUMS
MICHAEL D. HENDERSON
TIMOTHY J. HEPLER
SHERIFAT A. HINCHEY
JACOB S. HOGUE
DANIELLE HOLT
SHERI L. HOWZE
BONNIE S. HUBER
JULIE A. HUNDERTMARK
MICHAEL V. HUPPMANN
BENJAMIN J. INGRAM
RICHARD K. JACOB
ERIC J. JACOBSON
AENEAS JANZE
TIMOTHY V. JARDELEZA
CHRISTINE M. JONES
DARRELL E. JONES
HAKU KAHOANO
GEORGE J. KALLINGAL
RONALD J. KEMBRO
JENNIFER N. KENNEDY
TAMIE L. KERNS
NANCY L. KESEK
JENNIFER S. KICKER
ANDREW S. KIM
YU H. KIM
JENNIFER L. KNIGHT
TRISTAN L. KNUTSON
TROY S. KOCH
BRADLEY L. KOCHER
MATTHEW P. KOZMINSKI
DEVON R. KUEHN
REED B. KUEHN
CHRISTOPHER J. KULHAVY
MATTHEW T. KUNAR
LANCE M. KUNZ
SUZANNE LAM
PAUL B. LAMB
MATTHEW D. LARREW
DAVID C. LARRYMORE
ALAN R. LARSEN, JR.
THEODORE LAWLER, JR.
SVETLANA C. LAZARO
KAREN A. LEEDOM
RYAN K. LEHMANN
ROBERT J. LEJAWA
LEONARD J. LEO
KELLY E. LESPERANCE
KIRK N. LIESEMER
GEORGE F. LIN
MATTHEW P. LINK
LAKEESHA L. LOCKETT
WILLIAM J. LOWERY
KANG LU
DAVID LYNN
THOMAS R. MAGRA
PATRICK J. MALAFRONTE
RENEE M. MALLORY
JOHN G. MANCINI
TAMMY J. MANTZOURIS
NATHAN A. MARSH
DANIEL J. MARTIN
TINA M. MASCARENHAS
BRENDAN D. MASINI
KERI L. MASON
TRAVIS MASON
JOSEPH M. MATTHEWS
JEREMY C. MAULDIN
JOSEPH P. MAZZONCINI
TODD J. MCARTHUR
PATRICK S. MCDONOUGH
SHANE P. MCENTIRE
BRUCE C. MCGEE
ANASTASIA M. MCKAY
JAY H. MCKENNA
MATTHEW F. MCNEILL
ANDREW R. MEDENDORP
BRYCE MEYERS
GARRETT J. MEYERS
SHAUN R. MILLER
LEX A. MITCHELL
MICHAEL R. MOORE
MELANIE L. MORIN
AMBER A. MORRIS
DERICK A. MUNDEY
THOMAS A. MYRTER
JEREMY NAPLES
JOSEPH R. NARVAEZ
ANDREW F. NELSON
HEATHER R. NEWLON
DUONG T. NGUYEN
JAMISON S. NIELSEN
LEAH M. OCHOA
ELISA D. OHERN
PRESTON S. OMER
JENNIFER M. ORR
KRISTOPHER M. PAOLINO
TIFFANY N. PATTERSON
NADIA M. PEARSON
DANIELLE M. PESCE
ROGER K. PFEIFFER
DAVID H. PHAM
KATHERINE Q. PHILLA
CHRISTOPHER A. PICKETT
CLOVIS W. PITCHFORD
KYLE E. PLATZ
TORIE C. PLOWDEN
CLIFFORD F. PORTER
GREGORY J. POSTAL
THOMAS M. PULLING
GREGORY E. PUNCH
JAY PYO
AARIC L. QUEEN
ADAM W. RACUSIN
HERNANDEZ I. RAMIREZ
LUIGI K. RAO
DREW A. REESE
JUSTIN S. REID
MICHAEL J. REITER
ANDREW B. RHODES
KEVIN R. RICE
AUTUMN M. RICHARDS
JOSEPH ROARTY
CRAIG H. ROBSON
CHRISTOPHER R. RODRIGUEZ
CHRISTOPHER S. ROMAN
LAUREN S. ROMAN
MICHAEL B. ROSE
MICHAEL J. ROSSI
LLOYD A. RUNSER
CHRISTINE E. RYAN
ADAM SAENZ
ANNE T. SALADYGA
BETH A. SALYER
AMIT K. SANGHI
JASON E. SAPP
DEBJEET SARKAR
JASON E. SAUCEDO
JEFFREY A. SAVAGE
MICHAEL SAVINO
ETHAN W. SCOTT
DAVID M. SEDORY
ALISON L. SEMANOFF
ANITA A. SHAH
NICOLE M. SHERMAN
JUSTIN M. SHIELDS
TODD SIMON
NOVAE B. SIMPER
MATTHEW L. SLANE
EARL J. SMITH
JASON D. SMITH
MARK E. SMITH
RYAN M. SMITH
DANIEL J. SOLVERSON
CHRISTOPHER K. STALEY

HEATHER A. STEELE
DANIEL F. STEIGERWALT
ADAM D. STERLACE
JAMES B. STERNER
EMILIE K. STICKLEY
MICHAEL E. STOUDMIRE
GREGORY S. SUGALSKI
SHANE M. SUMMERS
AMANDA D. SUMNER
CHEN L. SUNG
MICHAEL J. SUPERIOR
MICHELLE E. SZCZEPANIK
KEVIN M. TAYLOR
LELAND D. TAYLOR
SARAH K. TAYLOR
BRETT J. THEELER
JARED M. THELER
DAVID C. THOMA
LESLI K. THOMAS
AMY M. THOMPSON
SAIOA TORREALDAY
CHRISTOPHER L. TRACY
DAVID N. TRICKEY
TRAM T. TRUONG
ALBERT F. TSAI
JOHN W. TSAI
ZACHARY S. TURNER
JAMES V. TWEDE
RUSH M. TWILLEY
ERIC G. VERWIEBE
RACHEL VILLACORTALYEW
PATRICK J. VOORHEES
BRENT D. WALL
THOMAS R. WALTER
LESLIE L. WEEKS
CHRISTOPHER A. WEISSMAN
JUSTIN M. WELLS
PRISCILLA WEST
JENNIFER A. WHEELER
KATHRYN K. WHIGHAM
DEVIN WILES
MICHAEL J. WILHELM
AARON D. WILLIAMS
THOMAS R. WILLIAMS
KAREN L. WILSON
JOSEPH E. WISE
ALISON C. WORTMAN
NICOLAS A. WOZMAK
KENG J. WU
ATOR YACOUB
VLADIMIR YAKOPSON
JOSEPH R. YANCEY
DUKE G. YIM
DAVID J. YOO

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

PETER M. ABBRUZZESE
JOHN E. ADAMS
THOMAS J. ADDYMAN, JR.
TOMMY K. ALDERMAN
DANIEL M. ALLEN
WHITNEY P. ALLEN, JR.
SAMUEL H. AMBER
EDWARD G. ANDERSON IV
AARON A. ANDREWS
PHILIP R. ARCHER
RANDALL J. ARVAY
JOHN R. ATHEY
BRIAN P. BAILEY
HARPREET S. BAINS
CHARLES R. BARBER, JR.
DIRK P. BARBER
THOMAS M. BAUCHSPIES
STEVEN D. BEAUMONT
RALPHAEL R. BELL, JR.
DANIEL J. BENICK
DANIEL T. BENNETT
ROBERT E. BERG
MICHELLE L. BIENIAS
DAVID D. BIGGINS
DEVON M. BLAKE
KENNETH A. BLAYLOCK
JAMES T. BLEJSKI, JR.
ANDREW J. BLISS
MEGAN A. BOGLEY
NATHAN J. BOLLINGER
BA K. BOOZE
TIMOTHY B. BORGERDING
KEVIN T. BOSCH
ROBERT J. BOWEN
JOHN C. BOYARSKI
ADAM J. BOYD
GREGORY L. BOYLAN
ANDREW S. BRAGG
STEPHON M. BRANNON
KAREN L. BRIGGMAN
JAMES D. BRINSON
ALVIN H. BROWN
COREY L. BRUMSEY
JASON A. BRYAN
JOEL M. BUENAFLOR
STEPHEN J. BURR
MARTY T. BUTTS
LUKE T. CALHOUN
BRANN G. CALVETTI
CHARLES B. CHALFONT
STEVEN B. CHAMBERS
PATRICK C. CHAVEZ
JOHN S. CHU
ANTHONY T. CLEMENTE
NATHAN S. CLINE
BETH L. CLUKEY
WILLIAM G. COLBERT
FAREN R. COLE
DARRELL W. COLLINS
ANTHONY C. COMELLO
DORIAN A. COOPER
KENNETH D. CRAWFORD
ANDREW P. CREEL
KEVIN K. DAMON
RICHARD E. DANNER, JR.
CHADWICK G. DAVIS
CHARLES E. DAVIS
JEFFREY S. DAVIS
MICHAEL A. DAVIS
SCOTT T. DAVIS
VAUGHN D. DELONG
DEAN H. DENTER
GEORGE L. DEUEL
PHILLIP J. DEVRIES II
NICHOLAS J. DIFIORE
JAMES B. DILLONAIRE
RICHARD F. DIMARCO
RAMONA L. DISCAVAGE
JOSEPH E. DONALBAIN
JEFFREY T. DOUDS
MICHAEL B. DRAPER
DARRELL W. DRIVER
DAVID M. DUDAS
WILLIAM J. DUGGAN III
CHARLES J. DUGLE
CHAD M. DUHE
GREGORY L. DUTKA
ROBERT P. DYE
DARIN R. EADES
JESSE L. EASTER
ERVIN W. EDDINGS, JR.
DAVID G. ELDER
CHRISTOPHER J. EMOND
ROBERT E. ERIKSEN
DONALD R. ESSER
CHARLES D. EVANS
GARY A. EVANS
TROY L. EWING
WILLIAM M. FAIRCLOUGH
KEVIN N. FAUGHNDER
STUART T. FAULK
RYAN J. FAYRWEATHER
PETER H. FECHTEL
JOHN M. FERRELL
SCOTT W. FITZGERALD
WILLIAM G. FITZHUGH
WILLIAM S. FLEMING
ANDREW S. FLETCHER
JOHN K. FOLEY
GREGORY J. FORD
CALONDRA L. FORTSON
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THOMAS A. MCNALLY
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FERNANDO D. MIGUEL
IRA E. MIKESELL
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WILEY P. RITTENHOUSE
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STEVEN M. SALLOT
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JERRY R. SCRIVEN, JR.
STEVEN E. SEXTON
STEPHEN T. SHORE
DEIDRA E. SIDDALL
MICHAEL J. SIMPSON
CHRISTOPHER L. SMITH
GREGORY K. SMITH
MATTHEW P. SMITH
ROBERT C. SMITH, JR.
DEAN R. SOMERS
RUTH J. SONAK
RICHARD J. SPANARD
JEFFREY S. SPEAR
RICHARD C. SPENCER, JR.
DWAYNE T. STANTON
RALPH L. STEEN
GLENDA M. STEWARD
DARLENE M. STRAUB
BRIAN C. STRIDER
BRIAN L. STUCKERT
JOHN F. SULLIVAN III
JOHN S. TAITANO, JR.
STEPHEN P. TALBOTT
ADAM S. TALKINGTON
MICHAEL S. TARQUINTO
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RICHARD I. TAYLOR IV
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JOSEPH J. THOMAS, JR.
ERIC S. THOMPSON
DARIN J. THOMSON
DOUGLAS E. THORNTON
TIMOTHY N. TIMMONS
ERIC S. TOLLEFSON
MARIO TORRES
THEODORE F. TRAVIS
STEPHEN R. TREANOR
EARLE C. TROTT
DEITRA L. TROTTER
MICHAEL A. TRUE
PAUL W. TURNBULL, JR.
MICHAEL J. UFFORD
RICHARD D. VANGORDEN
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DANIEL J. VINSAND
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ANTHONY T. WALKER
BRITTIAN A. WALKER
JAMES P. WALSH
PAUL B. WALTON
HENRY H. WANG
RICHARD I. WARD
CAMERON W. WEATHERS
ROBERT B. WENGER
GUY E. WETZEL
JOHN N. WHILDEN
GENE P. WHITESIDES
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LISA D. WHITTAKER
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DESMOND R. WILLIAMS
HENRY T. WILLIAMS III
PETER B. WILSON
TERRY A. WINDMILLER
JASON M. WINTERLE
DAVID O. WISEMAN
MARC D. WOOD
WARREN R. WOOD
RICHARD M. WRONA, JR.
MICHAEL F. YANKOVICH
SAMUEL YBARRA
JOHN B. YORKO
JAMES C. YOUNG
MARCUS R. YOUNG
ROBERT E. YOUNG
DOUGLAS E. ZADOW
JOHN J. ZAVAGE
JUAN C. ZAVALA
DANIEL N. ZEYTOONIAN
WALTON D. ZIMMERMAN
JERZY S. ZUBR
D001832
D002240
D001792
D004239
D010020
D001441
D010237
D006343
D006000
D010270
D001530
G001433
G001263
G001295
G001383
G010047
G001447
G001000
G001147
G001178
G001388

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

JOSE C. ACOSTAJAVIERRE
TAMMY R. ALATORRE
SARAH K. ALBRYCHT
DAVID J. ALLEN
JAMES C. ALLEN
JEFFREY W. ALLEN
DAVID K. ALMQUIST
DAVID T. AMBROSE
JEFFREY S. AMOS
BRENDEN C. ANDERSON
DOUGLAS W. ANDRESEN
MIGUEL A. APONTERODRIGUEZ
KIRK A. APPLETOFT
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EDWARD P. ASH
PATRICK C. ASPLAND
ERIC S. ATHERTON
ADAM J. AUGUSTOWSKI
AMANDA I. AZUBUIKE
MAYCROS I. BAEZ
DESMOND V. BAILEY
TOMMY D. BAILEY, JR.
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ROBERT S. BALLAGH III
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ALAN J. BOYER
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CHARLES D. BROWNING
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THOMAS G. CARONA
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JAMES L. CONNER
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BRADEN G. LEMASTER
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LANGDON J. LUCAS
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NARCISSUS E. MAGTURO
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PHILIP D. MARTIN
HECTOR I. MARTINEZPINEIRO
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JORGE MELENDEZRAMOS
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VINCENT MITCHELL
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JEREMY B. MOORE
THEO K. MOORE
MICHAEL E. MORA
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DANIEL Y. MORRIS
ERWIN C. MORRIS III
BRADLEY D. MOSES
JAMES C. MOSES
GLENN R. MOSHER
VINCENT A. MOTLEY
JOSEPH M. MOUER
JOHN C. MOUNTCASTLE
JOHN B. MOUNTFORD
SCOTT W. MUELLER
DAVID E. MUGG
JEFFREY B. MURPHY
STEPHEN O. MURPHY
JASON R. MUSTEEN
JOHN C. NALLS
SCOTT M. NAUMANN
THOMAS F. NELSON
THOMAS M. NELSON
JEFFREY T. NESTER
DANTE S. NETHERY
ANTHONY E. NEW
RICHARD NG
RAFAEL E. NIGAGLIONIBEAMUD
JASON M. NORTON
STEVEN J. NOSBISCH
BRENT E. NOVAK
CLAY E. NOVAK
STEVEN L. OATMAN
ROBERT J. OBRIEN
TIMOTHY F. OBRIEN
RYAN P. OCONNOR
MARK P. OLIN
JOHN A. OLIVER, JR.
APRIL N. OLSEN
PATRICK S. ONEAL
LUIS A. ORTIZ
DAVID D. ORTON
ROGER D. OSTEEN, JR.
BRADLEY D. OSTERMAN
JAMES A. OSUNA
CHRISTOPHER L. OTT
DARCY L. OVERBEY
BILL A. PAPANASTASIOU
ALBERT J. PAQUIN
STEVE J. PARK
ROBBIE W. PARKE
STEPHEN L. PARKER
KEVIN J. PARRISH
JOSEPH A. PAVONE, JR.
MICHAEL A. PAYNE
ANTONIO M. PAZ
MATTHEW K. PEAKS
GUENTHER PEARSON
MATTHEW D. PEDERSEN
CHARLIE L. PELHAM
HENRY C. PERRY, JR.
KEYE E. PERRY, JR.
DONALD J. PETERSON
THOMAS C. PETTY
STEPHEN C. PETZOLD
ALEX V. PHAM
SHELIA Y. PHILLIPSHICKS
MARK A. PICCONE
CURTIS L. PIERCE II
JOSEPH I. PIERCE
STEVEN M. PIERCE
DAVID W. PINKSTON
OSCAR PINTADORODRIGUEZ
WESLEY M. PIRKLE
ESLI T. PITTS

DARMAN C. PLACE, JR.
ALFONSO T. PLUMMER
CHRISTOPHER PLUMMER
DAWSON A. PLUMMER
JOSE L. POLANCO
ROSS M. POLLACK
JOHN T. POPE
LARRY E. PORTER, JR.
DONALD S. POTOCZNY
JEFFREY H. POWELL II
LEWIS J. POWERS
PATRICK E. PROCTOR
BRIAN K. PRUITT
JAMES R. PUGH
ERIC S. PULS
MARK T. PURDY
CHRISTOPHER R. QUICK
ANTHONY U. QUINN
GINO QUINTILIANI
MICHAEL A. QUITANIA
CHARLES R. RAMBO
RICHARD T. RAMSEY II
MATTHEW D. RAUSCHER
KEITH R. RAUTTER
JOSEPH F. RAWLINGS
DON S. REDD, JR.
WILLIAM R. REEVES
ANDREW C. REICHERT
AARON W. REISINGER
RYAN D. REMLEY
DOUGLAS J. REYNOLDS
ERIK J. REYNOLDS
WILLIAM J. RICE
DONOVAN A. RICKEL
CHRISTOPHER F. RIEMER
JOHN D. RING
SCOTT W. RINGWALD
MICHAEL T. RIPLEY
ROBERT A. RISDON
LUIS M. RIVERA
THOMAS J. ROBINSON, JR.
TERRY J. RODESKY
JOSE L. RODRIGUEZ
JONATHAN A. ROLFE
JOSEPH D. ROLLER
WILLIAM G. ROM
JASON E. RONCORONI
MONTE L. RONE
BRINTON H. ROSENBERRY
JEFFREY A. ROTHERMEL
RODNEY R. ROW
JEFFREY N. RUCH
DAVID M. RUIZ
FIDEL V. RUIZ
RODGER S. RUIZ, JR.
ERIC F. RUSSELL
THOMAS M. RUSSELLTUTTY
THOMAS J. SAGER
RAMIRO R. SALAZAR
PAUL J. SALMON
DAVID W. SANDOVAL
SARGIS SANGARI
ROBERT C. SANTAMARIA
RODRIGUEZ G. SANTIAGO
JUSTIN W. SAPP
BYRON L. SARCHET
MICHAEL E. SAXON
CURBY SCARBOROUGH
BRIAN R. SCHAAP
TERESA A. SCHLOSSER
GEOFFREY M. SCHMALZ
GLENN C. SCHMICK
MARTIN J. SCHMIDT
JAMES H. SCHREINER
CURTIS M. SCHROEDER
SCOTT J. SCHROEDER
TODD E. SCHROEDER
CRAIG L. SCHUH
ROBERT W. SCHULTZ
JAMES M. SCHULTZE
SCOTT A. SCHUMACHER
JAMES J. SCOTT
JEFFREY A. SCOTT
JOSEPH E. SCROCCA
PATRICK R. SEIBER
GEORGE M. SELF
DAVID E. SHANK
MERRILL P. SHARPTON
RICHARD D. SHEMENSKI
ERIC P. SHWEDO
MICHAEL R. SIERAKOWSKI
STEVEN B. SIGLOCH, JR.
ALFRED R. SILVA
SAMUEL K. SIMPSON II
DAVID R. SIRY
BRYAN K. SIZEMORE
MICHAEL L. SLUSSER
THOMAS L. SMALL
KENNETH B. SMEDLEY
DANA L. SMITH
EDWARD L. SMITH
ERIC T. SMITH
HANK E. SMITH
JAMES P. SMITH
JASON S. SMITH
ROBERT L. SMITH
TONG I. SMITH
MICHAEL K. SNEDDEN
FREDERICK R. SNYDER
DAVID L. SOERGEL
SCOTT E. SONSALLA
JAVIER C. SORIA
JON K. SOWARDS
JOHN P. SPANOGLE
MICHAEL R. SPEARS
JAMES G. SPIVEY
NORMAN D. SPIVEY
SCOTT A. SPRADLIN
RICHARD E. STANFIELD II
CHARLES E. STCLAIR
ADAM C. STEELHAMMER
DAVID D. STENDER
ROBERT P. STERBUTZEL
LAWRENCE I. STEWART
RICHARD G. STINSON
ROGERS L. STINSON, JR.
ALAN W. STOUT
STEVEN D. STOWELL
MICHAEL D. SULLIVAN
MICHAEL P. SULLIVAN
RAYMOND V. SUMNER
ERICK W. SWEET II
MATTHEW J. TACKETT
CHRISTOPHER J. TATKA
ANNE V. TAYLOR
DAVID J. TAYLOR
RANDY L. TAYLOR
WILLIAM C. TAYLOR, JR.
DANIEL L. TEETER
BRANDON R. TEGTMEIER
BRUCE W. TERRY
ALLAN R. THOMAS, JR.
PETER B. TINGSTROM
ROY L. TISDALE
MICHAEL A. TODD
WILLIAM P. TOMLIN
GREGORY S. TRAHAN
JOHN D. TUCKER
FRANK L. TURNER II
GREGORY S. TURNER
JOHN W. TURNER
MATTHEW J. TURPIN
KEVIN C. TYLER
JAMES T. VALENTINE
CHRISTOPHER M. VALERIANO
JAMES A. VAN ATTA
KOETSIER C. VAN LOOK
JEFFREY VANCLEAVE
WILLIAM D. VANNESS
VICTOR C. VASQUEZ
MARK A. VERDI
SCOTT D. VERVISCH
MICHAEL VICK
PETER B. VIEN
NOAH VILLANUEVA
CHRISTOPHER C. VINE
THOMAS P. VOGEL
TIMOTHY J. VOLKMANN
ALLEN R. VOSS, JR.
JASON R. VRANES
PETER J. VUTERA
JAMES H. WALKER II
MICHAEL A. WALKER
RHETT D. WALKER
ROY E. WALKER
KEVIN A. WALLACE
BRIAN E. WALSH
ADAM Z. WALTON
CHAD E. WARD
WILLIAM L. WARNER
BRIAN K. WATKINS
BRIAN T. WATKINS
WARREN S. WEAVER
SAMUEL J. WELCH
JASON A. WENDELL
CHRISTOPHER W. WENDLAND
JASON A. WESBROCK
EDDIE L. WHITE, JR.
LAWRENCE B. WHITE
FRANCES E. WIDDICOMBE
LON R. WIDDICOMBE
JAMES G. WIDEMAN
SHANE WILDE
SCOTT D. WILKINSON
BRIAN L. WILLIAMS
MICHAEL R. WILLIAMS
SEAN P. WILSON
DAVID G. WINGET
DAVID WISE
EVAN H. WOLLEN
JASON A. WOLTER
THOMAS E. WOOD
SCOTT C. WOODWARD
FORREST A. WOOLLEY
COLIN H. WOOTEN
BREN K. WORKMAN
JON A. WOZNIAK
JOSHUA D. WRIGHT
RICHARD W. WRIGHT
STEVEN G. YAMASHITA
BRIAN J. YARBROUGH
RENE YBARRA
MARC D. YOUNG
CHRISTOPHER J. YUSKAITIS
DAVID ZACCHEUS
MATTHEW A. ZAHN
RICHARD H. ZAMPELLI
MICHAEL T. ZERNICKOW
MICHAEL F. ZINK
DAVID J. ZINN
D003473
D004857
D001721
D005322
D002451
D003450
D001689
D005950
D001719
D005229
D010130
D010390
D010098
G010027

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

BARBARA A. MUNRO

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

LISA M. BECOAT
DANIEL FELICIANO
DANNY W. KING
ROSCOE C. PORTER, JR.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

STEVEN R. BARSTOW
LAURA J. BENDER
BERNARD A. BEZY
MICHAEL D. BROWN
JOSEPH L. COFFEY
DENIS N. COX
MARC G. DICONTI
KIM M. DONAHUE
STEVEN L. DUNDAS
ROBERT J. ETHERIDGE
GLENDA J. HARRISON
CHARLES E. HODGES
ALAN W. LENZ
JEFFREY LOGAN
JUDY T. MALANA
DANIEL L. MODE
SHANNON D. SKIDMORE
MATTHEW T. STEVENS
CARL E. TROST
MARK S. WINWARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

MICHAEL J. ADAMS
SHANE D. COOPER
JULIA W. CRISFIELD
LAURIN N. ESKRIDGE
MARCUS N. FULTON
JENNIE L. GOLDSMITH
DAVID M. GONZALEZ
JOHN A. GUARINO
MELISSA A. HARVISON
THOMAS J. JONES
ANDREA K. LOCKHART
SUSAN M. MCGARVEY
JOSHUA P. NAUMAN
ELYSIA G. H. NGBAUMHACKL
ERIC J. OSTERHUES
MELISSA POWERS
JESSICA M. PYBURN
COLLEEN M. SHOOK
SCOTT A. SUOZZI
RYAN C. TORGRIMSON
RANDALL J. VAVRA
HEATHER A. WATTS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

RICHARD S. ADCOOK
ANDREW J. AVILLO
MATTHEW F. BRADY
PRESTON C. BRIGGS
MATTHEW C. BYARS
DERRICK B. CASTRO
JEREMY B. DAVIDSON
VINH D. DOAN
ERIC S. EVANS
BRIDGET M. FERGUSON
ROBERT S. HEMPERLY
RACHEL A. HOLY
MOHAMMAD KAMIL
BRETT T. LAGGAN
JOHN R. LUNDSTROM
JOHN D. MCLAUGHLIN
SAMIRA MEYMAND
ANN B. MONASKY
ENRIQUE M. MORALES
RACHEL MYAINGMISFELDT
GARY V. PASCUA
ORBITO I. PATANGAN
DONALD M. PHILLIPS, JR.
JOHN M. RAY
STEVEN M. STOKES
HIEN TRINH
BRENDAN W. TULLY
JOHN H. WILSON
JEFFREY G. ZELLER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

CHRISTOPHER F. BEAUBIEN
THOMAS M. BESTAFKA
MICHAEL J. BRADY

WILLIAM L. BRECKINRIDGE
ERIK K. BREITENBACH
AMANDA J. BROOKS
ROBERT M. COHEN
ANTHONY M. CONLEY
DANIEL W. COOK
JORGE R. CUADROS
JEFFREY C. DEVINEY
MIGUEL DIEGUEZ
CAMERON J. GEERTSEMA
DARREN R. HALE
ERIC C. HAUN
KENT R. HENDRICKS
ALEXANDER M. KOHNEN
SCOTT M. KOSNICK
JEFFREY D. LENGKEEK
CHRISTOPHER A. MARTINO
GORDON E. MEEK III
GREGORY C. MILLER
ALEXANDER M. MOORE
BRIAN E. NOTTINGHAM
ANANT R. PATEL
JASON M. PICARD
JEFFREY S. POWELL
NATHANAEL B. PRICE
YVONNE R. ROBERTS
DANIEL S. SPICER
NATHANIEL R. STRAUB
ANDREW J. SULLIVAN
JEFFREY D. THOMAS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

DOMINGO B. ALINIO
KEITH A. APPLEGATE
JULIUS U. ARNETTE
MARK I. AXINTO
SUSAN L. AYERS
BABAK A. BARAKAT
NATHAN B. BEGLEY
TIMOTHY G. BELLOTT
PATRICK C. BLAKE
DAVID D. CARNAL
NICOLE L. CHAMBERS
GEORGE W. CLARK III
DAVID H. CORNELIUS, JR.
LOUIS A. COSTA
LESLEY N. DONELSON
PAUL B. DOUGHERTY
CHARLES DWY
GEORGE C. ESTRADA
ANTONIO B. HARLEY
JEFFREY S. HEDRICK
MATTHEW D. HOLMAN
ERIC M. JAFAR
CHRISTOPHER L. JAMES
KEITH W. JEFFRIES
BRIAN M. JOHNSON
BLAKE W. KENT
JERRY A. KING
JASON E. KLINGENBERG
DAVID E. KUNSELMAN, JR.
GREGORY R. LASK
MANUEL X. LUGO
GEOFFREY D. LYSTER
STEVEN J. MACDONALD
CHRISTIAN M. MAHLER
BRIAN A. MAI
LISA M. MORRIS
CHARLES R. NEU
TIMOTHY J. NICHOLLS
RICHARD J. OTLOWSKI
EDWARD D. PIDGEON
WADE W. RINDY
KIMBERLY C. ROBERTSON
HARRY M. RUSSELL
NICHOLAS R. RUSSO
KENNETH W. RYKER III
LLOYD W. SAUNDERS
PAUL N. SHIELDS
DANA L. K. SMITH
JAMES H. STRAUSS
BRETT M. SULLIVAN
ALSANDRO H. TURNER
BRIAN J. VOSBERG
TODD A. WANACK
RICHARD H. WILHELM
STEPHEN M. WILSON
MICHELLE D. WINEGARDNER
ANTHONY D. YANERO
MICHAEL YORK
MARK A. ZIEGLER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

KAREN L. ALEXANDER
PAUL D. ALLEN
ANDREW M. ARCHILA
KENNETH J. ARLINGHAUS
ANTHONY R. ARTINO, JR.
LUIS ASQUERI
DAVID J. BACHAND
DAVID J. BACON
DAVID G. BAPTISTA
STEVEN M. BELKNAP
THOMAS G. BODNOVICH, JR.
WAYNE C. BOUCHER
MATTHEW F. BOUMA
ALFRED H. BRANSDORFER
DAVID B. BRENNER
GABRIEL T. BROWN
TYSON J. BRUNSTETTER
ALAN B. CHRISTIAN
MARK D. CLARK
JOSEPH V. COHN
ESKINDER DAGNACHEW
JASON B. DARBY
MICHAEL D. DIALWARD
SEAN P. EASLEY
RICHARD V. FOLGA
SHANNA L. GARCIA
EDRION R. GAWARAN
GREGG W. GELLMAN
MONIQUE C. GOURDINE
SCOTT L. GREENSTEIN
SHELLY J. HAKSPIEL
DANIEL J. HARDT
PAUL G. HAUERSTEIN
TRACI J. HINDMAN
PETER O. IM
TIMOTHY A. JIRUS
GREGORY R. KAHLES
MICHAEL J. KEMPER
CARRIE H. KENNEDY
LESLIE A. KINDLING
PAUL E. KLIMKOWSKI
JOSEPH B. LAWRENCE
ALLEN A. LEE
PERRY J. LEONARD
JAMES R. LINDERMAN
MICHAEL A. LOWE
SHELTON L. LYONS II
FRANCIS V. MCLEAN
JASON D. MCMILLEN
DEVIN J. MORRISON
PETER J. OBENAUER
MARIE I. PARRY
DAN K. PATTERSON
RON PERRY
JOHN P. PORTER
WILLIAM E. SCHALCK
SPENCER T. SCHOEN
JENNIFER E. SMITH
TARA N. SMITH
FREDERICK M. STELL
MATTHEW J. SWIERGOSZ
TIMOTHY T. THOMPSON
SHANNON P. VOSS
CHRISTIAN T. WALLIS
ERIC R. WELSH
ANTHONY S. WILLIAMS
FRANCINE M. WORTHINGTON
MEREDITH L. YEAGER
MARC T. YOUNG

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

CRISTINA ALBERTO
PAUL R. ALLEN
ANTHONY G. BALDWINVOEKS
MELISSA A. BARNETT
RENE A. BELMARES
JOHN O. BENNETT
RALPH V. BRADEEN
DONNA N. BRADLEY
LISA A. BRAUN
THOMAS R. BROADWAY, JR.
TIMOTHY E. BRODERICK
ANNE M. BROWN
STEVEN L. BROWN
RAUL J. CARRILLO
ALISON H. CASTRO
ROSEANNA A. CHANDLER
SEAN P. CONVOY
DARREN J. COUTURE
CRAIG A. CUNNINGHAM
RHONDA K. DAY
MARTIN K. DEFANT
ANDREA M. DESANTO
EVA S. DOMOTORFFY
JOYCE M. DOYLE
THERESA M. DUNBARREID
ROBERT H. DURANT
JOHN E. ECKENRODE
THERESA P. EVEREST
MELISSA A. FARINO
JEAN F. FISAK
CYNTHIA R. FRENCH
MARY G. GRACIA
LAURIE A. HALE
HARRY W. HAMILTON
ANGELA A. HARBER
CHARLES S. HARTUNG
RONDA L. HARTZEL
JEREMY J. HAWKER
VICTORIA L. HAYWARD
STEPHANIE M. HIGGINS
DIANE K. HITE
JOHNNIE M. HOLMES
JULIE A. HOOVER
LONNIE S. HOSEA
SUZETTE INZERILLO
HEATHER C. KING
LARRY L. LABOSSIERE
ROBERT N. LADD
CHRISTINE B. LARSON
CLINT A. LEMAIRE
PAUL A. LOESCHE
KEVIN T. LONG
EDDIE LOPEZ
DELTHENIA T. MAHONE
SUSAN E. MALIONEK
KARI L. MARTIN
KATHY L. MCCALL
JENNIFER D. MCPHERSON
SCOTT J. MESSMER
DANIEL N. MEYERHUBER
TERESA T. MILLER
HEATHER C. NOHR
MARIA M. NORBECK
KENDRA K. NOWAK
SHEILA F. OLEARY
JUSTICE M. PARROTT
SARA S. PICKETT
ELIZABETH L. A. PORTER
HEIDI Y. ROBERTS
WILMA J. ROBERTS
CYNTHIA T. RODRIGUES
LISA F. ROSE
REGINALD T. RUSSELL
JIMMY L. RYALS
VIRGINIA L. SCHMIED
CARY T. SCHULTZ
ANNA M. SCHWARZ
THECLY H. SCOTT
MITCHELL J. SEAL
KATHALEEN L. SIKES
MICHAEL D. SIMONS
CAROL A. SMITH
ANDY S. STECZO
SARAH L. STEVICK
DAVID V. D. THOMAS
CHARLES S. TROTTER
TAMERA K. TUTTLE
JOHN E. VOLK
GAYLE L. WALKER
BARBARA C. WHITESIDE
ANN WILLIAMS
STEVEN T. YADEN
KIM T. ZABLAN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

PHILLIP M. ADRIANO
MANUEL F. ALSINA
FRANK O. AXELSEN
ALFREDO E. BAKER
AMY L. BARRION
KYLE R. BERRY
JONATHAN L. BINGHAM
ANTHONY C. BOGANEY
GRANT H. BONAVIA
STEPHEN C. BRAWLEY
DAVID M. BRETT
JOHN S. BROOKS
WILLIAM M. BROWN
ERIC P. BRUMWELL
BRADLEY L. BUNTEN
ALEXANDER I. BUSTAMANTE
JAMES E. CALLAN
ERIC S. CAMPENOT
RUSSELL B. CARR
HENRY F. CASEY III
STEVEN CASTRO
ALBERT E. CHAKER
STEPHANIE M. COLE
GEORGE L. COWAN
ALTA J. DEROO
CHRISTOPHER K. DOLAN
HARLAN F. DOREY
SUSAN C. FARRAR
BRIAN L. FELDMAN
MICHAEL S. FERRELL
MARC A. FRANZOS
DEREK A. GAGNON
JONATHAN E. GILHOOLY
TODD D. GLEESON
ROBERT H. GOODWIN
SAMANTHA GRILLO
RODNEY S. HAGERMAN
PATRICK J. HENNESSEY
JASON D. HIGGINSON
KERRY J. HOLLENBECK
JARROD P. HOLMES
AMY S. HUBERT
SEAN M. HUSSEY
DAVID P. JOHNSON
MICHAEL L. JULIANO
HENRY S. KANE
DAVID L. KAY
DARREN B. KELLER
PETER J. KILLIAN
ARNETT KLUGH
MICHAEL S. KONG
ERIC A. LAVERY
MIKE H. LEE
MARK J. LENART
LANNY F. LITTLEJOHN
EUGENIO LUJAN
NAM T. LY
WILLIAM MANN
TIMOTHY E. MATTISON
RYAN C. MAVES
KATHLEEN J. MCDONALD
THERESA L. MCFARLAND
MATTHEW D. MCLEAN
MICHAEL P. MCNALLY
TIMOTHY J. MICKEL
DANIEL P. MOLONEY
FREDERICK D. MOORE
JOHN W. MORONEY
KENNETT J. MOSES
BRICE R. NICHOLSON
DAVID K. NITTA
CRAIG D. NORRIS
KEVIN M. OMEARA
TODD A. PARKER
ANDREW J. PELCZAR
TAMMY J. PENHOLLOW

LEONARD E. PHILO
DAVID J. PICKEN
RONALD T. PURCELL
SCOTT B. RADER
MATTHEW C. RADIMER
MARIA B. RAMOS
CRAIG J. RANDALL
GRETCHEN B. RISS
ARNALDO L. RIVERA
LOUIS RIVERA
MICHAEL A. ROBINSON
STEVEN C. ROMERO
MARLENE L. SANCHEZ
JAMEY A. SARVIS
ANDREW J. SELLERS
MARK E. SHELLY
MICHAEL P. SHUSKO
SEAN C. SKELTON
JAMES P. SMITH
WILLIAM P. SMITH
ALISSA G. SPEZIALE
MICHAEL T. SPOONER
WALTER A. STEIGLEMAN
DAVID M. STEVENS
RICHARD A. STOEBNER
GARRICK L. STRIDE
ERIC D. STURGILL
RICHARD W. TEMPLE
HASSAN A. TETTEH
BRIAN C. THOMAS
JOHN P. TRAFELI
ALAN J. VANDERWEELE, JR.
KARINA VOLODKA
ROBERT N. WALTER
WILLIAM B. WARNER
CHRISTOPHER H. WAY
KEDRIC E. WEBSTER
JEFFREY P. WEIGLE
TIMOTHY M. WILKS
RONALD J. WILLY
SEAN R. WISE
JASON D. WONG
JOHN M. WOO
JOON S. YUN
ROBERT A. ZALEWSKIZARAGOZA

FOREIGN SERVICE

THE FOLLOWING NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS TWO, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA,

AGENCY FOR INTERNATIONAL DEVELOPMENT

CONNOR CHERER, OF NEVADA
LIKZA IGLESIAS, OF VIRGINIA
ISMAIL KENESSY, OF MARYLAND
ROBERT W. MASON, JR., OF VIRGINIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA,

AGENCY FOR INTERNATIONAL DEVELOPMENT

ROBYN APRIL BLOUNT, OF MARYLAND
CHRISTOPHER D. MAROTTA, OF TEXAS
KARLA A. ROBINSON, OF VIRGINIA
AUGUSTO I. URREGO-ARDILA, OF FLORIDA

DEPARTMENT OF STATE

JONATHAN CEBRA, OF THE DISTRICT OF COLUMBIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA,

DEPARTMENT OF STATE

ERIC B. ALDRICH, OF NEW YORK
DOREEN PAGE BAILEY, OF TEXAS
ERIC M. BARBEE, OF ARKANSAS
J. NATHAN BLAND, OF LOUISIANA
JOSEPH BOSKI, OF VIRGINIA
DAVID PENN BROWNSTEIN, OF NEW YORK
ROBERT W. BUNNELL III, OF NEW YORK
ANDRÉ LUC CADIEUX, OF NEW YORK
SHEILA M. CAREY, OF FLORIDA
SEAN C. CELY, OF OREGON
LINDSAY M. COFFEY, OF WASHINGTON
KIM C. CRAWFORD, OF FLORIDA
GLEN S. DAVIS, OF CALIFORNIA
JOHN A. DEGORY, JR., OF PENNSYLVANIA
AMY N. DOVE, OF TEXAS
ALICIA K. EDWARDS, OF VIRGINIA
CHRISTINE M. FAGAN, OF TEXAS
STEPHANIE FITZMAURICE, OF FLORIDA
DAVID M. FOGELSON, OF CALIFORNIA
PETER JASON FRICKE, OF MINNESOTA
DAVID R. FULLER, OF MISSOURI
ANDREW AUGUSTINE GRIFFIN, OF ILLINOIS
JAMES M. GROUNDS, OF TEXAS
PAMELA A. HAMBLETT, OF OKLAHOMA
CONARD C. HAMILTON, OF CALIFORNIA
J.J. HARDER, OF NEBRASKA
EDWARD JASON HARTWIG, OF CALIFORNIA
AMANDA ELIZABETH HICKS, OF OREGON
LAURA LAMAR HOCHLA, OF NEW MEXICO
GERARD THOMAS HODEL, OF NEW YORK
M. SHANE HOUGH, OF TEXAS
LOYE E. HOWELL, OF MISSOURI
JEFFREY A. HULSE, OF WASHINGTON
LORI A. JOHNSON, OF OREGON
PATRICE D. JOHNSON, OF ILLINOIS
STACEY LEANNE JONES, OF CALIFORNIA
CHRISTOPHER M. KANE, OF TEXAS
LIV IRENE KILPATRICK, OF OREGON
ALETA MARIE KOVENKSY, OF VIRGINIA
JENNIFER E. LAWSON, OF TEXAS
EMILY J. MAKELY, OF VIRGINIA
KELLY SUE DIONNE MCCARTHY, OF VIRGINIA
RAMON MENENDEZ—CARREIRA, OF FLORIDA
RACHEL LUCILLE MUELLER, OF CALIFORNIA
GEORGEANNA LILA MURGATROYD, OF MARYLAND
DANIELLE MYERS, OF FLORIDA
JESSICA ELIZABETH NORRIS, OF INDIANA
DAVID T. PARADISE, OF ILLINOIS
ERIC W. PARKER, OF FLORIDA
DANIEL AUSTIN PHELPS, OF ARIZONA
LISA KNOTT POVOLNI, OF TEXAS
WILLIAM H. QUICK, OF TEXAS
ANNA LYN CHAMBERS RICE, OF NORTH CAROLINA
KATE RICHE, OF VIRGINIA
CHRISTOPHER ROSE, OF WASHINGTON
ULLA RICKERT SALEH, OF MARYLAND
APRIL CELESTE SCARROW, OF TEXAS
HELENA P. SCHRADER, OF MAINE
JOHN M. SCHUCH, OF NEW YORK
JOSE DANIEL J. SILVA, OF CALIFORNIA
AMY BASKIN STEINMANN, OF NEW YORK
JOHN SURFACE, OF WASHINGTON
ANDY UTSCHIG, OF WISCONSIN
AMY CATHERINE WALLA, OF COLORADO
WILLIAM H. WEBB, OF TENNESSEE
THOMAS CLINTON WHITNEY, OF CONNECTICUT
JOEL T. WIEGERT, OF NEW YORK
VICTORIA SUSAN WOLF, OF TEXAS
MARK WUEBBELS, OF ARIZONA
DONNY HEEKYUNG YOO, OF ALABAMA
JONATHAN LEE YOO, OF WASHINGTON
AMANDA HILARY ZAFIAN, OF FLORIDA
ELIZABETH A. ZELLE, OF ILLINOIS
ERIKA BREE ZIELKE, OF WASHINGTON

THE FOLLOWING NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

AVIUS ALLEN, OF VIRGINIA
ADRIAN J. AMEN, OF OREGON
ANNE CLAIRE D. ANDAYA-NAUTS, OF TEXAS
STEVEN EDWARD ANDERSON, OF ILLINOIS
MELANIA RITA ARREAGA, OF ILLINOIS
KRIS ARVIND, OF ILLINOIS
MOHAMMAD FAROUK BARGHOUTY, OF NEW YORK
THOMAS BENZ, OF LOUISIANA
NAMITA SHAH BIGGINS, OF NORTH CAROLINA
DAVID A. BIGGS, OF TEXAS
ADAM R. BISHOP, OF VIRGINIA
PETER W. BLAIR, OF THE DISTRICT OF COLUMBIA
MATTHEW W. BLINN, OF ILLINOIS
DAN R. BOLL, OF VIRGINIA
LISA L. BRACKENBURY, OF VIRGINIA
BRIAN BREUHAUS, OF NEW YORK
JOHN W. BUSH II, OF FLORIDA
JUSTIN SCOTT BYTHEWAY, OF VIRGINIA
DEBRA S. CARROLL, OF VIRGINIA
ROBERT J. CAVESE, OF OHIO
DAN CEDERBERG, OF VIRGINIA
ELIZABETH CERABINO-HESS, OF NEW HAMPSHIRE
JEFFREY PHILIP CERNYAR, OF TEXAS
AMIE CHANG, OF VIRGINIA
MEREDITH A. CLARK, OF VIRGINIA
MELISSA L. COULTER, OF ILLINOIS
SARAH J. CRANSTON, OF ILLINOIS
MICHAEL F. CUDDY, OF VIRGINIA
LESLIE J. CULLEN, OF VIRGINIA
KARLA A. DANIELS, OF VIRGINIA
JAIME LEE DEBOTTIS, OF VIRGINIA
NATHAN SHANE DETTMAN, OF UTAH
CHRISTOPHER J. DE VEER, OF NEW YORK
ANDREW DEVLIN, OF VIRGINIA
CHRISTY SIOBHAN DOHERTY, OF CALIFORNIA
MICHAEL DUBRAY, OF CALIFORNIA
BAYLOR MCKAY DUNCAN, OF VIRGINIA
BRETT P. DVORAK, OF INDIANA
DERRICK EDUARD ECKARDT, OF THE DISTRICT OF COLUMBIA
MELANIE L. EDWARDS, OF LOUISIANA
STUART ALLEN FARNSWORTH, OF VIRGINIA
CHARLES A. FEE, OF WASHINGTON
ABIGAIL CROSBIE FROST, OF VIRGINIA
ELIZABETH A. FUJINO, OF VIRGINIA
EUGENE GARMIZE, OF NEW YORK
JUSTIN C. GERMANI, OF CALIFORNIA
DAVID BARRY GOLDSTEIN, OF VIRGINIA
CHRISTOPHER GREEN, OF FLORIDA
BRIAN T. GREENE, OF MARYLAND
ELIZABETH D. GRIFFITH, OF VIRGINIA
LEWIS F. GROW, OF VIRGINIA
PAUL HAMMITT, OF TEXAS
JOEL B. HANSEN, OF NEVADA
LAILA MITCHELL HASAN, OF THE DISTRICT OF COLUMBIA
NICHOLAS ADAM HASKO, OF WASHINGTON
JAMES LINDLEY HATHAWAY, OF MONTANA
JONATHAN LEIF HAYES, OF THE DISTRICT OF COLUMBIA
YASMEEN HIBRAWI, OF CALIFORNIA
KATY HINTON, OF NEW YORK
BRIAN HOLSTEGE, OF MARYLAND
JENNIFER B. JACKSON, OF VIRGINIA
DANIEL A. JACOBS, OF GEORGIA
BRYAN DAVID JANDORF, OF WISCONSIN
MATTHEW R. JANTE, OF VIRGINIA
MARK JASONIDES, OF MINNESOTA
AMON O. JOHNSON, OF WASHINGTON
ROSS G. JOHNSTON, OF MARYLAND
ALLISON BARR JONES, OF MAINE
DAVID JOSAR, OF PENNSYLVANIA
AARON P. KARNELL, OF CALIFORNIA
ANNA E. KEARL, OF VIRGINIA
CAROLE ANN KELLY, OF VIRGINIA
DANIEL A. KIEFER, OF GEORGIA
DARIA KOVARIKOVA, OF VIRGINIA
ELIZABETH E. KOZLOW, OF VIRGINIA
JOSHUA J. KUTELLA, OF VIRGINIA
STEWART M. LEBLANC, OF VIRGINIA
SUSAN BERNADETTE L'ECUYER, OF NEW JERSEY
JULIE M. LIMOGES, OF THE DISTRICT OF COLUMBIA
JOHNNY LO, OF VIRGINIA
ANNA LU, OF THE DISTRICT OF COLUMBIA
MINTA ELAINE MADELEY, OF MASSACHUSETTS
MATTHEW A. MALONE, OF COLORADO
DAVID R. MARTINEAU, OF VIRGINIA
JAIME L. MASKELL, OF OHIO
RICK MCDANIEL, OF FLORIDA
JOHN THORSEN MCKANE, OF THE DISTRICT OF COLUMBIA
JUDD MEYER, OF THE DISTRICT OF COLUMBIA
JEREMY CHRISTOPHER MIGDEN, OF VIRGINIA
GARY MORANDO, OF VIRGINIA
AUDREY F.S. MOYER, OF MARYLAND
BARBARA M. MOZDZIERZ, OF NEW YORK
JESSICA A. NELSON, OF THE DISTRICT OF COLUMBIA
SEAN SAEHWAN OH, OF VIRGINIA
PHILIP DANIEL O'HARA, OF THE DISTRICT OF COLUMBIA
IFEOMA OKWUJE, OF MARYLAND
JON HOWARD OLSEN, OF VIRGINIA
CLARE E. ORVIS, OF MASSACHUSETTS
BEVELYN D. PATTERSON, OF TEXAS
ROBERT A. PATTERSON, OF VIRGINIA
EITAN M. PLASSE, OF NEW YORK
ELIZABETH POGUST, OF CONNECTICUT
SCOTT A. POLLOCK, OF VIRGINIA
GRACE H. PULIDO, OF THE DISTRICT OF COLUMBIA
VENKI RAMACHANDRAN, OF FLORIDA
TOY INMAN REID III, OF THE DISTRICT OF COLUMBIA
MATTHEW E. RICH, OF VIRGINIA
MICHAEL P. RICHARDS, OF VIRGINIA
ARMANDO DIEGO RIVERA, OF VIRGINIA
DANE RALPH ROBBINS, OF TENNESSEE
GRIFFIN T. ROZELL, OF TEXAS
AARON J. RYAN, OF MINNESOTA
LEE A. RYSEWYK, OF VIRGINIA
KAREN M. SARKIS, OF VIRGINIA
NICOLE E. SCHROEDER, OF THE DISTRICT OF COLUMBIA
DAVID SHAW, OF VIRGINIA
IAN LINDSAY SHINSATO, OF THE DISTRICT OF COLUMBIA
JOHN SCOTT SIETSEMA, OF VIRGINIA
PETER T. SLOAN, OF CALIFORNIA
AMY LYNNAE SMITH, OF CALIFORNIA
ANSEL THOREAU STEIN, OF VIRGINIA
DAWN MICHELLE SUNI, OF FLORIDA
MARK TEMPLER, OF ARIZONA
CHARLES G. THRASH, OF VIRGINIA
JULIUS N. TSAI, OF CALIFORNIA
STEPHANIE A. TUROS, OF PENNSYLVANIA
SHARI LEE ULERY, OF COLORADO
STEPHANIE VAN HOFF, OF FLORIDA
PHILLIP JAMES VANHORN, OF TEXAS
ANNE VASQUEZ, OF FLORIDA
LISA NUCH VENBRUX, OF PENNSYLVANIA
JESSE F. VICTOR, OF MASSACHUSETTS
JUSTIN THOMAS WALLS, OF NORTH CAROLINA
CODY C. WALSH, OF NEW YORK
SIMONA LAURA WEXLER, OF VIRGINIA
KIRA C. WHELAN, OF VIRGINIA
STEFAN WHITNEY, OF NEW JERSEY
NATALIE WILKINS, OF COLORADO
CHRISTOPHER JOSEPH WILZ, OF CALIFORNIA
WILLIAM HEATH WINKLER, OF VIRGINIA
SAM WORLAND-ESQUITH, OF VIRGINIA
ANNETTE L. WYLIE, OF VIRGINIA
STALLION EASE YANG, OF MASSACHUSETTS
LU ZHOU, OF CALIFORNIA
BERNADETTE REGINA ZIELINSKI, OF NEW YORK