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Senate

The Senate met at 10 a.m. and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

PRAYER

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

Let us pray.

O God, who gives life to the world, who breathed Your spirit into humanity, infuse the Members of this body with the spirit of Your wisdom. May this wisdom lead them to serve others with an awareness of their accountability to You. Help them to make it their primary goal to please You, using their talents for the good of others.

Lord, be with those Senators who are experiencing ill health. Enable them to feel Your healing touch. May Your goodness and mercy follow us all the days of our lives.

We pray in Your righteous Name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 30, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

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

RECOGNITION OF MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will proceed to a period of morning business. Senators will be permitted to speak for up to 10 minutes each.

There will be no rollcall votes during today's session. The next vote will occur Monday evening.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

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

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 President, I ask unanimous consent that the order for the quorum call be rescinded.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

AIRLINE SAFETY AND FEDERAL AVIATION ADMINISTRATION EXTENSION ACT OF 2010

Mr. DORGAN. Mr. President, soon I am going to ask unanimous consent that the Senate proceed to the consideration of H.R. 5900. First, I want to make a couple of comments.

H.R. 5900 is a piece of legislation sent to us by the House of Representatives that will extend for 2 months the FAA reauthorization act. I regret that we have another extension. It is extension after extension after extension. It is so symbolic of the way this place works these days.

The reason there is an urgency to get the FAA reauthorization act done is that it includes so many significant issues that deal with the safety of the air traveling public, with the airport improvement funds, with substantial investments in air traffic control modernization—a wide range of issues that are very important. Despite the fact that everybody understands the urgency, the FAA reauthorization bill is stuck in the morass of difficulties that now afflict the Senate and House these days. It is very difficult to get anything done.

The question will be, Will we now—extending this for 2 more months—at the end of this year adjourn sine die once again without having approved an FAA reauthorization bill?

The Europeans are moving very aggressively on air traffic control modernization. I have met with Europeans on these issues. We should be doing the same, and yet it is held hostage by not passing an FAA reauthorization bill.

The issue of safety is another very important issue. I have held hearing after hearing on the issue of safety. The question is, Do we have one standard of safety on airplanes these days as between major carriers and regional carriers? When you step onto an airplane that is 32-passenger or 50-passenger—a regional carrier—do you have the same level of safety as is applied with respect to the crew, the training, and all the other issues as exists with the major carriers? The law requires that; FAA requires that.

Does it exist? Well, we explored in great detail the crash of Colgan Air. We saw, with respect to Colgan Air, one flight on one night—one tragic

night—where 45 passengers got on a Bombardier Dash 8 at La Guardia to fly to Buffalo, NY. Flying through the ice that evening, they had their wings iced up and they went into a dive and crashed, killing all of the passengers on board—a flight attendant, two pilots, and one person on the ground as well.

When we dissected what happened that evening, it was unbelievable. It may be that this is one circumstance that has occurred only in that situation—I doubt it. Neither pilot had slept in a bed the night before. One traveled across the United States from Seattle, WA, to Newark, just to reach her duty station to go to work. Think of that, traveling all night because it is your commute to your job, from Seattle to Newark, and then getting in an airplane and flying. That was the copilot who flew the right seat—a person who, a report said, was paid $20,000 or $22,000 a year and had to have a second job to make ends meet, and who previously lived with her parents because of the low salaries paid to pilots on commuter airlines.

The pilot in the left seat had not slept the night before either. Evidence was that he was only in the crew lounge where there are no beds. He commuted from Florida, I believe—one of the Florida cities—to Newark to his work station.

It is also the case that, as we looked at the transcript of the cockpit recording, we found all kinds of very difficult circumstances that existed—a discussion by the copilot that she had very little training flying in icing. This is someone in a cockpit flying a commercial airline saying: I have had very little experience flying in icing. We took a look at the records of the pilot and discovered that the pilot had failed, on multiple occasions, some key exams, and sufficient so that had the airline known, they said: ''We would not have hired that pilot had we known of those failures.'' Except the pilot's records were not transparent to the airlines. And the list goes on. It is about the training regime, stick shakers, stick pushers in the cockpit dealing with the circumstances that evening.

The question is: Was this an isolated incident or have we learned something that ought to be very concerning to all of us about safety in the skies? We included a number of recommendations in the FAA reauthorization bill dealing with safety. Some of those recommendations have been sent to us by the House of Representatives today in the 2-month extension. We will go ahead and adopt those and they will become law.

It does not represent all of the safety issues we have included in the Senate FAA reauthorization bill. It represents significant and important safety recommendations. It deals with FAA pilot records database and access to that database, the number of hours that are required for a pilot getting in a cockpit—1,500 hours as opposed to the 250 hours. The 1,500 represents what is required by the ATP, and that standard is applied in the House bill and also in the discussions we have had leading up to this point with the House negotiators.

We include issues such as the pilot training issues, safety inspectors, flight crew member mentoring, development, and leadership—a range of things that are very important.

The FAA is also involved separately on issues dealing with fatigue. They are not at this point, I believe, dealing with commuting, but I think commuting is an issue and has to be dealt with.

The point is that the FAA reauthorization bill is not now going to be passed. We will pass a 60-day extension to the end of September. The extension will include the safety provisions I have just described.

I want to mention as well the families of the victims of the Colgan air crash who, in my judgment, need to receive a lot of credit for pushing these issues and making certain that those loved ones they lost in that crash—I guess whose memory they labor in to try to make these kinds of changes and push the Congress to do what is necessary to improve safety. I believe the families have done very substantial work and very important work.

At every hearing I have held on the issue of safety, those family members have been present. They wear on their lapels and on their suit jackets photographs of their loved ones. They are doing that because they want to make sure this does not happen again. My heart goes out to them. I also say thanks to them for doing the kind of work they have done to make sure these issues do not fall by the wayside.

Let me make one final point. We have now from the period of perhaps 3 or 4 weeks in September and then a few weeks in a lameduck session to get the FAA reauthorization bill done, and if it does not get done, then we will have once again failed. I am pretty familiar with that kind of failure. I have watched time and time again.

Without being disrespectful to any of my colleagues, I know there are a number of issues that are of concern and of controversy. They deal with the issue of the perimeter rule at Washington National Airport—DC National—and also the slot provisions at DC National. There are differences of opinion in this Chamber. I believe we must resolve them. Those issues are not that significant. There has been discussion of 16 conversions that would not result in additional flights out of DC National. It is not a case of somebody saying: Let's have more flights.

I hope that all of those who are involved in this discussion will find a way to reach a compromise. This place does not work without compromise. If we have a dozen people digging in their heels telling us the way to resolve this issue is my way and if you do not like my way, I do not intend to do anything to allow anybody else to get anything, then this place does not work.

Frankly, we are close to not working very well. In the first instance, last evening we had another cloture vote. I know the majority leader felt strongly we probably would have the opportunity to get that vote. It is symbolic, I guess, of this Chamber these days. All year long, we have had votes on motions to proceed on noncontroversial bills—cloture votes that require a cloture motion to be filed and then wait for 2 days and then have a cloture vote on a motion to proceed to a noncontroversial issue. Then in addition to being required to file a cloture motion to shut off debate on something noncontroversial, once we get cloture with an overwhelming number of votes, we have to wait 30 hours to take action. That is not legislating. That is stalling. That is obstruction. We have seen way too much of it in this Chamber.

At any rate, I feel of two minds at the moment. No. 1, I am very disappointed that we have to have another extension. It is over and over again, nothing much changes, extend, extend, extend, rather than do the kind of legislating we should do. We will do this extension to the end of September on the FAA reauthorization bill. It relates to safety in the skies. It relates to jobs. It relates to investment in airport infrastructure in America. It relates to air traffic control modernization—all of those important issues, all of them again put on hold for another couple of months.

That is a profound disappointment, as far as I am concerned. Even as disappointed as I am about that, let me say the safety provisions that we will now proceed to enact, sent to us in the bill by the House of Representatives, are a significant step forward. I am pleased we are going to be able to do at the minimum this amount of work. More will be done even on safety when the Senate bill, if the Senate bill, is ever able to be passed in the Senate and become law.

Having said that, Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5900, the Airline Safety and Federal Aviation Administration Extension Act of 2010, received from the House and is now at the desk.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5900) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend airport improvement program project grant authority and to improve airline safety, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mrs. MCCASKILL. Mr. President, I rise today to speak on the extension of the Federal Aviation Administration authorization, which includes a number of critical policy reforms that will make our skies safer for millions of Americans and their families.

On the evening of February 12, 2009, Continental flight 3407, operated by Colgan Air, departed from Newark International Airport for Buffalo, NY. The 45 passengers and five crewmembers were just miles from the Buffalo airport when a series of events resulted in the death of all aboard as well as a father on the ground whose home was the unfortunate final resting place of flight 3407.

Over this last year and a half, I have gotten to know many of the families of the victims. They are a constant presence here in Washington, DC, working to improve safety conditions so that others are spared the same loss they have had to endure.

Sitting in my office last spring, as the NTSB began to release information on the crash, I discussed with the families the tremendous value of their advocacy. For decades the system has been slow to change and in the mean time innocent lives have been lost. We discussed the possibility of seizing on this very legislation as a vehicle for change—to bring accountability and transparency to the system—to strengthen the training requirements and push forward to achieving—not just ''one level of safety''—but a ''higher level of safety.''

As I speak to you today many of those family members are with us here in Washington. It is because of their tireless efforts—their unwavering pursuit for justice—that we are in a position today to take some of the most significant steps in improving the safety of the nation's aviation system in years.

The measures we are considering in this extension are the result of bipartisan efforts in both the Senate and the House yielding a number of provisions that I have worked to advance—and that aim to bring increased oversight and accountability to the system that force the FAA to respond to the growing concerns over crewmember fatigue and commuting—that strengthen the training requirements for our commercial pilots to ensure that those who are trusted with the lives of so many have the critical experience needed to safely operate an aircraft and respond accordingly in the event of an emergency.

I want to recognize my colleagues, Chairman DORGAN and Chairman ROCKEFELLER, who have been working around the clock on trying to bring the FAA reauthorization bill to the floor. We still have work to do, and I look forward to joining them after the summer work period to see the larger legislative package, which is long overdue, sent to President's desk.

It is my sincere hope, that these good people who have suffered such sorrow at the loss of mothers and fathers, sisters and brothers, sons and daughters, husbands, wives that they can return home, their heads held high, knowing that they turned their loss into action, and that their efforts might spare others the same pain that they themselves have endured.

I thank the families for their strength. I thank them for their steadfast advocacy. The American people owe them a debt of gratitude for the work they have done over these many months.

Mr. DORGAN. Mr. President, I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid upon the table; that any statements relating to the measure be printed in the RECORD, without further intervening action or debate.

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

The bill (H.R. 5900) was ordered to a third reading, was read the third time, and passed.

Mr. DORGAN. Mr. President, let me finally say that while I have mixed feelings about having done this—one regret and the other a strong feeling of accomplishment on the safety issues—I intend to come back to the floor in September, and if we have not made progress to resolve the FAA bill—I do not shout very much, but I said yesterday I have had a bellyful of this sort of thing—I am going to come to the floor and act very unlike a Lutheran Norwegian. You can count on that.

THE CALENDAR

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate proceed to the following postal-naming bills en bloc: Calendar Nos. 489, 490, and 491—S. 3567, H.R. 5278, and H.R. 5395.

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

Mr. DORGAN. Mr. President, I ask unanimous consent that the bills be read a third time and passed en bloc; that the motions to reconsider be laid upon the table en bloc, with no intervening action or debate; and that any statements relating to the bills be printed in the RECORD.

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

NAVY CORPSMAN JEFFREY L. WIENER POST OFFICE BUILDING

The bill (S. 3567) to designate the facility of the United States Postal Service located at 100 Broadway in Lynbrook, New York, as the ''Navy Corpsman Jeffrey L. Wiener Post Office Building'', was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3567

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NAVY CORPSMAN JEFFREY L. WIENER POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 100 Broadway in Lynbrook, New York, shall be known and designated as the ''Navy Corpsman Jeffrey L. Wiener Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Navy Corpsman Jeffrey L. Wiener Post Office Building''.

PRESIDENT RONALD W. REAGAN POST OFFICE BUILDING

The bill (H.R. 5278) to designate the facility of the United States Postal Service located at 405 West Second Street in Dixon, Illinois, as the ''President Ronald W. Reagan Post Office Building,'' was ordered to a third reading, read the third time, and passed.

PAULA HAWKINS POST OFFICE BUILDING

The bill (H.R. 5395) to designate the facility of the United States Postal Service located at 151 North Maitland Avenue in Maitland, Florida, as the ''Paula Hawkins Post Office Building,'' was ordered to a third reading, read the third time, and passed.

NATIONAL INFANT MORTALITY AWARENESS MONTH

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 602, submitted earlier today.

The ACTING PRESIDENT pro tempore. The clerk will read the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 602) expressing support for the goals and ideals of National Infant Mortality Awareness Month 2010.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DORGAN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

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

The resolution (S. Res. 602) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 602

Whereas ''infant mortality'' refers to the death of a baby before the baby's first birthday;

Whereas the United States ranks 29th among industrialized countries in the rate of infant mortality;

Whereas premature birth, low birth weight, and shorter gestation periods account for more than 60 percent of infant deaths in the United States;

Whereas high rates of infant mortality are especially prevalent in communities with large minority populations, high rates of unemployment and poverty, and limited access to safe housing and medical providers;

Whereas premature birth is a leading cause of infant mortality and, according to the Institute of Medicine of the National Academies, costs the United States more than $26,000,000,000 annually;

Whereas infant mortality can be substantially reduced through community-based services such as outreach, home visitation, case management, health education, and interconceptional care;

Whereas support for community-based programs to reduce infant mortality can result in lower future spending on medical interventions, special education, and other social services that may be needed for infants and children who are born with a low birth weight;

Whereas the Department of Health and Human Services, through the Office of Minority Health, has implemented the ''A Healthy Baby Begins With You'' campaign;

Whereas the Maternal and Child Health Bureau of the Health Resources and Services Administration has provided national leadership on the issue of infant mortality;

Whereas public awareness and education campaigns on infant mortality are held during the month of September each year; and

Whereas September 2010 has been designated as ''National Infant Mortality Awareness Month'': Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Infant Mortality Awareness Month 2010;

(2) supports efforts to educate people in the United States about infant mortality and the contributing factors to infant mortality;

(3) supports efforts to reduce infant deaths, low birth weight, pre-term births, and disparities in perinatal outcomes;

(4) recognizes the critical importance of including efforts to reduce infant mortality and the contributing factors to infant mortality as part of prevention and wellness strategies; and

(5) calls upon the people of the United States to observe National Infant Mortality Awareness Month with appropriate programs and activities.

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

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I ask unanimous consent to speak for up to 20 minutes.

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

ENERGY AND NATIONAL SECURITY

Mr. VOINOVICH. Mr. President, I come to the floor today to support the Oil Spill Response Improvement Act of 2010. It is a bill that seeks to directly deal with one of the most serious issues facing our country today in the aftermath of the Deepwater Horizon incident and how the Federal Government responds to what will likely turn out to be one of the worst ecological disasters that have taken place off our Nation's shores.

The bill is a targeted piece of legislation that supports jobs in the gulf coast region, prevents our Nation from relying further on foreign nations for our energy needs, and protects the American taxpayer from being placed on the hook should, God forbid, a future incident ever occur. Specifically, the bill gives the President the ability to raise caps on economic damages done by oil companies. It creates a Price-Anderson model where all entities operating in the gulf would share the risk, as we do with the 104 nuclear powerplants. I don't think the public is aware of the fact that they all have the same insurance policy, and if something were to go wrong with one nuclear powerplant, all the others' insurance would be called upon. So there is no question about liability; they just take care of the problem. We need to do the same thing in terms of these oil rigs.

The legislation maintains the integrity of the Oil Spill Liability Trust Fund. It provides States an additional funding system to be used to protect the ecosystem. It accelerates the lifting of the deepwater moratorium in the Gulf of Mexico. It creates a bipartisan spill commission with subpoena power to investigate causes of the Deepwater Horizon explosion. These are good ideas that I think will address the crisis at hand. They are good ideas that will help get people back to work in the gulf.

I know Senator REID has proposed an alternative piece of legislation. I understand that it maintains the current moratorium on deepwater drilling off the Outer Continental Shelf, creates a liability regime that will likely limit production in the Gulf of Mexico to only the largest of oil companies, and raises the Oil Spill Liability Trust Fund to pay for untested efficiency programs.

I welcome a robust debate, but looking at the schedule next week, my understanding is that the majority leader will likely fill the tree and not allow any amendments. So what we are probably going to see is a Republican-Democratic side-by-side taken care of in 1 day. To be candid, this is a much too serious issue to cram into 1 day with just side-by-side proposals. And I think that gives rise, for those watching what we are doing here in the Senate, to some feeling that what we are doing here is not genuine, is disingenuous and, quite frankly, if we do this next week, I think what it will do is further cause the public to think less of the institution of the Senate.

Regardless of whether you are a Republican or a Democrat, you ought to be concerned about the fact that since polling has been done regarding the approval of the Senate, the numbers today are the worst we have ever seen. So something is going on out there, and they are watching what we are doing and they are saying: These people seem to be more interested in partisan politics or who is going to win the next election in terms of how many new Senators or who is going to control the House of Representatives instead of really looking at the problems confronting our country. They are asking: Can't you people work together on a bipartisan basis to solve the problems we have? There is a fear and uncertainty today in this country that I have never seen anything like, and I think all of us should be concerned about how the people in this country feel about what we are doing here.

Whether you are a Democrat or a Republican, environmental advocate, oil industry employee, I think all should agree that Congress needs to respond intelligently to the situation with action that balances environmental risks with our Nation's energy requirements.

Much of the responsibility for this spill should lie on the shoulders of a few bad actors in the private sector, and they are primarily with BP. I have to say, from my looking at this, there is gross negligence. It is amazing what they knew about and didn't do, and I think that will all come out, although I imagine there is going to be enough blame to go around once we have had a chance to step back and see just what happened.

I must also say that I think the decisions this administration has made, not only in reacting to the spill but also in its general attitude toward domestic oil and gas production, have been disastrous for the gulf region.

Last year, I sat down in my office with Secretary Ken Salazar to talk about domestic oil and gas production and our Nation's energy strategy. In that meeting, I conveyed to him that I have always believed one of the most pressing challenges America faces today is reducing our reliance on foreign sources of energy. I called it the second declaration of independence—finding more oil and using less. I told Secretary Salazar that I was concerned about the administration's actions that were limiting energy production in the United States.

He disagreed with me. Secretary Salazar said the Department was in the process of restructuring and undergoing a thorough review to ensure proper oversight of the oil and gas industry was being provided. He pointed out that the Department was moving forward with lease sales in the Atlantic and that, in his opinion, things were just fine. I took him at his word and waited but didn't see any change in the Department's attitude.

I sent a letter to the Secretary on April 19, 2010—April 19—reiterating my concern that his Department was ignoring its obligations to oversee domestic oil and gas development and focusing too much of its attention and resources on renewed efforts to promote renewable energy projects that make good photo-ops but would have little effect in meeting our Nation's long-term energy needs.

I expressed further concern that efforts to lease areas of the Outer Continental Shelf for oil and gas production were being restricted. For example, in November of 2009, the Department of the Interior acted to shorten the lease terms for a specific sale of leases in the Gulf of Mexico. The shortening of the lease terms will likely do nothing to guarantee more discoveries but, rather,

serve to increase risk as companies are rushed to complete production before the expiration of their lease.

Three months later, I have yet to receive an answer to my letter. And this is particularly disappointing to me because I consider Secretary Salazar—a former colleague—a friend, and I have always respected him.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter I sent to Secretary Salazar.

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

UNITED STATES SENATE,
Washington, DC, April 29, 2010.

Hon. KEN SALAZAR,
Secretary, U.S. Department of the Interior, Washington, DC.

DEAR SECRETARY SALAZAR: I believe one of the most pressing challenges America faces today is reducing our reliance on foreign energy sources and crafting a comprehensive national energy policy for the United States that makes use of every energy resource at our disposal. It is critical that we improve our energy security to increase our competitiveness in this growing global marketplace and improve our national security.

As the Secretary of the Interior, you play an instrumental role in implementing energy policy. And your department should be applauded for its work in managing the nearly 8,000 active onshore leases and the over 55,000 active offshore leases, for its successful lease sales in 2009, and for scheduling additional Federal oil and gas lease sales for 2010.

I am concerned however, by your comments that the Department of Interior is moving adequately to promote domestic production of oil and natural gas, and your efforts to ''balance'' the federal government's procedures dealing with the leasing of federal lands for energy production. I know that you are sincere when you say that you are trying to find an approach to managing the nation's natural resources that provides the protection necessary to ensure that we are not sacrificing irreplaceable natural treasures while allowing for the safe and responsible production needed to address future energy needs. But from what I have witnessed and from what I have gathered from accounts conveyed me, I am troubled that DOI is coming across as being more concerned with catering to the political whims of the environmental community.

Some have argued that unlike the attention being paid to renewable energy projects, government action that would promote increased domestic oil and natural gas production is getting neglected. I am of the opinion that there is no silver bullet when it comes to meeting future energy needs. We are going to need a wide portfolio of energy options that include different sets of technologies and solutions. As such, no particular energy option should receive preferential treatment on the basis of its constituencies. But neither should the domestic production of a reliable and abundant energy source, such as oil, natural gas, or coal, be curtailed for the same reasons.

I was encouraged by the President's announcement to consider expanding oil and gas production on the U.S. Outer Continental Shelf. This is a good first step, but there are still large areas both in Pacific and Atlantic that would remain off-limits to exploration. Further, much of the Eastern Gulf of Mexico remains under a congressional moratorium until 2022.

While steps are being taken to expand domestic offshore oil and gas production, I must tell you I have concerns that as DOI works to schedule lease sales in the select areas that have been released from moratoria, progress could very easily be stalled completely by external roadblocks such as lawsuits from the environmental community. This is a strategy that groups have successfully utilized to halt the construction of coal fired power plants. I hope the Administration and with your leadership at DOI will follow through with this proposal and expand our domestic oil and gas resources.

Additionally, your department is taking unilateral action that could be construed as making more difficult for oil gas production to take place domestically. For example, last November DOI acted to shorten the lease terms of an upcoming Central Gulf of Mexico lease sale. Industry argues that the shortening of the lease terms does nothing to guarantee more discoveries but rather takes away from companies the flexibility necessary to operate in an extremely challenging and risky environment.

I continue to value our friendship and will work with you as we both seek to achieve energy security, the creation of jobs, and the rebuilding of our economy. I am optimistic that we can bridge any differences as we strive to make the United States more energy independent from oil rich foreign countries who do not share our interests.

Sincerely,

GEORGE V. VOINOVICH,
United States Senator.

Mr. VOINOVICH. Meanwhile, the Gulf of Mexico is now under a revised moratorium on deepwater offshore drilling imposed by President Obama and the Department of Interior. This moratorium jeopardizes 30 percent of this Nation's domestic oil production and 13 percent of our natural gas production.

There are 33 drilling platforms currently idle in the Gulf of Mexico. That doesn't sound like a large number, but keep in mind that these rigs are really the size of factories. Each platform supports as many as 1,400 direct and indirect jobs, which means that as many as 46,200 jobs could be lost in the short term because of this moratorium. As these are good-paying jobs, this could amount to as much as $10 million in lost wages per month, per platform.

Further, the moratorium threatens the livelihood of more than 300,000 oil and gas workers in the region. The loss of revenue will be in the billions. A 6-month moratorium could result in a $147 billion loss in local, State, and Federal revenue over the next 10 years. Oil and gas production in the Gulf of Mexico is a significant revenue stream for the Federal Government. A moratorium on production that lasts 6 months could cost the Federal Government between $120 million and $150 million in lost royalties and a $300 million to $500 million decline in government revenue in just 2011. That is next year.

This is sure to have a devastating effect on our Nation's long-term national security. I have said over and over that Americans are hurting from our addiction to oil. I am not sure they fully realize the extent to which our national security, and indeed our very way of life, is threatened—threatened—by our reliance on foreign oil.

Every year, we send billions of dollars overseas for oil and pad the coffers of many nations that do not have our best interests at heart, such as Venezuela, whose leader has threatened to cut off his oil exports. Today, over 80 percent of the world's oil reserves are in the hands of governments and their respective national oil companies, and 16 of the world's 20 largest oil companies are state owned. Russia has proven it has no qualms about using energy as a weapon. In Venezuela, Hugo Chavez has forcefully consolidated the nation's vast oil reserves under the control of their state-owned oil company. He frequently uses the company as political leverage in his region.

With the rise in national oil companies around the world and the apparent weaponization of the globe's energy resources, U.S. domestic oil production has been on a decline. We now import nearly 60 percent of our oil, and as a consequence we are sending billions of dollars overseas and putting our faith in the hands of regimes that do not have our best interests at heart. For example, in 2007, we spent $327 billion to import crude oil and refined petroleum products. In 2008, the amount we shipped overseas spiked to more than $700 billion. In other words, we take American money and send it overseas. And 55 percent of that money, or nearly $400 billion, went to oil-exporting OPEC nations. Today, oil amounts for over half our trade deficit.

Our dependence on foreign oil is even made more troubling when you consider our Nation's financial situation. The national debt stands at $13.3 trillion—more than double the $5.6 trillion that existed when I came to the Senate in 1999. By the end of 2010, the national debt is expected to have grown to over $14 trillion. Last year, we borrowed $1.4 trillion.

The best way I can explain the soup we are in is that last year, for every dollar the Federal Government spent, we borrowed 41 cents. Most people, when I tell them that, just can't believe it. But that is the situation. This year, we are going to borrow $1.5 trillion or another year where we will borrow 41 or 42 cents for every dollar we spend. Over half the privately owned national debt is being held by foreign creditors, mostly foreign central banks. In fact, foreign creditors have provided more than 60 percent of the private funds the U.S. Treasury has borrowed since 2001, according to the Department of Treasury.

Who are the creditors? According to the Treasury Department, the three largest foreign holders of U.S. debt are China, Japan, and the OPEC nations.

These concerns led me to introduce the National Energy Security Act last year with Senator BYRON DORGAN. The bill expands development of domestic oil and natural gas by streamlining the inventory and permitting of the most promising areas of the Outer Continental Shelf. By the way, the group that is supporting this is a group of former admirals and generals who basically said we have to do something; because of the fact of too much reliance

on foreign oil we are in terrible shape. We are on thin ice, in terms of our national security.

In addition, the bill provides $50 billion in Federal loan guarantee authority for low-carbon electricity, including nuclear and advanced coal. It promotes the electrification of the transportation fleet to reduce dependence on foreign oil, supports building the crucial infrastructure necessary to create a robust, reliable national grid, and strengthens electricity transmission, including giving FERC the power to site transmission lines.

Americans today demand action and they demand we come together in a bipartisan fashion to solve not only this crisis in the gulf but our larger energy crisis. For 10 years, I have been a member of the Environment and Public Works Committee and for 10 years I have tried to coax Congress into harmonizing our energy, our economy, and our environment. Congress has refused and now the chickens have come home to roost and we are paying the price because we were not able to get together.

I believe the best message we can send the world is that we get it. We must demonstrate that we can safely and responsibly produce oil off our shores, while also promising ourselves that we are going to use less by undertaking a renewed effort to make the United States of America the most oil-independent nation in the world. I envision an America 10 years from now where we can have enough oil to take care of our needs. I imagine an America that is the least reliant country in the world on oil, an America where our economy is not threatened by our reliance on foreign energy sources. It will be an America that has created hundreds of thousands of jobs through responsible development of our Nation's resources and through the creation of new industries in the field of alternative energy.

Wouldn't it be great for our children and grandchildren to one day celebrate the time America put aside its differences and came together to announce what I refer to as a second ''Declaration of Independence''—to find more and use less? I believe, with this attitude, we can rekindle the American spirit of self-reliance, innovation, and creativity to usher in a new era of prosperity.

The first step is to pass the Oil Spill Improvement Act to get people back to work in the gulf and to give the Department of Interior the tools it needs to provide proper oversight of the oil and gas industry. Second, Congress needs to do its job—make the passing of a comprehensive energy bill a priority and provide certainty as to how our Nation will supply energy to its economy in the future.

I reiterate and call upon my colleagues, the majority leader, the minority leader, for us next week to put out the Republican proposal and the Democratic proposal, and to have back-to-back votes will do nothing but increase the cynicism that is out there among the American people about what we are doing in the Senate. Next week, we should finish the small business bill—get on with that. We ought to get on with consideration of the Kagan nomination by the President and we should come together and say let's get serious, let's work during the August break to see if we cannot come together on a compromise between the two back-to-back bills so maybe when we get back in September we can have something we can all agree on and get passed and reassure the American people we are serious about dealing with their problems and maybe even give consideration—I know this would be difficult—to look at what many of us have suggested, to look at the bill that JEFF BINGAMAN and the Senate Energy and Natural Resources Committee put together on a bipartisan basis.

Perhaps we could look at a bill Senator ROCKEFELLER and I have worked on for over a year that deals with capturing and sequestering carbon; to look at a title that deals with nuclear energy that I worked with with Senator LIEBERMAN and others—and get something done. It may not be satisfactory to a lot of the environmental groups, but at least we would move the ball down the field this year so people know we are serious about becoming less reliant on foreign sources of energy and also that we are genuinely concerned about reducing greenhouse gas emissions.

As I said, I have been around here, this is the 12th year on Environment and Public Works. For years, we wanted to do something about NO_X, SO_X, and carbon, bring down the caps. The environmental groups said: No, we won't agree with that, we have to include greenhouse gas emissions, so we did nothing.

I will never forget the Secretary of State, when she was a Senator from New York, and she wanted a compromise on emissions because the Adirondack Council and the folks from the Smoky Mountains agreed if we did the Ps, reduce SO_X, NO_X, and mercury, we could move along, and then the environmental groups came along and they gave her the ''Villain of the Month Award.'' Hillary Clinton gets the ''Villain of the Month Award'' because she is trying to work on a compromise to move us down the road.

We have some time left. I know it is going to be difficult because we have the backdrop of the election facing us. I hope once that is over we have a robust lameduck session so we can deal with some of the things that are on the minds of the American people and, hopefully, perhaps this Commission that you and I wanted to see done on the floor of the Senate, that the President finally had to do through Executive action, could come back here with some positive suggestions on how we can deal with our debt and these budgets that are not going to be balanced as far as the eye can see.

I yield the floor.

TRIBUTE TO ELIZABETH GORE, CHIEF OF STAFF

Mr. DORGAN. Mr. President, for the past 10 years I have had the privilege of working with Elizabeth Gore, the chief of staff of my U.S. Senate office.

Today, as Elizabeth leaves her job to pursue other career opportunities, I want to pay tribute to her extraordinary work. Elizabeth Gore has made important contributions not only to the effective management of my Senate office, but also to the creation of good public policy for our country.

Elizabeth joined my staff 10 years ago following a career that included work in both the U.S. House of Representatives and for the White House. She possesses that wide range of skills that is always necessary for success. She is smart, tough, honest, and has demonstrated an uncanny sense of good judgment.

I know the American people view the U.S. Senate through the lives of those of us who are elected to serve here. But, frankly, every U.S. Senator will admit that a substantial amount of the credit for their accomplishments in the Senate belong to some very talented staff. That has been especially true of Elizabeth in my office. She has directed a complicated set of issues in an office full of activity with great skill.

The term ''regular hours'' would not fit any job description in most Senate offices. Long hours, family sacrifices, and devotion to getting the job done describes everything about the commitment Elizabeth made to me, my staff, and the people of North Dakota over the past decade.

I know Elizabeth will now add another chapter to what is already an illustrious career and others will discover the joy of working with her.

I join all of my staff members in saying thank you to Elizabeth Gore for having spent the past decade working in my office. All of us owe her a great debt of gratitude.

NATIONAL COUNCIL ON INTERNATIONAL VISITORS

Mr. SPECTER. Mr. President, I wish to speak to a resolution honoring the National Council for International Visitors, NCIV, on the occasion of its 50th anniversary. The United States has the responsibility of protecting its citizens by ensuring peace, and I believe that citizen diplomacy as practiced by the NCIV is a crucial tool to achieving that end.

With the goal of promoting ''excellence in civilian diplomacy,'' the NCIV promotes the idea that individual citizens have the right and responsibility to promote peaceful and cooperative foreign relations. NCIV champions the belief that ''citizen diplomacy has the power to shape American perceptions of foreign cultures and international perceptions of the United States, effectively shattering stereotypes, illuminating differences, underscoring

common human values, and developing the web of human connections needed to achieve more peaceful relations between nations.''

In a partnership with the Department of State, the NCIV cosponsors the International Visitor Leadership Program, IVLP, which brings distinguished foreign leaders to the United States for short-term professional programs. Since 1961, the NCIV has organized people-to-people exchanges for more than 190,000 foreign leaders participating in the IVLP, and of these participants, 285 went on to lead their respective countries. The IVLP's distinguished alumni include Tony Blair, Margaret Thatcher, Anwar Sadat, Indira Gandhi, and Nicolas Sarkozy, among others.

Throughout my tenure in the Senate, I have sought to engage leaders of friendly and adversarial nations alike, as I recognize the potential for dialogue to yield positive results where few prospects for progress were at first seen. Refusing to negotiate with adversarial countries exacerbates relations with these nations, and the resulting mutual lack of understanding strengthens anti-American sentiments.

It is my personal experience that meeting with leaders whose policies are in conflict with those of the United States can yield positive results. I cite my interactions with former President Hafiz al-Asad of Syria, President Fidel Castro of Cuba, and President Hugo Chavez of Venezuela as examples. Achievements resulting in some small part from this personal diplomacy included expansion of emigration rights in Syria and cooperation with Cuba and Venezuela on counter-narcotics policy. By investing in diplomacy, the United States can foster international relationships that facilitate peaceful resolutions to conflict.

The NCIV promotes these relationships on an individual basis, ''[bridging] cultures and [building] mutually beneficial relationships through international exchanges.'' I nominated the NCIV network of citizen diplomats for the 2001 Nobel Prize believing they ''have done . . . the best work for fraternity between nations.'' On the occasion of the NCIV's 50th anniversary, I hope that my colleagues join me in honoring their work.

ADDITIONAL STATEMENTS

REMEMBERING JOE ''THE OLD MASTER'' GANS

● Mr. CARDIN. Mr. President, I encourage my colleagues to join me in marking the 100th anniversary of the passing of Joe ''The Old Master'' Gans, a great American who inspired millions with his feats in the boxing ring. At a time of pervasive racial discrimination and inequality, Gans provided the country with a glimpse of the true potential of African Americans by rising to the top of what was then the most popular sport in America.

Gans had the humblest of beginnings. He was born in Baltimore, MD, in 1874, and orphaned 4 years later. Then, he was raised by a foster mother in a segregated world in which the future seemed to hold no more for him than the same menial labor he performed at the Baltimore harbor in his teenage years. In an ironic twist of fate, the racist conditions that hemmed in his world eventually lifted him out of it. His incredible talent for boxing was first discovered when he emerged victorious in a Battle Royale, a cruel sporting event in which white gamblers bet on which of 10 black youths thrown together in a ring would be the last standing.

In the years that followed, Gans honed his skills and accumulated success after success as a lightweight boxer, becoming famous for his perceptive, impregnable defensive tactics and devastating counterpunch. With an easy one-punch knockout victory in 1902, Gans first earned the world lightweight title, at the time the greatest athletic achievement made by an African American. Four years later, he solidified his hold on the title, which he would keep until 1908, with his victory over Matthew ''Battling'' Nelson on Labor Day, 1906, in Goldfield, NV.

The Goldfield fight, held outdoors under a blazing Sun, drew an audience of 8,000 people. The purse was $30,000. Gans's foster mother, Maria Grant, sent him a telegram urging him to ''bring home the bacon,'' a phrase that caught on in the media accounts when Gans won what was dubbed ''the fight of the century'' after 42 grueling rounds. It was the longest gloved championship match recorded under Marquis of Queensbury rules.

Despite winning the fight, Gans received much less prize money than his white opponent who lost. But the winnings were enough for Gans to found the Goldfield Hotel, a leading incubator of Black culture where, among others, the great jazz pianist Eubie Blake first attracted notice. Gans' achievements became a beacon of hope for the African-American community. The prominent preacher and civil rights leader Francis J. Grimke once remarked that the great Booker T. Washington had done much for African Americans, but he ''never did one-tenth to place the black man in the front rank as a gentleman as has been done by Joe Gans.''

Gans was one of the first practitioners of scientific gloved boxing, following the era of bare-knuckles fights. Nat Fleischer described his footwork as ''beautiful side-stepping, and legwork'' in ''Black Dynamite.'' The San Francisco Chronicle reported that Gans ''was in and away or inside as it suited him best, with will-o-the-wisp elusiveness.'' Jack Johnson said, ''Joe moved around like he was on wheels.'' All in all, he fought in three divisions—featherweight, lightweight, and welterweight—for 18 years, compiling over 150 career wins and over 100 knockouts.

The remarkable life of Joe Gans was cut short at age 34 when he succumbed to tuberculosis. I ask my colleagues to join me, a century after his death, in recognizing the inspiring accomplishments of an American hero whom the great Baltimore writer H.L. Mencken called ''probably the greatest boxer who ever lived.''●

MESSAGES FROM THE HOUSE

At 10:03 a.m., a message from the House of Representatives, delivered by Ms. Niland, 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. 3040. An act to prevent mail, telemarketing, and Internet fraud targeting seniors in the United States, to promote efforts to increase public awareness of the enormous impact that mail, telemarketing, and Internet fraud have on seniors, to educate the public, seniors, their families, and their caregivers about how to identify and combat fraudulent activity, and for other purposes.

H.R. 5900. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend airport improvement program project grant authority and to improve airline safety, and for other purposes.

The message also announced that the House has passed the following bill, without amendment:

S. 3372. An act to modify the date on which the Administrator of the Environmental Protection Agency and applicable States may require permits for discharges from certain vessels.

At 11:25 a.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. 5981. An act to increase the flexibility of the Secretary of Housing and Urban Development with respect to the amount of premiums charged for FHA single family housing mortgage insurance, 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–6901. 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 ''Fisheries of the Northeastern United States; Black Sea Bass Fishery; 2010 Black Sea Bass Specifications; Emergency Rule Extension'' (RIN0648–XT99) received in the Office of the President of the Senate on July 28, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6902. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch for Catcher Vessels Participating in the Rockfish Entry Level Trawl

Fishery in the Central Regulatory Area of the Gulf of Alaska'' (RIN0648–XX35) received in the Office of the President of the Senate on July 28, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6903. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pelagic Shelf Rockfish in the Western Regulatory Area of the Gulf of Alaska'' (RIN0648–XX55) received in the Office of the President of the Senate on July 28, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6904. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries in the Western Pacific; American Samoa Pelagic Longline Limited Entry Program'' (RIN0648–XX41) received in the Office of the President of the Senate on July 28, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6905. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pelagic Shelf Rockfish in the Western Regulatory Area of the Gulf of Alaska'' (RIN0648–XX49) received in the Office of the President of the Senate on July 28, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6906. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish, Pacific Ocean Perch, and Pelagic Shelf Rockfish for Catcher Vessels Participating in the Limited Access Rockfish Fishery in the Central Regulatory Area of the Gulf of Alaska'' (RIN0648–XX35) received in the Office of the President of the Senate on July 28, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6907. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Foreign Direct Products of U.S. Technology'' (RIN0694–AE27) received in the Office of the President of the Senate on July 27, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6908. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''The Jurisdictional Scope of Commodity Classification Determinations and Advisory Opinions Issued by the Bureau of Industry and Security'' (RIN0694–AE94) received in the Office of the President of the Senate on July 27, 2010; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM–136. A resolution adopted by the Legislature of the State of Minnesota expressing its strong opposition to the creation of a federal insurance charter as proposed in S. 40/H.R. 3200 and any other such federal legislation that would threaten the power of the state legislatures, governors, insurance commissioners, and attorneys general to oversee, regulate, and investigate the business of insurance, and to protect consumers; to the Committee on Banking, Housing, and Urban Affairs.

RESOLUTION NO. 3

Whereas, the current financial crisis facing the United States and the world is causing Congress and the Administration to review the current regulatory structure presently in force with the object of revising it; and

Whereas, the Federal Reserve Board of Governors, Comptroller of the Currency, Securities and Exchange Commission, and other federal regulatory institutions failed their responsibility, causing great harm to the financial system of the United States; and

Whereas, the prime example of the failure of the federal regulatory institutions to exercise their responsibility is AIG; and

Whereas, the failure of AIG has been caused by the actions and activities of its holding company, the regulation of which is the sole responsibility of the federal government; and

Whereas, the regulation of AIG's insurance company subsidiaries has been the responsibility of the state regulators who have fulfilled their responsibilities, which is demonstrated by the fact that none of the approximately 170 insurance subsidiaries has failed; and

Whereas, regulation, oversight, and consumer protection have traditionally and historically been powers reserved to state governments under the McCarron-Ferguson Act of 1945; and

Whereas, state legislatures are more responsive to the needs of their constituents and the need for insurance products and regulation to meet their state's unique market demands; and

Whereas, many states, including Minnesota, have recently enacted and amended state insurance laws to modernize market regulation and provide insurers with greater ability to respond to changes in market conditions; and

Whereas, state legislatures, the National Conference of Insurance Legislators (NCOIL), the National Association of Insurance Commissioners (NAIC), and the National Conference of State Legislators (NCSL) continue to address uniformity issues between states by the adoption of model laws that address market conduct, product approval, agent and company licensing, and rate deregulation; and

Whereas, new federal legislation to create a national insurance charter is expected to be introduced in 2009 that will have the potential to fundamentally alter the role of state governments in the insurance industry, thereby creating an unwieldy and unnecessary federal bureaucracy proposed without consumer and constituent demand; and

Whereas, such initiatives as S. 40/H.R. 3200—the National Insurance Act of 2007—proposed optional federal charter legislation may bifurcate insurance regulation and result in a labyrinth of federal and state directives that would promote ambiguity and confusion among consumers; and

Whereas, bills such as S. 40/H.R. 3200 would allow insurance companies choosing a federal charter to avoid state insurance regulatory oversight and evade important state consumer protections; and

Whereas, the mechanism that would have been set up under S. 40/H.R. 3200 cannot respond to the unique insurance market dynamics and local constituent concerns present in each of the 50 states as state regulation does; and

Whereas, bills such as S. 40/H.R. 3200 have the potential to compromise state guaranty fund coverage, and employers could end up absorbing losses otherwise covered by these safety nets for businesses affected by insolvencies; and

Whereas, bills such as S. 40/H.R. 3200 would ultimately impose the costs of a new and needless federal bureaucracy upon businesses and the public; and

Whereas, many state governments derive general revenue dollars from the regulation of the business of insurance, including nearly $14 billion in premium taxes and $2.7 billion in fees and assessments generated in 2006—of which the state of Minnesota generated over $346 million; and

Whereas, bills such as S. 40/H.R. 3200 threaten the loss of over $10 million in state revenues from insurance fees and assessments, thereby putting at risk the funding of a wide array of essential state services; now, therefore, be it

Resolved, by the Legislature of the State of Minnesota, That it joins the National Conference of Insurance Legislators in expressing its strong opposition to creation of a federal insurance charter as proposed in S. 40/H.R. 3200 and any other such federal legislation that would threaten the power of state legislatures, governors, insurance commissioners, and attorneys general to oversee, regulate, and investigate the business of insurance, and to protect consumers; and be it further

Resolved, That the Secretary of State of the State of Minnesota is directed to prepare copies of this memorial and transmit them to the President and the Secretary of the United States Senate, the Speaker and the Clerk of the United States House of Representatives, the chair and members of the United States Senate Committee on Banking, Housing, and Urban Affairs, the chair and members of the United States House of Representatives Committee on Financial Services, and Minnesota's Senators and Representatives in Congress.

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 Ms. KLOBUCHAR (for herself and Mr. DORGAN):

S. 3679. A bill to establish a grant program in the Department of Transportation to improve the traffic safety of teen drivers; to the Committee on Commerce, Science, and Transportation.

By Mr. DURBIN:

S. 3680. A bill to amend the Family and Medical Leave Act of 1993 to permit leave to care for a same-sex spouse, domestic partner, parent-in-law, adult child, sibling, or grandparent who has a serious health condition; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FEINGOLD:

S. 3681. A bill to amend the Internal Revenue Code of 1986 to reform the system of public financing for Presidential elections, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

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

S. Res. 602. A resolution expressing support for the goals and ideals of National Infant Mortality Awareness Month 2010; considered and agreed to.

By Mr. SPECTER (for himself, Mr. LUGAR, Mr. LEAHY, Mr. BURR, Mr. BAYH, Mr. PRYOR, Mr. BURRIS, Mrs. LINCOLN, Mr. DORGAN, Mrs. GILLIBRAND, Mr. DURBIN, Mr. BOND, Mrs. MCCASKILL, Mr. BENNETT, Mr. CASEY, Mr. COCHRAN, Mr. UDALL of New Mexico, Ms. KLOBUCHAR, Mrs. MURRAY, Ms. CANTWELL, Mrs. HAGAN, Mrs. HUTCHISON, Mr. ISAKSON, and Mr. COBURN):

S. Res. 603. A resolution commemorating the 50th anniversary of the National Council for International Visitors, and designating February 16, 2011, as ''Citizen Diplomacy Day''; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 1643

At the request of Ms. SNOWE, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1643, a bill to amend the Internal Revenue Code of 1986 to allow a credit for the conversion of heating using oil fuel to using natural gas or biomass feedstocks, and for other purposes.

S. 3034

At the request of Mr. SCHUMER, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor 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. 3669

At the request of Mr. LEAHY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 3669, a bill to increase criminal penalties for certain knowing violations relating to food that is misbranded or adulterated.

S. RES. 579

At the request of Mr. BROWNBACK, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. Res. 579, a resolution honoring the life of Manute Bol and expressing the condolences of the Senate on his passing.

AMENDMENT NO. 4567

At the request of Mr. DURBIN, his name was added as a cosponsor of amendment No. 4567 proposed to H.R. 1586, an act to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN:

S. 3680. A bill to amend the Family and Medical Leave Act of 1993 to permit leave to care for a same-sex spouse, domestic partner, parent-in-law, adult child, sibling, or grandparent who has a serious health condition; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, I rise today to introduce the Family and Medical Leave Inclusion Act. This is a bill—previously introduced in the House of Representatives on a bipartisan basis—that would extend the important protections of the Family and Medical Leave Act to same-sex couples in America. Under current law, it is impossible for many employees to be with their partners during times of medical need.

The late Senator Edward Kennedy once said, ''It is wrong for our civil laws to deny any American the basic right to be part of a family, to have loved ones with whom to build a future and share life's joys and tears, and to be free from the stain of bigotry and discrimination.''

America has a rich history of embracing those once discriminated against and making them part of our nation's family. All Americans—regardless of their background—are deserving of dignity and respect.

In 1993, Congress passed the Family and Medical Leave Act to, among other things, protect American workers facing either a personal health crisis, or that of a close family member.

Thanks to the FMLA, those people in the workforce who suffer a serious illness or significant injury are able to take time to heal, recover, follow their doctors' orders, and return to their jobs strong, healthy, and ready to be productive again. Most importantly, they know that they will still have jobs to return to, because those are protected by the law.

Likewise, workers who learn the terrible news that a child, a parent, or a spouse is sick or injured, and in need of help from a loved one, can provide that care and support knowing that their jobs are not in jeopardy for doing so.

In passing the FMLA, Congress followed the lead of many large and small businesses which had already recognized and addressed this need. These companies had put in place systems that gave their employees time to heal themselves or their family members, and ensured that those employees would return to work as soon as they could. In standing by their employees in a time of need, these companies accomplished three laudable goals: they eased the burden of those employees in crisis, they reassured the rest of their employees that they too would be covered should they find themselves in need of that protection, and they ensured the return of these skilled and trusted employees, sparing business the expense and effort of recruiting and training new people. It was a win-win strategy.

The FMLA took that model and its benefits and brought the majority of the American workforce under the same protections.

Today, once again, we have the opportunity to learn from a number of forward-thinking, pioneering businesses—big and small and across the United States—who have taken it upon themselves to improve on the protections provided by law. While respecting the spirit and purpose of the FMLA, these companies have simply recognized the changing nature of the modern American family.

According to the Human Rights Campaign—a leading civil rights organization that strongly supports the Family and Medical Leave Inclusion Act—461 major American corporations, nine states, and the District of Columbia now extend FMLA benefits to include leave on behalf of a same-sex partner.

In 1993, the FMLA was narrowly tailored to apply only to those caring for a very close family member. The idea was to capture that inner circle of people, where the family member assuming the caretaker role would be one of very few, if not the only person, who could do so. That idea is still valid, and that idea has not changed.

What has changed are the people who might be in that inner circle. The nuclear American family has grown—sometimes by design, and sometimes by necessity. More and more, that inner circle of close family might include a grandparent or grandchild, siblings, or same-sex domestic partners in loving and committed relationships.

As the law stands right now, too many of these people are left outside of the protections of the FMLA.

Earlier this summer, the U.S. Department of Labor issued guidance clarifying that an individual serving as a parent, but who may not have a legal or biological relationship to a child, is eligible to take FMLA leave to care for that child or attend to a birth or adoption. As Labor Secretary Hilda Solis noted, ''No one who intends to raise a child should be denied the opportunity to be present when that child is born simply because the state or an employer fails to recognize his or her relationship with the biological parent. . . . The Labor Department's action today sends a clear message to workers and employers alike: All families, including LGBT families, are protected by the FMLA.''

I applaud the Labor Department and the Obama Administration for sending this important message, but unfortunately, the FMLA statute still does not allow an employee to take leave to care for a same-sex partner. We must act to truly make these important protections available to all families.

At times like these, when we as a nation are experiencing a difficult employment market, those with good jobs know the value of those jobs and are working as hard as they can to keep them. Those people should never have to weigh the value of their employment security against family duties to care for a loved one.

But even in the best of economic times, this bill makes sense. Injury or illness can come at any time, and families are rocked by the needs and decisions that come along with that reality.

There are many who would understandably question what this kind of change in the law would cost the business community. I would remind those people that the FMLA is already a very good law; it is in place and it is working. It provides unpaid leave when the need arises, and it only applies to businesses that have enough employees on hand to handle the absence of a single worker without too great a burden.

We have also seen that 90 percent of the leave time that has been taken under the FMLA has been so that employees can care for themselves or for a child in their care, and those situations are already covered under the law as it stands. What the Family and Medical Leave Inclusion Act would do is provide a little more flexibility, and recognize that there are a few more people in that inner circle of family who we might call upon, or who might call upon us. It will not make a big difference to the companies involved, but it will make all the difference in the world to those protected by it.

We often hear calls from some of our colleagues who feel that the Government tries to do too much, and that we try to force government to do for us what we should be doing for ourselves or for each other. That is exactly why this should be a law that we can all agree upon. Certainly we can all agree that family is the first and best safety net in times of personal crisis. Families need to be given the realistic ability to provide that assistance. What the Family and Medical Leave Inclusion Act does is give those family members the ability to help their loved ones in ways that only they can, without fear of losing their jobs in the process.

The Family and Medical Leave Inclusion Act takes a very good law and makes it even better. It contains reasonable changes that merely reflect the modern American family. It is the right thing to do, and I hope we can join together on a bipartisan basis to pass it.

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

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

S. 3680

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Family and Medical Leave Inclusion Act''.

SEC. 2. LEAVE TO CARE FOR A SAME-SEX SPOUSE, DOMESTIC PARTNER, PARENT-IN-LAW, ADULT CHILD, SIBLING, OR GRANDPARENT.

(a) DEFINITIONS.—

(1) INCLUSION OF ADULT CHILDREN AND CHILDREN OF A DOMESTIC PARTNER.—Section 101(12) of such Act (29 U.S.C. 2611(12)) is amended—

(A) by inserting ''a child of an individual's domestic partner,'' after ''a legal ward,''; and

(B) by striking ''who is—'' and all that follows and inserting ''and includes an adult child.''.

(2) INCLUSION OF SAME-SEX SPOUSES.—Section 101(13) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611(13)) is amended by inserting '', and includes a same-sex spouse as determined under applicable State law'' before the period.

(3) INCLUSION OF GRANDPARENTS, PARENTS-IN-LAW, SIBLINGS, AND DOMESTIC PARTNERS.—Section 101 of such Act (29 U.S.C. 2611) is further amended by adding at the end the following:

''(20) DOMESTIC PARTNER.—The term 'domestic partner', used with respect to an employee, means—

''(A) the person recognized as the domestic partner of the employee under any domestic partner registry or civil union law of the State or political subdivision of a State where the employee resides; or

''(B) in the case of an unmarried employee who lives in a State where a person cannot marry a person of the same sex under the laws of the State, a single, unmarried adult person of the same sex as the employee who is in a committed, personal (as defined in regulations issued by the Secretary) relationship with the employee, who is not a domestic partner to any other person, and who is designated to the employer by such employee as that employee's domestic partner.

''(21) GRANDCHILD.—The term 'grandchild', used with respect to an employee, means any person who is a son or daughter of a son or daughter of the employee.

''(22) GRANDPARENT.—The term 'grandparent', used with respect to an employee, means a parent of a parent of the employee.

''(23) PARENT-IN-LAW.—The term 'parent-in-law', used with respect to an employee, means a parent of the spouse or domestic partner of the employee.

''(24) SIBLING.—The term 'sibling', used with respect to an employee, means any person who is a son or daughter of the employee's parent.

''(25) SON-IN-LAW OR DAUGHTER-IN-LAW.—The term 'son-in-law or daughter-in-law', used with respect to an employee, means any person who is a spouse or domestic partner of a son or daughter of the employee.''.

(b) LEAVE REQUIREMENT.—Section 102 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (C), by striking ''spouse, or a son, daughter, or parent, of the employee, if such spouse, son, daughter, or parent'' and inserting ''spouse or domestic partner, or a son, daughter, parent, parent-in-law, grandparent, or sibling, of the employee if such spouse, domestic partner, son, daughter, parent, parent-in-law, grandparent, or sibling''; and

(B) in subparagraph (E), by striking ''spouse, or a son, daughter, or parent'' and inserting ''spouse or domestic partner, or a son, daughter, parent, parent-in-law, grandparent, or sibling,'';

(2) in subsection (a)(3), by striking ''spouse, son, daughter, parent,'' and inserting ''spouse or domestic partner, son, daughter, parent, son-in-law or daughter-in-law, grandchild, sibling,''; and

(3) in subsection (e)—

(A) in paragraph (2)(A), by striking ''spouse, parent,'' and inserting ''spouse, domestic partner, parent, parent-in-law, grandparent, sibling,''; and

(B) in paragraph (3), by striking ''spouse, or a son, daughter, or parent,'' and inserting ''spouse or domestic partner, or a son, daughter, parent, parent-in-law, grandparent, or sibling,''.

(c) CERTIFICATION.—Section 103 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2613) is amended—

(1) in subsection (a), by striking ''spouse, or parent'' and inserting ''spouse, domestic partner, parent, parent-in-law, grandparent, or sibling''; and

(2) in subsection (b)—

(A) in paragraph (4)(A), by striking ''spouse, or parent and an estimate of the amount of time that such employee is needed to care for the son, daughter, spouse, or parent'' and inserting ''spouse, domestic partner, parent, parent-in-law, grandparent, or sibling and an estimate of the amount of time that such employee is needed to care for such son, daughter, spouse, domestic partner, parent, parent-in-law, grandparent, or sibling''; and

(B) in paragraph (7), by striking ''parent, or spouse'' and inserting ''spouse, domestic partner, parent, parent-in-law, grandparent, or sibling''.

(d) EMPLOYMENT AND BENEFITS PROTECTION.—Section 104(c)(3) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2614(c)(3)) is amended—

(1) in subparagraph (A)(i), by striking ''spouse, or parent'' and inserting ''spouse, domestic partner, parent, parent-in-law, grandparent, or sibling''; and

(2) in subparagraph (C)(ii), by striking ''spouse, or parent'' and inserting ''spouse, domestic partner, parent, parent-in-law, grandparent, or sibling''.

SEC. 3. FEDERAL EMPLOYEES.

(a) DEFINITIONS.—

(1) INCLUSION OF ADULT CHILDREN AND CHILDREN OF A DOMESTIC PARTNER.—Section 6381(6) of title 5, United States Code, is amended—

(A) by inserting ''a child of an individual's domestic partner,'' after ''a legal ward,''; and

(B) by striking ''who is—'' and all that follows and inserting ''and includes an adult child.''.

(2) INCLUSION OF GRANDPARENTS, PARENTS-IN-LAW, SIBLINGS, AND DOMESTIC PARTNERS.—Section 6381 of such title is further amended—

(A) in paragraph (11)(B), by striking ''; and'' and inserting a semicolon;

(B) in paragraph (12), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

''(13) the term 'domestic partner', used with respect to an employee, means—

''(A) the person recognized as the domestic partner of the employee under any domestic partner registry or civil union law of the State or political subdivision of a State where the employee resides; or

''(B) in the case of an unmarried employee who lives in a State where a person cannot marry a person of the same sex under the laws of the State, a single, unmarried adult person of the same sex as the employee who is in a committed, personal (as defined in regulations issued by the Secretary) relationship with the employee, who is not a domestic partner to any other person, and who is designated to the employer by such employee as that employee's domestic partner;

''(14) the term 'grandchild', used with respect to an employee, means any person who is a son or daughter of a son or daughter of the employee;

''(15) the term 'grandparent', used with respect to an employee, means a parent of a parent of the employee;

''(16) the term 'parent-in-law', used with respect to an employee, means a parent of the spouse or domestic partner of the employee;

''(17) the term 'sibling', used with respect to an employee, means any person who is a son or daughter of the employee's parent;

''(18) the term 'son-in-law or daughter-in-law', used with respect to an employee, means any person who is a spouse or domestic partner of a son or daughter of the employee; and

''(19) the term 'spouse', used with respect to an employee, includes a same-sex spouse as determined under applicable State law.''.

(b) LEAVE REQUIREMENT.—Section 6382 of title 5, United States Code, is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (C), by striking ''spouse, or a son, daughter, or parent, of the employee, if such spouse, son, daughter, or parent'' and inserting ''spouse or domestic partner, or a son, daughter, parent, parent-in-law, grandparent, or sibling, of the employee, if such spouse, domestic partner, son, daughter, parent, parent-in-law, grandparent, or sibling''; and

(B) in subparagraph (E), by striking ''spouse, or a son, daughter, or parent'' and inserting ''spouse or domestic partner, or a son, daughter, parent, parent-in-law, grandparent, or sibling,'';

(2) in subsection (a)(3), by striking ''spouse, son, daughter, parent,'' and inserting ''spouse or domestic partner, son, daughter, parent, son-in-law or daughter-in-law, grandchild, sibling,''; and

(3) in subsection (e)—

(A) in paragraph (2)(A), by striking ''spouse, parent'' and inserting ''spouse, domestic partner, parent, parent-in-law, grandparent, sibling''; and

(B) in paragraph (3), by striking ''spouse, or a son, daughter, or parent,'' and inserting ''spouse or domestic partner, or a son, daughter, parent, parent-in-law, grandparent, or sibling,''.

(c) CERTIFICATION.—Section 6383 of title 5, United States Code, is amended—

(1) in subsection (a), by striking ''spouse, or parent'' and inserting ''spouse, domestic partner, parent, parent-in-law, grandparent, or sibling''; and

(2) in subsection (b)(4)(A), by striking ''spouse, or parent, and an estimate of the amount of time that such employee is needed to care for such son, daughter, spouse, or parent'' and inserting ''spouse, domestic partner, parent, parent-in-law, grandparent, or sibling and an estimate of the amount of time that such employee is needed to care for such son, daughter, spouse, domestic partner, parent, parent-in-law, grandparent, or sibling''.

By Mr. FEINGOLD:

S. 3681. A bill to amend the Internal Revenue Code of 1986 to reform the system of public financing for Presidential elections, and for other purposes; to the Committee on Finance.

Mr. FEINGOLD. Mr. President, today I will reintroduce a bill to repair and strengthen the presidential public financing system. The Presidential Funding Act of 2010 will ensure that this system will continue to fulfill its promise in the 21st century. The bill will take effect in January 2011, so it will first apply in the 2012 presidential election.

It is important to note that the cost of this bill is completely offset by reforms to the federal irrigation subsidy program. Friends of the Earth in its 2003 Green Scissors report estimated that these provisions would save at least $4.4 billion over 10 years, which is more than sufficient to cover the estimated cost of this bill—$1.1 billion over 4 years.

The presidential public financing system was put into place in the wake of the Watergate scandals as part of the Federal Election Campaign Act of 1974. It was held to be constitutional by the Supreme Court in Buckley v. Valeo. The system, of course, is voluntary, as the Supreme Court required in Buckley. Until the 2008 election, every major party nominee for President since 1976 had participated in the system for the general election and, prior to 2000, every major party nominee had participated in the system for the primary election as well.

In the 2004 election, President Bush and two Democratic candidates, Howard Dean and the eventual nominee, JOHN KERRY, opted out of the system for the presidential primaries. President Bush and Senator KERRY elected to take the taxpayer-funded grant in the general election. President Bush also opted out of the system for the Republican primaries in 2000 but accepted the general election grant.

In 2008, several of the leading candidates for President, including President Obama, Secretary Clinton, Senator MCCAIN and Governors Huckabee and Romney, did not participate in the primary system. While Senator MCCAIN accepted the public grant for the general election, President Obama became the first major party candidate not to participate in the general election public funding system.

It is unfortunate that the matching funds system for the primaries has become less practicable. The system protects the integrity of the electoral process by allowing candidates to run viable campaigns without becoming overly dependent on private donors. The system has worked well in the past, and it is worth repairing so that it can work in the future. If we don't repair it, the pressures on candidates to opt out will increase until the system collapses from disuse.

In the post-Citizens United world, the likelihood of general election candidates participating in the system if it is not changed is greatly reduced as well. The current system completely prohibits private fundraising, requiring candidates to fund their campaigns solely with the general election grant, which was $84.1 million in 2008. Senator MCCAIN, who accepted the grant, raised approximately $220 million for the primaries in 2008. President Obama, who did not participate in either the primary or general election public funding system, raised a total of approximately $746 million for the entire 2008 campaign. The public funding system is clearly not keeping pace with the current cost of campaigns or the ability of candidates to raise private money.

This bill makes changes to both the primary and general election public financing system to address the weaknesses and problems that have been identified by participants in the system, experts on the presidential election financing process, and an electorate that is increasingly dismayed by the influence of money in politics. First and most important, it eliminates all spending limits in the law for both the primary and the general elections. This should make the system much more viable for serious candidates facing opponents who are capable of raising significant sums outside the system. The bill also makes available substantially more public money for participating candidates. It increases the match of small contributions from 1:1 to 4:1 and provides up to $100 million in matching funds for a participating candidate in the primaries and $200 million in total grants for the general election.

In exchange for the much more generous public grants provided by the bill, participating candidates are required to focus their fundraising on small donors. First, they must agree to accept contributions of only up to $1,000 in the primaries. The current individual contribution limit, established by the Bipartisan Campaign Reform Act of 2002, is $2,400. In addition, only contributors of $200 or less can have their contributions matched. Since each $200 contribution will yield $800 in matching funds, there will be a great incentive for candidates to seek out small donors. The 2008 campaign saw an explosion of small donations to the campaigns of both parties. This bill should help promote and extend this trend, which is a positive development for our democracy.

Under the bill, for the first time, matching funds will also be part of the general election system. In addition to a $50 million grant, general election candidates can receive up to $150 million in matching funds, again based on a 4:1 match of contributions of $200 or less. General election candidates can also raise contributions of up to $500 from other donors whose contributions will not be matched. General election candidates, therefore, will be able to spend up to $200 million in public funds plus whatever they can raise in contributions of $500 or less. Even in light of the specter of corporate spending permitted by Citizens United, these should be adequate resources for a campaign that lasts only a few months.

One very important provision of the bill ties the primary and general election systems together and requires candidates to make a single decision on whether to participate. Candidates who opt out of the primary system and decide to rely solely on private money cannot return to the system for the general election. And candidates must commit to participate in the system in the general election if they want to receive Federal matching funds in the primaries.

This bill also addresses what some have called the ''gap'' between the primary and general election seasons. Presumptive presidential nominees have emerged earlier in the election

year over the life of the public financing system. This has led to some nominees being essentially out of money between the time that they nail down the nomination and the convention where they are formally nominated and become eligible for the general election grant. For a few cycles, soft money raised by the parties filled in that gap, but the Bipartisan Campaign Reform Act of 2002 fortunately has now closed that loophole. By eliminating spending limits in the primaries, the bill makes sure that candidates can continue raising and spending the money they need to remain competitive. In addition, the political parties will be permitted to spend up to $50 million coordinated with their candidates, an increase from the current limit of $15 million.

Obviously, these changes make this a more generous system. So the bill also makes the requirement for qualifying more difficult. To be eligible for matching funds, a candidate must raise $25,000 in matchable contributions—up to $200 for each donor—in at least 20 States. That is five times the threshold under current law.

The bill also makes a number of changes in the system to reflect the changes in our presidential races over the past several decades. For one thing, it makes matching funds available starting six months before the date of the first primary or caucus, which is approximately 6 months earlier than is currently the case. For another, it sets a single date for release of the public grants for the general election—the Friday before Labor Day. This addresses an inequity in the current system, under which the general election grants are released after each nominating convention, which can be several weeks apart.

The bill also prohibits Federal elected officials and candidates from soliciting soft money for use in funding the party conventions and requires presidential candidates to disclose bundled contributions. The bundling provision builds on a provision contained in ethics and lobbying reform legislation enacted in 2007. It requires presidential candidates to disclosure all bundlers of $50,000 or more.

Additional provisions, and those I have discussed in summary form here, are explained in a section-by-section analysis of the bill that I will ask to be printed in the RECORD, following my statement.

The purpose of this bill is to improve the campaign finance system, not to advance one party's interests. The current President raised and spent more money than any other candidate in history. But he has a history of supporting the presidential public funding system, and he recognizes the importance of reforming and updating the current system. I am optimistic that he will endorse this bill, and will participate in the system if he runs for reelection.

Fixing the presidential public financing system will cost money. The total cost of the system, based on data from the 2008 elections, is projected to be around $1.1 billion over the 4-year election cycle. Though this is a large number, it is actually a very small investment to make to protect our democracy and preserve the integrity of our presidential elections. The American people do not want to see a return to the pre-Watergate days of candidates entirely beholden to private donors. We must act to ensure the fairness of our elections and the confidence of our citizens in the process by repairing the cornerstone of the Watergate reforms.

Mr. President, I ask unanimous consent that a section by section analysis be printed in the RECORD.

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

PRESIDENTIAL FUNDING ACT OF 2010 SECTION BY SECTION ANALYSIS

SECTION 1: SHORT TITLE; TABLE OF CONTENTS

TITLE I—PRIMARY ELECTIONS

Section 101: Increase in and modifications to matching payments—Current law provides for a 1–to–1 match, where up to $250 of each individual's contributions for the primaries is matched with $250 in public funds. Under the new matching system, individual contributions of up to $200 from each individual will be matched at a 4–to–1 ratio, so a $200 individual contribution can be matched with $800 from public funds. Contributions are ''matchable contributions,'' however, only if the donor has made $200 or less in aggregate contributions to the candidate, and the candidate certifies that he or she will not accept more than $200 from that donor. In addition, ''matchable contributions'' may not be bundled by anyone other than an individual.

A participating candidate can receive up to $100 million in matching funds.

''Contribution'' is defined as ''a gift of money made by a written instrument which identifies the person making the contribution by full name and mailing address.''

Section 102: ELigibility requirements for matching payments—Current law requires candidates to raise $5,000 in matchable contributions (currently $250 or less) in 20 states. To be eligible for matching funds under this bill, a candidate must raise $25,000 of matchable contributions (up to $200 per individual donor) in at least 20 states.

In addition, to be eligible for matching funds, candidates must agree not to accept more than $1,000 in aggregate contributions from a single donor. That amount will be indexed for inflation. Participating candidates must also agree to not accept contributions either made by or bundled by lobbyists and PACs.

Finally, to receive matching funds in the primary, candidates must also pledge to apply for and accept public money in the general election if nominated.

Section 103: Inflation adjustment for contribution limitations and matching contributions—Contribution limits will be indexed for inflation, with 2012 as the base year.

Section 104: Repeal of expenditure limitations—Under current law, participating candidates cannot spend in excess of the primary spending limit, which was $54 million in 2008. The bill eliminates that spending limit.

Section 105: Period of availability of matching payments—Current law makes matching funds available on January 1 of a presidential election year. The bill makes such funds available six months prior to the first state caucus or primary. That date for the 2008 elections would have been July 3, 2007.

Section 106: Examination and audits of matchable contributions—Current law requires that the Commission conduct an audit of the qualified campaign expenses of candidates and authorized committees that received payments under section 9037. This Section would require the Commission to also audit matchable contributions accepted by candidates and authorized committees.

Section 107: Modification to limitation on contributions for presidential primary candidates—Under current law, all elections held in a calendar year for President are considered to be a single election for purposes of the contribution limits. This Section addresses the possibility that a primary or caucus might be actually be held the year before the general election by changing ''calendar year'' to ''four year election cycle.''

TITLE II—GENERAL ELECTIONS

Section 201: Modification of eligibility requirements for public financing—Currently, candidates can participate in either the primary or the general election public financing system, or both. Under the bill, a candidate must participate in the primary matching system in order to be eligible to receive public funds in the general election.

Furthermore, the candidate must agree to (1) furnish the Commission with evidence of qualified campaign expenses, if requested; (2) agree to keep any records, books and other information the Commission may request; and (3) agree to an audit by the Commission and pay any amounts required to be paid as a result of that audit.

To receive public funding in the general election, candidates must certify that they will not (1) accept contributions or bundled contributions from lobbyists or contributions from a political committee other than a political party; (2) solicit funds for a joint fundraising committee that includes a political party after June 1 of the election year ; and (3) solicit funds for any political party committee after they have received their general election grant.

Section 202: Repeal of expenditure limitations and use of qualified campaign contributions—Currently, candidates who receive public funds are prohibited from raising any private funds for general election campaign expenses. Under the bill, such candidates may continue to raise ''qualified contributions'' for the general election. Qualified contributions are defined as contributions of no more than $500 in the aggregate that are received after June 1 of the election year. To accept a qualified contribution, candidates must certify that the donor has not contributed more than $500 in the aggregate to the candidate for the general election, and the candidate will not accept additional contributions from that donor once $500 has been received from that donor.

Section 203: Matching payments and other modifications to payment amounts—The major party candidates for President will be entitled to equal payments of $50 million, plus matching funds of up to $150 million for a maximum total of $200 million in public funding. Individual contributions raised after June 1 of the election year of up to $200 will be matched at a 4–to–1 ratio. Contributions are ''matchable contributions,'' however, only if the candidate certifies that the donor has made contributions of $200 or less in aggregate for the general election, the candidate will not accept more than $200 from that donor, and the contribution has not been bundled or forwarded by anyone other than an individual fundraiser.

Minor party candidates can receive grants and matching funds for the general election after the fact, based on the percentage of

votes received by those candidates in the election. If a minor party fielded a candidate in the previous election, general election funds can be received by that party's candidate based on the performance of the candidate in the previous election. These rules mirror current law on the availability of general election funding for minor party candidates.

Section 204: Inflation adjustment for payment amounts and qualified contributions—The general election grant amount, ($50 million in 2012), general election matching fund maximum amount ($150 million in 2012), and qualified contribution limit for the general election ($500 in 2012) will be indexed for inflation.

Section 205: Increase in limit on coordinated party expenditures—Current law provides a single coordinated spending limit for national party committees. In 2008, that limit was about $15 million. The bill increases the limit to $50 million. This will allow the party to support the presumptive nominee during the so-called ''gap'' between the end of the primaries and the conventions. The entire cost of a coordinated party communication is subject to the limit if any portion of that communication has to do with the presidential election. Party spending limits will be indexed for inflation.

Section 205: Establishment of uniform date for release of payments—Under current law, candidates participating in the system for the general election receive their grants of public money immediately after receiving the nomination of their party, meaning that the two major parties receive their grants on different dates. Under the bill, all candidates eligible to receive public money in the general election would receive their grants and whatever matching funds they are entitled to at that time on the Friday before Labor Day, or 24 hours after both major party candidates have been nominated, whichever is later.

Section 206: Amounts in presidential election campaign fund—Under current law, in January of an election year if the Treasury Department determines that there are insufficient funds in the PECF to make the required payments to participating primary candidates, the party conventions, and the general election candidates, it must reduce the payments available to participating primary candidates and it cannot make up the shortfall from any other source until those funds come in. Under the bill, in making that determination the Department can include an estimate of the amount that will be received by the PECF during that election year, but the estimate cannot exceed the past three years' average contribution to the fund. This will allow primary candidates to receive their full payments as long as a reasonable estimate of the funds that will come into the PECF that year will cover the general election candidate payments. The bill also allows the Secretary of the Treasury to borrow the funds necessary to carry out the purposes of the fund during the first campaign cycle in which the bill is in effect.

Section 207: Use of general election payments for general election legal and accounting compliance—Current FEC regulations permit general election candidates to raise money for a separate fund to pay their legal and accounting expenses (so-called ''GELAC funds''). The bill specifies that all such expenses will now considered general election expenses and must be paid for out of their general election funds.

TITLE III—POLITICAL CONVENTIONS

Section 301: Repeal of public financing of party conventions—This section eliminates the public financing of party conventions.

Section 302: Contributions for political conventions—This section allows the national political parties to establish a separate account to receive contributions that can only be used to fund their party conventions. Individuals may contribute up to $25,000 in a four year election cycle to that account. The aggregate annual contribution limit applicable to an individual who contributes to a political convention account will be increased by the amount of such contributions, meaning that the contributions essentially will not count toward the aggregate limit.

Section 303: Prohibition on use of soft money—Federal candidates and officeholders and national parties and their officers are prohibited from raising or spending soft money in connection with a nominating convention of any political party, including funds for a host committee, civic committee, or municipality.

TITLE IV—OTHER PROVISIONS

Section 401: Revisions to designation of income tax payments by individual taxpayers—The tax check-off is increased from $3 (individual) and $6 (couple) to $10 and $20. The amount will be adjusted for inflation, and rounded to the nearest dollar, beginning in 2010.

The IRS shall require by regulation that electronic tax preparation software does not automatically accept or decline the tax checkoff. The FEC is required to inform and educate the public about the purpose of the Presidential Election Campaign Fund (''PECF'') and how to make a contribution. Funding for this program of up to $10 million in a four year presidential election cycle, will come from the PECF. These provisions will take effect immediately upon enactment of this bill.

Section 402: Regulations with respect to best efforts for identifying persons making contributions—Within six months of enactment, the FEC must promulgate new regulations on what constitutes ''best efforts'' for determining the identity of persons making contributions, including persons making contributions over the Internet or by credit card. The regulations must require the entity receiving the contribution to verify that the name on the credit card matches the name of the donor.

Section 403: Prohibition on joint fundraising committees—Federal candidates are prohibited from forming a joint fundraising committee with any political committee other than an authorized candidate committee.

Section 404: Disclosure of bundled contributions to presidential campaigns—This section builds on the bundling disclosure provision of the Honest Leadership and Open Government Act of 2007 (''HLOGA'') to require presidential campaigns to disclose the name, address, and employer of all individuals or groups that bundle contributions totaling more than $50,000 in the four year election cycle. Individuals who are registered lobbyists would have to be separately identified. HLOGA's definition of bundling would apply to bundling disclosure by the presidential candidates, and no change is made to the requirements of HLOGA with respect to congressional campaigns.

Section 405: Judicial review of actions related to campaign finance laws—Current law provides four separate judicial review provisions: (1) Section 403 of the Bipartisan Campaign Reform Act (''BCRA''), which applies to actions challenging the constitutionality of any provision of that Act; (2) 2 U.S.C. §437h, which applies to actions challenging the constitutionality of any other provision of the Federal Election Campaign Act (''FECA''); (3) 26 U.S.C. §9011, which applies to certifications or other actions taken by the FEC in connection with the general election public financing program; and (4) 26 U.S.C. §9041, which applies to certifications and other actions by the FEC in connection with the primary public funding system.

The bill replaces all four of those provisions with a single judicial review provision. All actions shall be filed in the U.S. District Court for the District of Columbia, with an appeal permitted to the Court of Appeals for the District of Columbia Circuit and then to the Supreme Court. All courts are required to expedite any such actions to the greatest extent possible, and Members of Congress are granted the right to intervene as of right in any case challenging the constitutionality of any provision of FECA or the public financing provisions in the Internal Revenue Code. Members of Congress may themselves bring such a case.

TITLE V—OFFSETS

Section 501: Offsets—This section would reform a federal irrigation subsidy program by closing a loophole in the 1982 Reclamation Reform Act to require a means test to qualify for federal irrigation subsidies. This would ensure that small family farmers, not huge agribusinesses, benefit from federal water pricing policies intended to help small entities struggling to survive. This new approach limits the amount of subsidized irrigation water delivered to any operation in excess of the 960 acre limit that claimed $500,000 or more in gross income. Friends of the Earth in its 2003 Green Scissors report estimated that these provisions would save at least $4.4 billion over 10 years, which is more than sufficient to cover the estimated cost of this bill—$1.1 billion over 4 years.

TITLE VI—SEVERABILITY AND EFFECTIVE DATE

Section 601: Severability—If any provision of the bill is held unconstitutional, the remainder of the bill will not be affected.

Section 602: Effective date—The amendments contained in this bill will apply to presidential elections occurring after January 1, 2010.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 602—EXPRESSING SUPPORT FOR THE GOALS AND IDEALS OF NATIONAL INFANT MORTALITY AWARENESS MONTH 2010

Mr. CARDIN (for himself and Mr. BURR) submitted the following resolution; which was considered and agreed to:

S. RES. 602

Whereas ''infant mortality'' refers to the death of a baby before the baby's first birthday;

Whereas the United States ranks 29th among industrialized countries in the rate of infant mortality;

Whereas premature birth, low birth weight, and shorter gestation periods account for more than 60 percent of infant deaths in the United States;

Whereas high rates of infant mortality are especially prevalent in communities with large minority populations, high rates of unemployment and poverty, and limited access to safe housing and medical providers;

Whereas premature birth is a leading cause of infant mortality and, according to the Institute of Medicine of the National Academies, costs the United States more than $26,000,000,000 annually;

Whereas infant mortality can be substantially reduced through community-based services such as outreach, home visitation,

case management, health education, and interconceptional care;

Whereas support for community-based programs to reduce infant mortality can result in lower future spending on medical interventions, special education, and other social services that may be needed for infants and children who are born with a low birth weight;

Whereas the Department of Health and Human Services, through the Office of Minority Health, has implemented the ''A Healthy Baby Begins With You'' campaign;

Whereas the Maternal and Child Health Bureau of the Health Resources and Services Administration has provided national leadership on the issue of infant mortality;

Whereas public awareness and education campaigns on infant mortality are held during the month of September each year; and

Whereas September 2010 has been designated as ''National Infant Mortality Awareness Month'': Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Infant Mortality Awareness Month 2010;

(2) supports efforts to educate people in the United States about infant mortality and the contributing factors to infant mortality;

(3) supports efforts to reduce infant deaths, low birth weight, pre-term births, and disparities in perinatal outcomes;

(4) recognizes the critical importance of including efforts to reduce infant mortality and the contributing factors to infant mortality as part of prevention and wellness strategies; and

(5) calls upon the people of the United States to observe National Infant Mortality Awareness Month with appropriate programs and activities.

SENATE RESOLUTION 603—COMMEMORATING THE 50TH ANNIVERSARY OF THE NATIONAL COUNCIL FOR INTERNATIONAL VISITORS, AND DESIGNATING FEBRUARY 16, 2011, AS ''CITIZEN DIPLOMACY DAY''

Mr. SPECTER (for himself, Mr. LUGAR, Mr. LEAHY, Mr. BURR, Mr. BAYH, Mr. PRYOR, Mr. BURRIS, Mrs. LINCOLN, Mr. DORGAN, Mrs. GILLIBRAND, Mr. DURBIN, Mr. BOND, Mrs. MCCASKILL, Mr. BENNETT, Mr. CASEY, Mr. COCHRAN, Mr. UDALL of New Mexico, Ms. KLOBUCHAR, Mrs. MURRAY, Ms. CANTWELL, Mrs. HAGAN, Mrs. HUTCHISON, Mr. ISAKSON, and Mr. COBURN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 603

Whereas the year 2011 marks the 50th Anniversary of the National Council for International Visitors (referred to in this preamble as the ''NCIV''), originally founded as the National Council for Community Services to International Visitors (commonly referred to as ''COSERV'') in 1961;

Whereas the mission of NCIV is to promote excellence in citizen diplomacy—the concept that the individual citizen has the right and responsibility to help develop constructive United States foreign relations ''one handshake at a time'';

Whereas citizen diplomacy has the power to shape perceptions in the United States of foreign cultures and international perceptions of the United States, effectively shattering stereotypes, illuminating differences, underscoring common human aspirations, and developing the web of human connections needed to achieve more peaceful relations between countries;

Whereas NCIV is the private sector partner of the United States Department of State International Visitor Leadership Program (referred to in this preamble as the ''IVLP''), a public diplomacy initiative that brings distinguished foreign leaders to the United States for short-term professional programs under the authority of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.; also referred to as the ''Fulbright-Hays Act'');

Whereas the NCIV network comprises individuals, program agencies, and 92 community organizations throughout the United States, including approximately 80,000 volunteers who are involved in NCIV member activities each year as host families, professional resources, volunteer programmers, board members, and other supporters;

Whereas the network of citizen diplomats in NCIV has organized professional programs, cultural activities, and home visits for more than 190,000 foreign leaders participating in the IVLP, 285 of whom went on to become chiefs of state or heads of government in their countries;

Whereas the NCIV network has hosted and strengthened the relationships of the United States with notable foreign leaders who are alumni of the IVLP, including: Abdullah Gul, President of Turkey, Nicolas Sarkozy, President of France, Manmohan Singh, Prime Minister of India Morgan Tsvangarai, Prime Minister of Zimbabwe, and Alvaro Uribe Velez, President of Colombia, as well as Willy Brandt, former Chancellor of the Federal Republic of Germany, Kim Dae-Jung, Former President of South Korea, Frederik W. de Klerk, former President of South Africa, Indira Ghandi, former Prime Minister of India, Anwar Sadat, former President of Egypt, and many others;

Whereas United States ambassadors have in repeated surveys ranked the NCIV network-facilitated IVLP first among 63 United States public diplomacy programs;

Whereas in 2001, Senator Arlen Specter nominated the NCIV network of citizen diplomats to receive the Nobel Peace Prize, stating that they ''have done . . . the best work for fraternity between nations'';

Whereas all Federal funding for the citizen diplomacy of the NCIV network is spent in the United States, where it has leveraged $6 in local economic impact for every Federal dollar expended;

Whereas NCIV member organizations provide invaluable opportunities for United States students to develop global perspectives and vividly experience the diversity of the world by bringing foreign leaders into local schools, loaning teachers cultural artifacts, and developing internationally focused curricula;

Whereas participation of United States communities, businesses, and universities in the international exchange programs implemented by the NCIV network strengthens the ability of the United States to produce a globally literate and competitive workforce;

Whereas NCIV celebrates excellence in citizen diplomacy and has honored 7 individuals—Senator J. William Fulbright in 1987, the Honorable John Richardson in 1990, Maya Angelou in 1993, Richard Stanley in 2000, Keith Reinhard in 2007, Garth Fagan in 2008, and Rick Steves in 2009—with the NCIV Citizen Diplomat Award for their exemplary work towards transcending barriers between the peoples of the world in visionary ways;

Whereas NCIV provides leadership at the national level having convened leaders of sister organizations for 2 national Summits on Citizen Diplomacy and providing funding to its member organizations for Summits on Citizen Diplomacy in communities throughout the United States, giving those organizations the opportunity to foster internationally focused dialogue and to cultivate lasting partnerships with like-minded organizations in their own communities; and

Whereas NCIV member organizations serve as international gateways, sharing their communities with the world and the world with their communities—welcoming strangers and sending home friends: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the 50th anniversary of the National Council for International Visitors and its extraordinary efforts to promote excellence in citizen diplomacy;

(2) commends the achievements of the thousands of citizen diplomats who have worked for generations to share the best of the United States with foreign leaders, specialists, and scholars;

(3) thanks the National Council for International Visitors citizen diplomats for their service to their communities, our country, and the world; and

(4) designates February 16, 2011, as ''Citizen Diplomacy Day''.

NOTICE OF HEARING

IMPEACHMENT TRIAL COMMITTEE ON THE ARTICLES AGAINST JUDGE G. THOMAS PORTEOUS, JR.

Mrs. MCCASKILL. Mr. President, I wish to announce that the Impeachment Trial Committee on the Articles Against Judge G. Thomas Porteous, Jr. will meet on Wednesday, August 4, 2010, at 1 p.m., to conduct a hearing.

For futher information regarding this meeting, please contact Erin Johnson at 202–228–4133.

UNANIMOUS-CONSENT AGREEMENT—H.R. 1586

Mr. REID. Mr. President, I now ask unanimous consent that the cloture vote on the motion to concur in the House amendment to the Senate amendment to H.R. 1586 with amendment No. 4567 occur at 5:45 p.m., Monday, August 2, with the time from 5:15 p.m. to 5:45 p.m. equally divided and controlled between the majority and minority leaders or their designees.

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

ORDER FOR RECORD TO REMAIN OPEN

Mr. REID. Mr. President, I ask unanimous consent that the RECORD remain open today until 1 p.m. for the introduction of legislation, submission of statements, and cosponsorships.

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

ORDERS FOR MONDAY, AUGUST 2, 2010

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, August 2;

that following the prayer and 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 a period of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each; that following morning business, the Senate resume consideration of the House message on H.R. 1586.

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

PROGRAM

Mr. REID. So, Mr. President, at approximately a quarter to 6 on Monday, the Senate will proceed to a cloture vote on the motion to concur with respect to H.R. 1586, the legislative vehicle for FMAP and teacher funding. Next week we have a lot of work to accomplish. In addition to the FMAP and education funding, we need to consider an energy bill, the nomination of Elena Kagan to be an Associate Justice of the Supreme Court, and there are other matters we are going to try to clear for action on the legislative and Executive Calendars. We feel hopeful we can complete business on the Small Business Administration legislation we have spent so much time on early next week.

ADJOURNMENT UNTIL MONDAY, AUGUST 2, 2010, AT 2 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 11:46 a.m., adjourned until Monday, August 2, 2010, at 2 p.m.