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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

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

Let us pray.

O God of time and eternity, source of all life and fountain of all blessings, accept our thanksgiving and praise. Today, be a shepherd to our lawmakers, enabling them to lie down in the green pastures of Your providence and to walk beside the calm waters of Your blessings. Inspire them to dedicate themselves to speak for life, to act for justice, to work for peace, and to strive to serve You with faithfulness. May they respond to Your abiding love with grateful service.

Lord, be merciful to all who labor for liberty. Bless them. Look on them with kindness so that they may know Your will.

We pray in Your merciful Name. Amen.

NOTICE

If the 111th Congress, 2d Session, adjourns sine die on or before December 23, 2010, a final issue of the *Congressional Record* for the 111th Congress, 2d Session, will be published on Wednesday, December 29, 2010, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–59 or S–123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through Wednesday, December 29. The final issue will be dated Wednesday, December 29, 2010, and will be delivered on Thursday, December 30, 2010.

None of the material printed in the final issue of the *Congressional Record* may contain subject matter, or relate to any event that occurred after the sine die date.

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By order of the Joint Committee on Printing.

CHARLES E. SCHUMER, *Chairman.*

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 9, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

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

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Madam President, following leader remarks, Senator DURBIN will be recognized to speak for 10 minutes. Following his remarks, the Senate will resume consideration of the motion to proceed to the DREAM Act. The time until 11 a.m. will be equally divided and controlled between the two leaders or their designees.

At 11 a.m., the Senate will proceed to a series of two to three rollcall votes. The first vote will be on the motion to invoke cloture on the motion to proceed to the DREAM Act. If cloture is not invoked, the second vote would be on the motion to invoke cloture on the motion to proceed to H.R. 847, the James Zadroga 9/11 Health and Compensation Act. If cloture is not invoked on the 9/11 bill, I may move to reconsider the previously failed cloture vote on the motion to proceed. And then, of course, we have—what I have said here, Madam President, is if we do not invoke cloture on the 9/11 bill, I will likely move to reconsider that vote, so we can move to that at some subsequent time. And I also will likely sometime today move to reconsider the previously failed cloture vote on the motion to proceed to the Defense authorization bill.

Several Senators will deliver their farewell speeches to the Senate today. Senator BENNETT of Utah will deliver his remarks following the votes this morning. Senator BUNNING will speak at 1 p.m. today, and Senator DORGAN will deliver his remarks at 2 p.m. this afternoon.

I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam 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.

UNANIMOUS-CONSENT REQUEST—S. 3992

Mr. REID. Madam President, we have a piece of legislation that passed last night in the House of Representatives. I received a call last night, I guess around 9:30 or 10 o'clock, from both the majority leader and the Speaker that the so-called DREAM Act had passed in the House. That changes things over here. It changes things because we had been toiling on this for a long time, and now that it has passed the House, the appropriate way to proceed would be to have a vote on that matter, because if we are able to pass it, it goes directly to the President.

Having said that, I think it would be futile for us to have a vote on a motion to invoke cloture on a bill we know will not matter. So what we will do is, I am going to ask consent to vitiate the vote that is scheduled for 11 o'clock on the DREAM Act, and to alert everyone, we have not given up on the DREAM Act. Quite the opposite. It having passed the House gives us more energy to move forward on this most important piece of legislation.

The stories that relate to this DREAM Act are compelling to me, of these young men and women who want to be able to complete their education, want to be able to go into the military and serve their country and, in the process, they are not guaranteed citizenship, they are guaranteed that they will not be arrested or deported. They will be given a green card to prove that they are eligible for citizenship. So we are going to proceed and do everything we can to pass what the House did.

Having said that, Madam President, I ask unanimous consent that the vote scheduled on the DREAM Act at 11 o'clock be vitiated.

The ACTING PRESIDENT pro tempore. Is there objection?

The Senator from Georgia.

Mr. ISAKSON. Madam President, on behalf of our leadership, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. REID. Madam President, it is my understanding Senator DURBIN is to be recognized at this time for up to 10 minutes.

The ACTING PRESIDENT pro tempore. That is correct.

RESERVATION OF LEADER TIME

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

Under the previous order, the Senator from Illinois is recognized to speak for up to 10 minutes.

Mr. DURBIN. Thank you, Madam President.

DREAM ACT

Mr. DURBIN. Madam President, 10 years ago, I received a telephone call in my Chicago office that I have recounted on this floor many times. But it started me on a journey that resulted in where we stand today on the passage of the DREAM Act. It was a phone call from a Korean-American mother with an amazing daughter who was a musical prodigy who had been accepted at the Juilliard School of music in the Acting President pro tempore's home State of New York.

This excited young woman, in filling out the application, came to the question about her citizenship and nationality and turned to her mother and said: What do I put here? And her mother had to tell her the sad news that when that young girl was brought to America from Korea, at the age of 2, the mother did not file any papers and so that young girl was literally undocumented, literally illegal in the eyes of some.

She asked us for help. What can we do to help in this situation? Here was a bright young woman, with a bright future, who had done everything right and excelled in so many ways. We contacted the Immigration Service and they said: It is too bad. Under American law, this young girl—who never consciously did anything wrong in her life—was a person without a country. Her only recourse at the age of 18 was to return to Korea—a country she had no knowledge of, could not speak the language, and had never visited anytime in her life.

When I heard about that, I thought that was fundamentally unfair. This young woman did nothing wrong. The mother made the mistake. The mother did not file the papers. And now her life was in shambles, and uncertain because of it.

So I put in a bill which basically said: If you are in that situation, where you were brought to America at a young age, and then proceed to do the right thing with your life—go to school, make certain you were a good member of your community—we will give you a chance when you have graduated from high school, a chance to prove yourself, that you were going to be a good citizen in America.

You could prove it one of two ways. You could do a noble act for America, stand up and volunteer to serve in our Armed Forces, literally prepared to risk your life for this great Nation—and if you did that, then we would put you on the path to legalization—or if you didn't choose the military service, you could prove it by your educational achievement.

Now, most of the people we are talking about are not Korean or Polish or Filipino. They are Hispanic, and the numbers tell us the odds are against the young people we are talking about. Half of them don't finish high school. Only 5 percent of these undocumented students end up going into a college of any kind. Think about those odds: 50–50 that you will finish high school and 1 out of 20 that you will even enter college.

So we put up a high wall and said: You have to clear this wall to prove that you are not only a good person but that you desperately want to be part of America's future. That is the DREAM Act.

In the process we said: We are going to ask you more questions than we ask of a Congressman or a Senator. We are going to ask questions about your background, your moral character, your knowledge of English. We are going to follow you closely and carefully, and if you stumble along the

way, we can't help you. It is a very strict standard we impose, but it is one that these young people are anxious to meet.

These young people who will be affected by the DREAM Act are some of the most amazing, inspiring people I have ever met. From the Presiding Officer's home State of New York, as a young man, Cesar Vargas—I told his story on the Senate floor yesterday—came to America from Mexico at the age of 5. He went through school. Then, on 9/11, he was so angry about what happened in the Presiding Officer's city of New York, he went to the recruiter and said: I want to enlist in the military. I want to serve and defend this country against terrorism.

They said: Mr. Vargas, you can't because you are undocumented. You can't join because, you see, our military has not waived the requirement of legal status for those who want to enlist. So he continued his education. He is now in his second or third year at the New York University Law School. I have met him. He is an extraordinary man. He speaks five languages. As the Presiding Officer knows, he could be a catch for a law firm—this young man, with all of these skills and all that drive. That is not his goal. He wants to be a part of our military still, to be a lawyer in the military today. That is his ambition.

He is a DREAM Act young man. Why would we say no to him? Why would we turn our backs on him and say: We don't need you. We know better. The Secretary of Defense, Robert Gates, has said: Yes, we need him and many more like him who can come into our military and make a better and stronger and more diverse military and build up a tradition of service in the military which will extend for generations forward. Secretary Gates knows the DREAM Act is in the best interests of the defense of America.

Secretary Arne Duncan, our Education Secretary, appeared with me yesterday and said these young people who have overcome the odds and finished high school and want to go to college and be lawyers and engineers and doctors and teachers are the people who can build our base of success in the future. Why would we turn them away? At a time when we are debating about importing talent from other countries to meet our needs in America, why would we turn away the talent in America, those who are here today and only asking for a chance?

Last night, in the House of Representatives, there was an amazing vote, an incredible vote, passing the DREAM Act. I believe it is the first time it has passed the House of Representatives. I want to credit my colleague and great friend, Congressman LUIS GUTIERREZ, who worked night and day, and I also wish to thank the men and women of the House who showed the courage to vote for it. One of them called me late last night and was emotional about this decision, wondering if it would have a long-term impact on his political career. But that Congressperson had the courage to step up and do it.

Now the question is, Will we have the courage to do the same? Our leader, Majority Leader REID, has asked to vitiate the rollcall vote this morning, which is basically putting it aside, because he believes the bill is not a bill that is viable under the circumstances now that the House bill has passed. The minority leader, Senator MCCONNELL, has come to the Senate floor repeatedly and said we should not be having these so-called symbolic votes, even on the DREAM Act. This morning, Senator REID said: Let's take a symbolic vote off the calendar and wait until we receive the House message. There was an objection from the Republican side so, clearly, they are arguing it from both sides.

Be that as it may, we owe it to the young men and women whose lives will be affected, we owe it to America who needs their service in the military and needs their skill in building our economy to honestly address this issue and ask Members of both sides to sit down, pause, and reflect as to whether we can afford to say to these talented young men and women: There is no place in America for you.

There is a place. There is a place for them, as there was a place for my mother, who came to this country at the age of 2 as an immigrant, whose mother and father could barely speak the English language but who eventually gave birth to a son who stands here today as the Senator from the State of Illinois. My story is an American story, and the story of these DREAM Act students is an American story of fighting against the odds, of coming from other places, determined to be a part of this great Nation and making a contribution that makes a difference.

I pray my colleagues will reflect on what happened last night—the historic vote of passing the DREAM Act—and that before this Congress packs up and leaves, we will address this issue and pass it too.

I see the minority leader is on the floor.

Madam President, I yield the floor.

RECOGNITION OF THE MINORITY LEADER

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

TRIBUTES TO RETIRING SENATORS

SAM BROWNBACK

Mr. MCCONNELL. Madam President, I rise in tribute to my good friend and distinguished colleague, Senator SAM BROWNBACK, or I could also say Governor-elect SAM BROWNBACK of the great State of Kansas.

SAM promised his constituents that he wouldn't run for more than two full 6-year terms in the Senate, and SAM has honored that pledge.

Let me just say at the outset that SAM has been an outstanding Senator and an example of principled leadership to all of us. He has served the people of Kansas with great distinction and honor, and I am certain he will continue to do so as he takes on new challenges in Topeka.

SAM is a born leader. He was raised in the small town of Parker, KS, where his mom and dad still live and farm today, and his many talents were evident early on. In high school, he was State president of the Future Farmers of America. As an undergraduate at Kansas State University, he was elected president of the student body, and he was elected class president in law school, too, at the University of Kansas. After law school, SAM worked as a lawyer in Manhattan, KS, for 4 years before being appointed as the secretary of the Kansas Board of Agriculture.

From 1990 to 1991, SAM was accepted as a White House fellow under President George H.W. Bush, where he worked for the U.S. Trade Representative. Three years after that, he ran for Congress as part of the Republican revolution and was overwhelmingly elected to Kansas's Second District. It was the first time in SAM's life that Republicans had the majority in the Congress, and he was a part of it. He planned to make the most of it by focusing on limiting the size and reach of the Federal Government.

But SAM's tenure in the House was brief. In 1996, just 2 days after Senator Dole announced his plan to resign from the Senate to run for President, SAM announced he would seek the Republican nomination in a special election to serve out the final 2 years of Dole's term. SAM handily defeated the former Lieutenant Governor who had been appointed to fill Senator Dole's seat earlier that spring.

In the general election, SAM's campaign message was simple. He called it the three Rs: reduce, reform, and return:

> Reduce the size of and scope of the Federal Government. Reform Congress. Return to the basic values that had built the country: work and family and the recognition of a higher moral authority.

SAM's message resonated with the people, many of whom feared their government had become, as SAM stated, ''their master, not their servant,'' and easily defeated his opponent with 54 percent of the vote. SAM would go on to be reelected to full terms in 1998 and 2004, capturing an astounding 65 and 69 percent of the vote.

While in the Senate, SAM has been a leader among his peers. He has been outspoken and has fought hard for the people of Kansas and for the underprivileged around the world.

SAM is an ardent defender of life and of the protection of the unborn. ''I see it as the lead moral issue of our day,''

SAM said, ''Just like slavery was the lead moral issue 150 years ago.'' SAM opposes Roe v. Wade, has a 100-percent pro-life voting record, and sponsored numerous bills in support of the unborn.

In 1995, SAM was diagnosed and treated for melanoma and it had a profound effect on his life. SAM said:

With the cancer, I did a lot of internal examination. My conclusion was that if this were to be terminal, at that point in time I would not be satisfied with how I had lived my life. I had tried to be a Christian, but I had failed. . . .

Surviving cancer, SAM found out just how precious life was, and with his new lease on life, SAM began to devote his life and work in the Senate to humanitarian causes around the world. SAM has actively fought to bring awareness to the genocide in Darfur. SAM supported the Sudan Peace Act of 2002 and the Darfur Peace and Accountability Act of 2002. In 2004, SAM visited Darfur to see violence and suffering firsthand, and that same year he supported the Congressional Declaration of Genocide.

In addition to his advocacy work on Sudan, SAM has worked on numerous other humanitarian challenges throughout the world, including Iran, Afghanistan, Uganda, the Congo, Pakistan, Ukraine, China, North Korea, and Vietnam. The Weekly Standard wrote:

Arguably no Senator has done more to press for human rights and democracy or to confront the spread of deadly disease, such as malaria, which kills 800,000 children in Africa every year.

In the Senate, SAM has crusaded for his humanitarian causes in a bipartisan fashion, including cosponsoring the Iran Democracy Act with Senator EVAN BAYH, cosponsoring the North Korea Human Rights Act with the late Senator Ted Kennedy, and what SAM calls his greatest achievement, cosponsoring the Trafficking in the Victims Protection Act with the late Senator Paul Wellstone.

Another one of SAM's passions was his role as chairman of the Senate Values Action Team. The group, consisting of outside organizations, met weekly to discuss matters of faith, family, and religious freedoms. Over the years, they worked together to strategize on efforts to protect the sanctity of life, school choice, and much more. SAM devoted countless hours to this organization and rarely missed a meeting.

In the Senate, I relied heavily on SAM's expertise and his leadership. He was always someone I looked toward, whether it was for guidance or perspective on many different issues. SAM served on numerous committees, including the Appropriations Committee, the Joint Economic Committee, the Senate Committee on Commerce, Science, and Transportation, and the Senate Special Committee on Aging, as well as the Senate Committee on Energy and Natural Resources.

In 2008, SAM announced he would honor his pledge to only serve two terms in this Chamber. SAM will be missed, but his service to Kansas will continue. Last month, SAM was elected Governor of Kansas with 63 percent of the vote, winning 103 of the 105 counties. I wish to congratulate SAM on his impressive victory, and I cannot think of a better public servant or leader than SAM BROWNBACK for the people of Kansas.

On top of all of SAM's accomplishments, he is a loving husband to Mary. They met in law school and have been married for 27 years. Together, Mary and SAM have five children, including one adopted from Guatemala and one adopted from China. SAM said:

My family has been personally touched by adoption. My wife and I adopted our two youngest children, and I continue to experience joy from the relationships we have built through our adoption experience.

I think right there tells us all we need to know about the type of character and person SAM BROWNBACK is.

SAM, this Chamber honors you today for your service to this Nation, to the State of Kansas, and to the millions around the world who dream of a better life. Thank you from all of us, and good luck in the next chapter of your life.

Madam President, I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Madam 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.

DEVELOPMENT, RELIEF, AND EDUCATION FOR ALIEN MINORS ACT OF 2010—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. The Senate will resume consideration of the motion to proceed to S. 3992, which the clerk will report.

The assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 663 (S. 3992) to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

Mr. LEVIN. Madam President, I ask unanimous consent that I be allowed to proceed as in morning business for 10 minutes.

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

DEFENSE AUTHORIZATION

Mr. LEVIN. Madam President, we have enacted the National Defense Authorization Act every year for the last 48 years. We need to do the same thing this year.

This year's bill would continue the increases in compensation and quality of life that our service men and women and their families deserve as they face the hardships imposed by continuing military operations around the world.

For example, the bill would extend over 30 types of bonuses and special pays aimed at encouraging enlistment, reenlistment, and continued service by active-duty and reserve military personnel.

The bill would authorize continued TRICARE coverage for eligible dependents of servicemembers up to the age of 26.

The bill will improve care for our wounded warriors by addressing inequities in rules for involuntary administrative separations based on medical conditions and requiring new education and training programs on the use of pharmaceuticals for patients in wounded warrior units, and it will authorize the service secretaries to waive maximum age limitations to enable certain highly qualified enlisted members who served in Operation Iraqi Freedom or Operation Enduring Freedom to enter the military service academies.

The bill would also include important funding and authorities needed to provide our troops the equipment and support that they will continue to need as long as they remain on the battlefield in Iraq and Afghanistan. For example, the bill would enhance the military's ability to rapidly acquire and field new capabilities in response to urgent needs on the battlefield by expanding DOD's authority to waive statutory requirements when urgently needed to save lives on the battlefield.

The bill will fully fund the President's request for $11.6 billion to train and equip the Afghan National Army and Afghan police—growing the capabilities of these security forces to prepare them to take over increased responsibilities for Afghanistan's security by the July 2011 date established by the President for the beginning of reductions in U.S. forces at that time.

The bill will extend for one more year the authority for the Secretary of Defense to transfer equipment coming out of Iraq as our troops withdraw to the security forces of Iraq and Afghanistan, providing an important tool for our commanders looking to accelerate the growth and capability of these security forces.

The bill also includes important legislative provisions that would promote the Department of Defense cybersecurity and energy security efforts—two far-reaching initiatives that should help strengthen our national defense and our Nation.

If we fail to act on this bill, we will not be able to provide the Department of Defense with critical new authorities and extensions of existing authorities that it needs to safeguard our national security. For example, without this bill, the Department of Defense will either lose the authority it has requested to support counter-drug activities of foreign governments, use premium pay to encourage civilian employees to accept dangerous assignments in Iraq and Afghanistan, and

provide assistance to the Yemeni counterterrorism unit. A failure by the Senate to provide these important authorities could have serious consequences for the success or failure of ongoing military operations around the world.

I recognize this bill includes a handful of contentious provisions on which there is disagreement in the Senate. Some of those provisions I support and others I objected to and voted against in committee.

One of those provisions is the one that would repeal don't ask, don't tell 60 days after the President, the Secretary of Defense, and Chairman of the Joint Chiefs of Staff certify to Congress that implementation of repeal is consistent with the standards of military readiness, military effectiveness, unit cohesion, and recruiting and retention in the Armed Forces.

The Armed Services Committee held two excellent hearings last week to consider the final report of the working group that reviewed the issues associated with the repeal of don't ask, don't tell.

The report concluded that allowing gay men and women to serve in the U.S. Armed Forces without being forced to conceal their sexual orientation would present a low risk to the military effectiveness, even during a time of war, and that 70 percent of surveyed servicemembers believe that the impact on their units would be positive, mixed, or of no consequence at all.

General Casey, Chief of Staff of the Army, testified that the presumption underpinning don't ask, don't tell is that ''the presence of a gay or lesbian servicemember in a unit causes an unacceptable risk to good order and discipline.'' Then he said, ''After reading this report, I don't believe that's true anymore, and I don't believe a substantial majority of our soldiers believe that's true.''

After considering the report, Secretary of Defense Gates urged Congress to pass this legislation this year, so that the repeal of don't ask, don't tell could be implemented in a well-prepared and well-considered manner, rather than by abrupt judicial fiat, which he described as ''by far the most disruptive and damaging scenario [he] can imagine.''

To the extent that some of the service chiefs expressed concern about the repeal of don't ask, don't tell, their concerns focused on the timing of the repeal and adequacy of time to prepare for implementation, rather than on repeal itself. Secretary Gates testified that he ''would not make his certification until [he] was satisfied, with the advice of the service chiefs, that we had in fact mitigated, if not eliminated to the extent possible, risks to combat readiness, to unit cohesion and effectiveness.'' All of the service chiefs testified that they were comfortable with the ability to provide military advice to Secretary Gates and have that advice heard.

The only method of repeal that places the timing of the repeal and the control of implementation in the hands of the military and the Department of Defense is the provision contained in this bill. By contrast, if don't ask, don't tell is repealed by a court decision, the service chiefs will have no influence over the timing of repeal or the implementation of the repeal.

Despite differing views over this and other provisions where there are differences of opinion, we should not deny the Senate the opportunity to take up this bill, which is so essential for the men and women in the military, because we disagree with some provisions of the bill. These are legitimate issues for debate, and I believe the Senate should debate this. But the only way we can debate and vote on these issues is if the Senate proceeds to the bill. The disputed provisions can be addressed through the amendment process.

Madam President, as you well know, this is a crucial matter for resolution. Our Presiding Officer has played an instrumental role in getting the don't ask, don't tell issue before this body and before the country. I commend her for that. We need to resolve it. The only way to resolve it is to get to the bill.

We currently have 50,000 U.S. soldiers, sailors, airmen, and marines on the ground in Iraq and roughly twice that many in Afghanistan. While there are some issues on which we may disagree, we all know that we must provide our troops with the support they need as long as they remain in harm's way. Senate action on the National Defense Authorization Act for fiscal year 2011 will improve the quality of life of our men and women in uniform. It will give them the tools they need to remain the most effective fighting force in the world. Most important of all, it will send an important message that we, as a nation, stand behind them and appreciate their service.

This bill runs some 850 pages. The House bill—the counterpart bill—runs more than a thousand pages. Even if we get 60 votes today to invoke cloture on the motion to proceed to this bill, and even if we are able to consider amendments and pass this bill in a few days, it will be possibly an insurmountable challenge to work out all of the differences with the House. Over the last 10 years, it has taken an average of 75 days to conference the Defense authorization bill with the House after we pass it. If we don't proceed on this bill this week, then invoking cloture sometime next week—even if we can do it—would be a symbolic victory. I don't believe there would be enough time to hammer out a final bill before the end of the session.

I don't believe in symbolic victories. This bill is a victory for the people in uniform. It is essential for the people in uniform. We should not act symbolically in their name and for their sake; we should act in reality. But the only way this will be real, and that the repeal of don't ask, don't tell—assuming we continue to keep it in the bill—will be real is if we proceed to this bill this week. We cannot and should not delay this vote any longer.

I yield the floor and ask unanimous consent that the time on the quorum that I will call for be equally divided between both sides.

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

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

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

The legislative clerk proceeded to call the roll.

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

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

Mr. SCHUMER. Madam President, I rise to speak on a bill that the Chair has spearheaded the charge for—and done it with such hard work and determination and commitment and vigor—and that is the bill to provide health care for our 9/11 heroes, those men and women who at a time of war rushed to danger to save lives and protect our freedom.

We have met with these brave men and women repeatedly. Some of them are suffering already with cancers they acquired for their acts of bravery. Others know it is an almost certainty that they will come down with similar diseases and illnesses that are extremely costly to fight.

Madam President, we have had a grand tradition in America: Those who risk their lives to protect us and volunteer to do it under no compunction, we remember them when they get hurt in that brave endeavors. We do it for our veterans and we should be doing it for our 9/11 heroes—the first responders, the police, the firefighters, the EMT workers, the construction workers, and the ordinary citizens who rushed into danger at a time when no one knew how many people might be living and entrapped in those collapsed towers.

I plead with my colleagues on the other side of the aisle, this should not be a moment of politics. One can come up with reason after reason why not to vote for this bill, and we have heard many and the reasons keep changing. But one fact doesn't change: There are those who need help and who deserve our help—from New York, New Jersey, Connecticut, and from every other State of the Union. To them, a parliamentary decision that we can't vote on this because there is another bill we want to vote on first, because we would change this or that, is going to ring very hollow.

This should not be a partisan issue. This should be an issue where America unites. When it comes to helping our veterans, we are united. That is not a Democratic or Republican issue. That

is not a northeast or southwest issue. It is an issue of being an American. This vote is about being an American because from the days at Bunker Hill, when the patriots put down their plows and took up muskets to defend and create our freedom, we have always tried to take care of them, and we have done it better and better for our veterans. The heroes of 9/11 are no different.

So I beg, I plead, I implore two brave colleagues from the other side to join us. Put aside the political considerations. Remember what these people did for us. You have seen them when they have visited your offices, the suffering, all for an act of voluntary heroism. They are not asking for welfare. They are not asking for a huge handout. They are simply asking that they be able to meet the high health care costs that occur when you develop cancers and other illnesses because particles of glass and cement and other materials get lodged in your lungs or your gastrointestinal tract.

So this is our last call. It is a plea. We will keep at this, but today is the day to step to the plate. I urge my colleagues to please support those brave men and women who were there for us—for America. Do not come up with an excuse as to why you cannot do it. We have marched and marched and marched, and this is the finish line. Help us get over it, please.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey.

Mr. MENENDEZ. Madam President, I rise to speak on the two pending votes before the Senate. First, I wish to follow my distinguished colleague from New York, whose comments I want to echo regarding the Presiding Officer, who has made this one of her passions. She picked it up when I first introduced the James Zadroga Act and then took it up when she came to the Senate and has done a magnificent job and brought us to this moment.

Jim Zadroga was a New Jerseyan who spent 450 hours at the World Trade Center site—a New York City police officer who simply had a paper mask on as his only protection. He and so many others who answered on that fateful day did not question their personal security, did not give it a second thought. They did not think about their health, did not think about the potential consequences that would flow from the exposure to which they were subjecting themselves. They thought only about responding, saving lives, and meeting the Nation's need—the Nation's need, not New York's need. For Jim Zadroga and so many others, the consequence of that selflessness has been enormous. In many cases, they have died. In other cases, they have serious life-threatening illnesses. In other cases, they have real disabilities as a result of those illnesses.

I remember on that day, after the attacks on September 11, how we came together on the Capitol steps and we declared our commitment of love of country and a commitment to those who died on that fateful day, to their families, and to those who responded. I remember the incredible words—glowing, soaring—that were spoken about the bravery of those men and women who responded from all over the country.

Those who are the victims of the exposure they received on the ground on September 11 come from every State in the Union. This is not simply a New York issue or a New Jersey issue, where so many of our first responders came from. These are individuals who came from across the country, who came together as Americans to respond on that fateful day. This requires each and every one of us in the Senate to respond to all of those Americans from every State who ultimately find themselves, through their selflessness, exposed to life-threatening illnesses. A grateful nation not only joins together in commemoration on September 11 of each year but a grateful nation shows its gratitude to those who answered the call without concern for their well-being by how we take care of their health care, how we take care of their disabilities, and how we take care of the families of those who ultimately lost their lives in service to the country.

This is no different than the men and women who wear the uniform of the United States and go abroad to defend the Nation. These men and women wore uniforms too. Some of them wore the uniform of a police officer, some of them wore the uniform of a firefighter, some wore the uniform of emergency management personnel. Some of them, ultimately, were first-aid squads. But all of them on those fateful days wore a uniform that served the Nation. How can the Nation forget them now? That is what this vote is all about.

I cannot accept as a moral equivalent that some oath not to vote on those who serve the country, risk their lives, cannot take place because of some vote on some tax issue. No one in the Nation would believe that it is OK to say: I will not vote to give relief to the health of those individuals who sacrificed their health on September 11 and the days after because I have to wait for some pending tax vote.

Go back to the men and women who serve this country and look at them in their eyes and tell them it is some vote that we are waiting for on taxes that determines whether their health needs will be responded to. Shameless. I can't wait to see, when one of us stands for one of those pictures on the commemoration of September 11, the comments about how heroic those individuals were but cannot cast a simple vote.

THE DREAM ACT

Finally, I want to move to the question of the DREAM Act. On the DREAM Act, the House of Representatives took a critical step yesterday in making a reality of the dreams and hopes and aspirations of young people who know nothing but this country as their country. They made no choices in their lives to come to the United States. Those choices were made by their parents. All they know is that they stand every day as young students and pledge allegiance to the flag of the United States of America. All they know is the national anthem of the United States. All they know is they worked hard and became salutatorians, valedictorians, and done everything we expect of any one of us, particularly of our children, to try to excel and exceed. Overwhelmingly, they have excelled and exceeded. Yet their dream of being able to continue to exceed and excel on behalf of the Nation is blunted by the fact that they have an undocumented status in this country through no fault of their own.

The DREAM Act says if you are willing to wear the uniform and serve in the Armed Forces of the United States, and you serve honorably for 2 years, we will give you a pathway toward permanent residency. If you go to college—assuming that you ultimately qualify, that you are accepted, and that you do well—we will give you a pathway to permanent residency. We will adjust your status and permit that dream to take place.

This is not amnesty. Amnesty—which I have heard some of my colleagues use, and they will use it on anything that is immigration related. Right away they roll out the word ''amnesty.'' Amnesty is when you get something for nothing; when you did something wrong and you have to pay no consequence. In this case I believe wearing the uniform of the U.S. Armed Forces, risking your life for your country, maybe losing that life before you achieve your goal and your dream, is not amnesty. I believe working hard and being educated so you can help fuel the Nation's prosperity and meet its economic challenge, that is not amnesty. That is paying your dues on behalf of the country. For if you do all of that, you still have to wait a decade before your status can be adjusted to permanent residency. So you have to be an exemplary citizen, you have to do everything that is right, everything we cherish in America. That is what the DREAM Act is all about and that is why the Secretary of Defense has come out in strong support of the DREAM Act. That is why Colin Powell came out in support of the DREAM Act. That is why the Under Secretary, Personnel and Readiness at the Department of Defense during the Bush administration, David Chu, came out and said this is, in essence, the very effort we would like to see.

> [For] many of these young people . . . the DREAM Act would provide the opportunity of serving the United States in uniform.

Moreover, university presidents, respected education associations, leading Fortune 500 businesses, such as Microsoft, also support this legislation. Mike Huckabee explained the economic sense of allowing undocumented children to earn their way.

Let's not stop young men and women who know only this country as their country, who made no choices on their own. Let's be family-friendly. Let's observe the values. Let's pass the DREAM Act today.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SESSIONS. Madam President, I ask to be notified after 4 minutes.

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

Mr. SESSIONS. Madam President, the military has a very fine program now that allows people legally and illegally in the United States to join the military and put themselves on a pathway to citizenship. The fact is, in this bill, as it is going to work out in reality, 95 percent, probably 98 percent of the people who take advantage of this amnesty that puts them on a guaranteed path to citizenship will do so by claiming they have a high school degree. They can be up to 30 years of age. They claim they have a high school degree and then do 2 years of community college or even correspondence college work. That is where this huge loophole is and that is why we will have 1 to 2 million people who are going to seek protection under this act.

What is this about? The American people understand it. They have tried to tell this Congress, but the Congress and the political leadership refuse to listen. What they are saying is do not continue to reward illegality. Do not continue to provide benefits for people who violated our law, please. The first thing you do is don't reward it. The second thing you want to do is to end the mass illegality that is occurring in our country—600,000 people were arrested last year trying to enter our country illegally at the border—600,000. This is a huge problem.

This administration sued Arizona when it tried to do something about it. They have ended workplace raids that would have identified people who were working illegally and provide Americans an opportunity to have a job. This bill will cost $5 billion according to the CBO. It is not going to pay for itself, and it allows people with two misdemeanors—if you only have two misdemeanors you can apply. Many people, if you know much about the law enforcement system in the country, plead to lesser offenses when they really are guilty of more serious offenses. A lot of these misdemeanors are very serious offenses themselves. They will be given the advantage of this act.

It is not set up for military, it is not set up for valedictorians and salutatorians, it is not set up for people going to Harvard. It is set up for people who have come into the country, can be brought in illegally as a teenager, they go to high school—they have to be accepted. They get a GED or get a high school degree, and they apply and have a safe harbor in our country indefinitely.

I introduced yesterday a chart showing a Google page with a whole long list of places you can order false high school diplomas, false transcripts, false GED certificates. There are no people funded to investigate any of this. People are going to walk in and say: I am 30 years old and I came at age 16. I'm in.

Who is going to go out and investigate that? Nobody is. There is no funding to do it, and there is no plan to do it. It is a major loophole.

But, fundamentally, I would say this Nation will be prepared, as a nation, to wrestle with and try to do the right thing about people who have been here a long time and who came here as a young person. But let me tell you, not until this country brings the lawlessness to an end, that is what the American people have told us unequivocally. They shut down our switchboards with so many phone calls not too long ago when we tried to pass amnesty here. We do not need to do this. Why don't we do the responsible thing?

Finally, let me say this illegality can be ended. It is within our grasp if we have leadership from the top and leadership in the Congress and leadership from the President.

The ACTING PRESIDENT pro tempore. The Senator has consumed his 4 minutes.

Mr. SESSIONS. I thank the Chair. I say we have not had that leadership. What happens 3 years from now when we have another group that has come illegally at age 15 or 16 because they have seen what happens to the ones who came before? Are we then going to say they don't get amnesty? No. We will have lost the moral high ground, the right, responsible effort to have a lawful system in America. We are surrendering to it if we vote for this bill.

I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. BARRASSO. I ask unanimous consent to be allowed to engage in a colloquy with my colleagues.

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

Mr. BARRASSO. As Members of this body know, for the past 9 months I have come to the floor every week to offer a doctor's second opinion on the new health care law. I do this as someone who has practiced medicine, taken care of families around the State of Wyoming for a quarter of a century.

Each week I repeatedly criticize another one of the unintended consequences of this health care law, a law that I think is bad for patients, bad for providers—the nurses and the doctors who take care of those patients—and bad for the taxpayers.

Americans heard how this law breaks most of the President's promises about health care reform. That is why, on election day, Americans across our country spoke out. They called on Washington to work to repeal and replace this law. The Republicans have answered. We realize we cannot just object to the law, we must do our best to repeal and replace it. That is why I am delighted this morning to be joined on the floor by Senator WICKER from Mississippi. He is joining me to talk about his new bill that he is introducing today that will allow State officials to challenge Federal regulations before these regulations actually go into effect. This will allow States to fight back against outrageous health care regulations that continue to be written.

With that, I would like to ask my colleague if he would please share with the body and with the country the remarkable bill that he is introducing today.

Mr. WICKER. I thank my colleague from Wyoming, Senator BARRASSO, a practicing physician in his own right. I thank my friend for repeatedly coming to the floor and simply bringing the facts to the attention of our membership and to the American people.

This was an unpopular piece of legislation when we were considering it. We wasted most of a year when we should have been talking about job creation and the economy, talking about the overhaul of our entire health care system with the ObamaCare proposal. It was unpopular when it was enacted. It was unpopular when it was signed into law. We saw that in election after election, the two elections in New Jersey and Virginia. We saw it in spades in the Massachusetts election where it was the central issue. But this Congress persisted against the will of the American people.

Because of the facts as presented by Dr. BARRASSO and also the facts that are coming to light as the people are finding out in their own lives with their own insurance policies, this law is even more unpopular and more unsatisfactory than it was at the very beginning, and it should be repealed lock, stock, and barrel. It should be defunded and it should be replaced by something market driven and something workable.

In an additional attempt to address this very wrongheaded piece of legislation, a few moments ago I introduced the Tenth Amendment Regulatory Reform Act. To remind my colleagues, the tenth amendment to the Constitution explicitly states:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

This amendment, this part of the Bill of Rights, expressly limits the powers of the Federal Government for important reasons.

When we look back to the early days of the United States, it is clear that the Founding Fathers believed in a limited Federal Government, having just defeated a monarchy with near absolute power. Our Founders sought a different way of governing, one based on controlled size and scope.

Our Founding Fathers repeatedly stated their opposition to a Federal

Government with expansive powers. In Federalist No. 45, James Madison wrote:

The powers delegated by the proposed Constitution to the Federal Government are few and defined.

When have we heard that last?

He goes on to say:

Those which are to remain in State government are numerous and indefinite.

This may come as a surprise to people who have viewed the Congress of the United States in the past few years. Madison wrote, ''few and defined.'' Dispute this fact, congressional limits on the Federal Government are rarely enforced today. I hope to change this through my legislation.

Federal agencies routinely usurp the rights of States by promulgating regulations that are contrary to the spirit and the letter of the 10th amendment to the Constitution. The Code of Federal Regulations now totals an expansive 163,333 pages. While some of the rules contained in it are necessary, many of them simply are not—adding burdens, headaches, and costs for millions of Americans and forcing unnecessary Federal spending at a time when the United States borrows 40 cents for each dollar we spend. These rules and regulations also take power from States and they take power from individual Americans. This bill would allow States to challenge unconstitutional mandates before these mandates take effect.

Much of the new health care law gives unelected bureaucrats the power to write rules and regulations required to implement ObamaCare. Overall, the new health care law creates 159 bureaucracies, according to a study by the Joint Economic Council. Countless Federal regulations will have to be written to implement the law.

A requirement for Americans to purchase government-approved health insurance—a central piece of ObamaCare—explicitly oversteps the 10th amendment. Under no other circumstances do we force individuals to pay for something they may not want or cannot afford, simply because they are Americans, which is what this law attempts to do.

Many rules and regulations will be required to implement this provision. According to one analysis, the Internal Revenue Service will need to hire 16,000 new IRS employees to enforce this individual mandate. Each of those bureaucrats will be governed by agency rules created in the coming months and years, and we read in the paper today that it may even be decades before all of these rules will be created.

Once these regulations are written, it will again require costly and time-consuming court proceedings to overturn them. Instead of forcing the American people to wait for a remedy, we should have agencies address these problems at the outset. This bill would go a long way toward doing that. It would provide special standing for designated State government officials to dispute regulations issued by administration agencies attempting to implement new Federal laws or Presidential Executive orders. Under the legislation, any rule proposed by a Federal agency would be subject to constitutional challenges if certain State officials determine the rule infringes on powers reserved to the States under the 10th amendment.

States are already challenging the massive Federal takeover in court because of the mandates on both States and individuals. I am proud to say that 43 of the 50 States have either joined lawsuits or taken other official action to stop its unconstitutional provisions. This bill would give State officials another tool at their disposal to challenge the unconstitutional overreach of the Federal Government.

I urge my colleagues to join me in this legislation. It is late in this Congress, but there is another one looming with reinforcements coming from the people.

I appreciate my colleague allowing me to join him today in this discussion of a doctor's second opinion.

Mr. BARRASSO. Well, I am very impressed by what the Senator have come up with. This leadership position takes that next step forward to protect our rights that he and I believe are in the Constitution and apply to the people of our States and apply to the people of this country.

One would hope everyone would join in, and I ask unanimous consent to be added as an original cosponsor of this legislation.

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

Mr. BARRASSO. The Senator mentioned the unelected bureaucrats in our comments. There was a story today in the New York Times. I would like to ask a couple of questions of the Senator from that story because I think it gets to the point he is making. This was by Eric Lichtblau and Robert Pear.

Madam President, I ask unanimous consent to have printed in the RECORD this story from today's New York Times.

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

[From the New York Times, Dec. 8, 2010]

WASHINGTON RULE MAKERS OUT OF THE SHADOWS

(By Eric Lichtblau and Robert Pear)

WASHINGTON.—Federal rule makers, long the neglected stepchildren of Washington bureaucrats, suddenly find themselves at the center of power as they scramble to work out details of hundreds of sweeping financial and health care regulations that will ultimately affect most Americans.

In Bethesda, Md., more than 200 health regulators working on complicated insurance rules have taken over three floors of a suburban office building, paying almost double the market rate for the space in their rush to get started.

Executives from the U.S. Chamber of Commerce have been meeting almost daily with financial rule makers to air concerns about regulations they say threaten to curtail commerce.

And at the White House, senior officials receive several status reports a week on a process that all sides agree has vast implications for the country as a whole and for the Obama administration's political fortunes.

The boom in rule-making—the bureaucratic term for the nitty-gritty of drafting regulations—is a result of the mega-bills approved by Congress this year at the urging of President Obama: the health care bill signed into law in March, and the financial overhaul law signed in July.

''There has never been a period like what we are going through now, in terms of the sheer volume and complexity of rule-making,'' said Paul Dennett, senior vice president of the American Benefits Council, a trade group for large employers.

And what was already shaping up as a rancorous lobbying battle over the rules is likely to become more contentious when Republicans take control of the House, having been swept to power on a pledge to influence health care and financial regulation.

At the very least, Republicans will be able to hold public hearings to spotlight financial regulations they see as too restrictive and health care rules they see as too disruptive, and they could pressure regulators to soften them.

The debate over federal spending has already slowed the development of financial rules, as hundreds of new rule-making positions have gone unfilled because of a lack of new financing.

Congress provided a road map for measures aimed broadly at getting more Americans covered by health insurance and providing more federal safeguards against risky financial practices. But the laws were so broad and complex that executive-branch regulators have wide leeway in determining what the rules should say and how they should be carried out.

In all, the bills call for drafting more than 300 separate rules on a rolling schedule by about 2014, plus dozens of other studies and periodic reports. That may be only the beginning. A recent report from the Congressional Research Service said the publication of rules under the health care law could stretch out for decades to come.

Regulators at various agencies are trying to answer questions like these:

How much should a credit-card company be able to charge a shopkeeper for administrative fees when you swipe your card for a purchase?

Which types of financial companies are so ''systemically important'' to the overall economy that they should be subject to greater federal oversight?

What services must be covered by all insurers as part of the ''essential health benefits'' package? And at what point would an increase in an insurer's premiums be considered so ''unreasonable'' that state and federal regulators could step in?

These and many other questions are now in the hands of government lawyers, doctors, bankers, accountants, actuaries and other regulatory specialists. With the rules spread across agencies, no one is certain how many employees are working on them, but the number is certainly in the hundreds or higher.

At the Federal Reserve, for instance, most of more than 50 lawyers in the legal division are now spending significant parts of their days on rule-making issues, like the question of how to carry out and enforce the so-called Volcker Rule, named for Paul A. Volcker, the former Fed chairman, restricting banks from making certain types of speculative investments.

No longer are these considered arcane questions that draw scrutiny only from the few Washingtonians who read the ''notices of

proposed rule-making'' in the Federal Register.

These days, the rule makers are attracting attention from Congressional officials, industry advocates and lobbyists, with dozens of executives from firms like Goldman Sachs, Mastercard, JPMorgan Chase and Credit Suisse meeting with federal regulators recently to give input on specific rules and try to influence the outcome, according to public online postings by federal regulators on many of the meetings.

''I wake up in the morning thinking about this stuff, and I go to sleep at night thinking about it,'' said Tom Quaadman, a senior Chamber of Commerce executive who is leading a group of 10 staff members seeking to shape the financial rules.

The discussions are in the early stages.

But though all sides talk of finding consensus, conflicts have emerged.

The Chamber of Commerce and the Business Roundtable, made up of leading chief executives, are suing the Securities and Exchange Commission, arguing that a rule giving proxy access on corporate boards to small shareholders did not get a proper review and would undermine companies.

When these issues still rested with Congress this year, the chamber spent millions on glitzy advertisements opposing the health care and financial regulation. The chamber does not plan anything so showy as the debate shifts to the regulatory agencies, but is bracing for a long fight filled with low-key meetings and court filings.

''It's a substantial amount of resources we've brought to bear on this,'' Mr. Quaadman said. ''We've always seen this as being a marathon. This is a process that's going to take years, and this is the start of the race.''

The Consumer Financial Protection Bureau, created by Congress as part of the financial overhaul, has been the target of particularly intense lobbying, with industry representatives and consumer advocates trying to shape the agency's structure and mission.

Questions about the agency's allegiances have already arisen, however, after it was disclosed that Elizabeth Warren, the White House aide chosen to start up the agency, had worked as a consultant on a lawsuit involving major banks and credit-card companies and that one of her senior aides had worked previously at a mortgage company with a spotty record.

So far, health care regulators have a head start on their financial counterparts. They not only started the process four months earlier when the health care bill passed Congress, but they also have the advantage of already securing start-up funds for rule-making personnel and office space.

In Bethesda, health care officials are leasing more than 70,000 square feet of space on three floors of an office building for about 230 employees to work on rule-making and other duties. The government agreed to pay $51.41 per usable square foot of space, compared with an average of $27 in Bethesda, because it wanted to get the operation running in July, officials said.

In contrast, financial regulators have been unable to get new financing for hundreds of additional rule makers because Congress has not yet passed a budget, and they are largely making do by reassigning existing staff members. Officials at agencies like the Commodity Futures Trading Commission, which is responsible for drafting more than 60 rules, are warning that there is an urgent need for the money.

Annette L. Nazareth, a former S.E.C. official who now represents financial clients before rule makers as a lawyer for the firm of Davis Polk, said short staffing and ''wildly unrealistic'' deadlines set by Congress threatened the entire process.

''These regulators are overwhelmed, and this stuff is being churned out on issues that are enormously complex,'' Ms. Nazareth said. ''It's very bad for the markets to do it this way, and it's bound to have an impact on how things come out.''

Mr. BARRASSO. It talks about Federal rulemakers. That is whom I believe we are talking about, these unelected bureaucrats.

Federal rule makers, long the neglected stepchildren of Washington bureaucrats, suddenly find themselves at the center of power—

The bureaucrats—

as they scramble to work out details of hundreds of sweeping financial and health care regulations that will ultimately affect most Americans.

We are talking about not just the health care law but also the financial regulations.

The one part I want to ask the Senator about says:

But the laws were so broad and complex that executive-branch regulators will have wide leeway in determining what the rules should say and how they should be carried out.

Well, isn't that why we need this piece of legislation—to let the States get in there before some of these rules and regulations are put onto the people of Mississippi, the people of Wyoming, the people all across the country?

Mr. WICKER. Well, the Senator is absolutely correct. And this coming from the New York Times in particular, this article is an astounding bit of information for the American people, and they need to know about it. I think the American people have the quaint idea that their elected officials, both in the executive branch and in the legislative branch, should be the center of power. I did not come to Washington to be powerful. But at least I have to stand before my constituents every so often and get their approval. What this article says is that the bureaucrats are now at the center of power because of this ObamaCare legislation and the financial services legislation.

We have enacted, over my vote and over the vote of the Senator from Wyoming, a 2,700-page health care overhaul. Yet we are told the main thing it does is empower bureaucrats and make them the decisionmakers. Certainly, if this is the result of this unfortunate piece of legislation, a Governor or a speaker of the house of representatives at the State level ought to be able to quickly and expeditiously go to Federal court and say: Wait a minute, this violates the 10th amendment. All we are saying is that they need a path to go quickly to the Federal courts and challenge this.

I am sure the Senator noticed this—this is just one example. In neighboring Bethesda, MD, this new ObamaCare law has resulted in 200 health regulators rushing to a new facility there and paying twice the fair market value. This is Uncle Sugar coming in. They can pay as much money as they want. So they pay twice the fair market value in rent, and they have taken over three floors of a suburban office building to begin getting started on actually writing the rules that will apply this Federal mandate to the people. It is amazing.

You know, actually, I will say this to my friend: When we talk about defunding the Federal Government, I would like for our Appropriations Committees, our investigative committees, both House and Senate, to look at how they got the right to pay twice the fair market value.

Mr. BARRASSO. Well, it is astonishing. I know the people of Wyoming as well as the people of Mississippi always oppose Washington's wasteful spending, but when I read that the health care officials are leasing more than 70,000 square feet of space on three floors of this office building in Bethesda for 230 employees, rushing to rulemaking, and see that the government—Washington—agreed to pay over $51 per usable square foot, compared with the average of less than $30 a square foot in Bethesda—why? Because it wanted to get the operation running in July. They were rushing to get to this.

But it says that this may only be the beginning. This may only be the beginning. A recent report—not by my colleague from Mississippi and not by me but by the Congressional Research Service—says that the publication of rules under the health care law could stretch out for decades to come.

That is why I am going to cosponsor this legislation. I have great concern about States rights and individual rights being trampled on by a Washington government that is out of control in terms of spending, and it is doing it in spite of the cries of the American people.

So I congratulate and compliment my colleague from Mississippi for bringing this piece of legislation to the Senate today and thank him for joining me on the floor as part of a doctor's second opinion because you don't have to be a doctor to know that this health care law is not good for patients, it is not good for providers, it is not good for taxpayers. As more and more people see the rules and the regulations come, they will once again see the broken promises by this President, who said: If you like your health care program, you get to keep it, and then they turn 2 pages in the rules and regulations into 121 pages which said, for many people in this country, they are not going to be able to keep what they have, they are not going to be able to keep what has been promised them, and it is because the rules and the regulations are so complicated. And the rulemaking continues.

Mr. WICKER. If I might add, this is really a new chapter in the history of the American Federal Government. According to the senior vice president of the American Benefits Council:

There has never been a period like what we are going through now, in terms of the sheer volume and complexity of rule-making.

My friend, this is unprecedented in American history. The scope, the cost, the magnitude of this legislation is unprecedented, according to the American Benefits Council. And the point of my bill is that that does violence to the Bill of Rights, it does violence to the intent of the Founding Fathers that the Federal Government be limited in its power and scope and that we leave most of the rights we are endowed with by our creators to the people and to the States themselves. So it is a great privilege to join my colleague today in making this point.

Mr. BARRASSO. With that, I thank and congratulate my colleague for his vision and his foresight and his leadership because this is, I believe, how the Founding Fathers would have seen it. I believe those who wrote the Constitution would be on board with this piece of legislation to say, as the 10th amendment does say, ''The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.''

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. VITTER. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. VITTER. Mr. President, I ask unanimous consent to speak for up to 3 minutes.

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

Mr. VITTER. Mr. President, I come to the floor to strongly urge my colleagues, Democrats and Republicans, to oppose cloture on the so-called DREAM Act. That will be one of our votes in a few minutes. All these votes are important. That is the most important.

The reasons we should oppose cloture are simple and basic. They all go to this past election. They all ask the question: Have we been listening at all to the American people? The American people have been speaking loudly and clearly on issues that pertain to the DREAM Act. I point to three in particular.

No. 1, the DREAM Act is a major amnesty provision. There are no two ways about it. It grants at least 2.1 million illegals amnesty. It puts them on a path toward citizenship, which will also allow them to have their family members put in legal status. That means when we count all those people, there are probably two to three times that initial 2.1 million people who will be granted some form of amnesty. When we are not securing our borders adequately, when we are not putting a system in place to enforce workplace security, that is absolutely wrong.

No. 2, we are in the middle of a serious recession. The American people are hurting. Things such as slots at public colleges and universities, things such as financial aid for those positions are very scarce and very sought after, more than ever before, because of the horrible state of the economy. These young illegals who would be granted amnesty would be put in direct competition with American citizens for those scarce resources. Are we listening to the American people about the struggles they are going through right now in this desperate economy? If we do that, the answer would clearly be no.

Third, what about spending and debt? The American people have been speaking to us loudly and clearly about that. Yet the DREAM Act would increase spending and deficit and debt. Would we be listening to the American people about that, were we to pass the DREAM Act? Absolutely not. The DREAM Act has at least $5 billion of unpaid-for spending in it, by all reasonable estimates. If we grant amnesty to 2.1 million people and then down the road we double or triple that when counting family members, of course, there is cost to that in terms of Federal Government benefits and programs and spending. Reasonable estimates say that is at least $5 billion of cost, unpaid for, increasing spending, increasing deficit, increasing debt. If we did that by passing the DREAM Act, would we be listening to the American people? Absolutely not.

Let's come to the Senate Chamber and perform our first and most solemn duty, which is to listen to the American people, listen to the citizens of the States, and truly represent them in this important body. Let's listen to them when they say no amnesty. Let's listen to them when they say how difficult their lives are in this horrible economy. Let's listen to them when they say control spending and deficit and debt. Don't increase it yet again.

I propose we listen to them. I will listen to them and vote no on cloture on the DREAM Act.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, as I said this morning when the Senate came into session, the House passed, late last night, the DREAM Act. I have asked consent from my colleagues on the other side of the aisle to vitiate the cloture vote, and that was not granted this morning, which I think is unfortunate because it is a waste of the Senate's time because we need to act on a piece of legislation that is already passed, so that when we pass it, it would go directly to the President.

We have been told by my Republican colleagues that they are not willing to do any legislative business, which I think is untoward and unnecessary and unfair. But that is where they are. So that being the case, Mr. President, I would again renew my request that we vitiate the vote on cloture that is pending before the Senate at this stage.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. I object.

The PRESIDING OFFICER. Objection has been heard.

Mr. REID. Mr. President, hearing the objection, I move to table the motion to proceed to S. 3992, and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Kansas (Mr. BROWNBACK).

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

The result was announced—yeas 59, nays 40, as follows:

[Rollcall Vote No. 268 Leg.]

YEAS—59

Akaka	Franken	Nelson (NE)
Baucus	Gillibrand	Nelson (FL)
Bayh	Hagan	Reed
Begich	Harkin	Reid
Bennet	Inouye	Risch
Bingaman	Johnson	Rockefeller
Boxer	Kerry	Sanders
Brown (OH)	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Landrieu	Specter
Carper	Lautenberg	Stabenow
Casey	Leahy	Tester
Conrad	Levin	Udall (CO)
Coons	Lieberman	Udall (NM)
Corker	Lincoln	Vitter
Crapo	Manchin	Warner
Dodd	McCaskill	Webb
Dorgan	Mikulski	Whitehouse
Durbin	Murkowski	Wyden
Feinstein	Murray	

NAYS—40

Alexander	Enzi	McCain
Barrasso	Feingold	McConnell
Bennett	Graham	Menendez
Bond	Grassley	Merkley
Brown (MA)	Gregg	Pryor
Bunning	Hatch	Roberts
Burr	Hutchison	Sessions
Chambliss	Inhofe	Shelby
Coburn	Isakson	Snowe
Cochran	Johanns	Thune
Collins	Kirk	Voinovich
Cornyn	Kyl	Wicker
DeMint	LeMieux	
Ensign	Lugar	

NOT VOTING—1

Brownback

The motion was agreed to.

The PRESIDING OFFICER. The motion to proceed having been tabled, the cloture motion is vitiated.

JAMES ZADROGA 9/11 HEALTH AND COMPENSATION ACT—MOTION TO PROCEED

The PRESIDING OFFICER. Pursuant to the provisions of Rule XXII, the

clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 641, H.R. 847, the James Zadroga 9/11 Health and Compensation Act of 2010:

Harry Reid, Kirsten E. Gillibrand, Charles E. Schumer, Robert P. Casey, Jr., Patty Murray, Al Franken, Jeff Bingaman, Benjamin L. Cardin, Joe Manchin III, Daniel K. Inouye, Michael F. Bennet, Jeanne Shaheen, Robert Menendez, Barbara Boxer, Frank R. Lautenberg, Christopher J. Dodd, Richard J. Durbin.

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

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 847, a bill to amend the Public Health Service Act to extend and improve protections and services to individuals directly impacted by the terrorist attack in New York City on September 11, 2001, and for other purposes, shall be brought to a close?

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

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Kansas (Mr. BROWNBACK).

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

The yeas and nays resulted—yeas 57, nays 42, as follows:

[Rollcall Vote No. 269 Leg.]

YEAS—57

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

NAYS—42

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

NOT VOTING—1

Brownback

The PRESIDING OFFICER. On this vote, the yeas are 57, the nays are 42. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. REID. Madam President, I enter a motion to reconsider the vote by which cloture was not invoked on the motion to proceed to H.R. 847.

The PRESIDING OFFICER. The motion is entered.

Mr. REID. Madam President, for the benefit of Senators, I have had a number of discussions with the Republican leader, and we hope we can very quickly lay down the tax bill.

Mr. MCCONNELL. Would my friend yield?

Mr. REID. Yes, I will yield.

Mr. MCCONNELL. It is my understanding that it is complete and ready and, actually, we could move to that very soon—within the next hour or so.

Mr. REID. Madam President, the chairman of the Armed Services Committee gave a speech on the Senate floor. I have such admiration and respect for Senator LEVIN. He does such a wonderful job protecting America in so many different ways, not only as chairman of that important Armed Services Committee but on the Permanent Subcommittee on Investigations and all the other things he does. But he gave a speech today saying that if we don't get on the Defense bill today, we will not get it done this year.

So in the next little bit I am going to make a decision whether I am going to reconsider the vote on that bill, and I want everyone to know that is what I am going to do. I have a longer presentation I have worked on to make that presentation, but before getting into a lot of detail on this, I just want to say I appreciate everyone's help on this—Senator LEVIN, Senator LIEBERMAN, Senator COLLINS,—those who have worked with me in trying to see some way to get this completed. But I will make that decision in the next little bit.

So having said that, we will have more information later as to what the rest of the week holds as far as votes. If we are able to lay down the tax bill early today—and, of course, I have had a number of requests. Some people want something in it; some people want something out of it. But that notwithstanding, one of the most important things we need to do, as I have been told, is we have to make sure people don't think they are jammed—a word I just picked up from Senator KYL—on this legislation. We have to make sure people have the opportunity to read it.

That being the case, I will confer with my friend, the Republican leader, to find out what that means.

But let's assume we brought this to the floor and immediately filed cloture on it. That would mean a Saturday cloture vote. We will see what we can do to make sure people believe they have had an opportunity to look at the legislation and to make a considered decision on what should be done with their vote on this very important piece of legislation. So as far as future votes—stay tuned.

I heard one of my colleagues say over here, we are in a normal situation in the Senate—a state of flux.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that we proceed to a period of morning business with Senators allowed to speak for up to 10 minutes each.

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

Under the previous order, the Senator from Utah is to be recognized for 20 minutes or such time as he may consume.

FAREWELL TO THE SENATE

Mr. BENNETT. Madam President, there used to be a very strong tradition in the Senate that every new Senator gave a maiden speech, and in that tradition some Senators waited as long as a year before they gave the speech. Then, when the time came, the more senior Senators would gather and take notes and then critique the newcomer on how well he did.

Life has changed a good deal. I never gave a maiden speech. I plunged right into the debate when I got here. Now the tradition seems to be to give a farewell speech. So I am grateful to my colleagues who will gather for this occasion as I contemplate saying farewell to the Senate. But I will warn them, this is probably not my last speech. I intend to be heavily involved in the debate over whether we pass a continuing resolution or an omnibus bill.

I have a history with the Senate, and it began when I was a teenager as a summer intern. I remember sitting in the gallery and watching Bob Taft prowl across the back of the Senate, watching to make sure things were going according to his desire. He had been the majority leader. He had stepped down from that position because of the cancer he had contracted, but he was still paying attention to this body where he served with such distinction.

Lyndon Johnson was sprawled out with his lanky frame at the Democratic leader's desk, and I was watching from the gallery, thinking what an extraordinary place this was.

Ten years later, I came back as a staffer, and I served here. I was sitting in my cubicle in the Dirksen Building when word came that John F. Kennedy had been shot in Dallas. We didn't know whether he was dead. We all rushed over to the Senate, where there was a ticker tape back in the back lobby, to see what was happening. I rushed in with the others to see what was there and then looked to see whom I had jostled aside in order to get to see the ticker tape. It was Mike Mansfield. I quietly withdrew, realizing I had done something that was not appropriate on that occasion.

But I was here in Washington when Martin Luther King gave his ''I Have a Dream'' speech. I was here as a staffer when the historic civil rights bill of 1964 was passed and was involved in the drafting of that bill at a very low kind of level and the conflict that occurred on that occasion.

Then I came back into government as the head of the congressional relations function for a Cabinet-level department and worked with Senator Dirksen in trying to pursue the Nixon administration's goals forward and ran into a bright young Senator from Kansas with a sharp wit named Bob Dole and had the opportunity of working with Dirksen and Dole and the others in that situation.

Watergate came along. I was given the dubious honor of being called to testify by a young Senator from Tennessee named Howard Baker. He assigned me to his staffer, who grilled me for 3 hours under oath—a fellow by the name of Fred Thompson.

There are great kinds of memories there. I did not realize I would come back to the Senate myself, and as a political junky, what could be better? I was involved in the debate, I had access to all of the activity, and they even gave me a vote. It was a great time, a great opportunity, and I have enjoyed it immensely and say farewell to it with kind of mixed feelings.

What have I learned out of all of this, both that past history and my own history in the Senate? I will not bore you with all of the things I have learned, but I have picked out several I want to highlight here today.

The first thing I have learned is that this is, indeed, an extraordinary place filled with extraordinary people. And the caricature we get from the press and the movies and other places that this is filled with people who have self-serving agendas and very low standards of ethics is simply not true. The Senate is filled with people with the highest standard of ethics—we have a few clunkers, I will admit that, but overall the highest standard of ethics the American people could want.

If I may dip back into my history to give you this example of how much better the present Senate is than some of the older ones, I remember that when I was prowling the halls in the circumstances I have described, I ran into a friend who was distraught.

I said to him: What is the problem?

He said: I am taking a group of schoolchildren through the Capitol, and I sent a note in to a Senator to ask him if he would come out and speak to them. And he did, and he is drunk. I can't get him to stop and get the schoolchildren back to the tour, and I don't know what to do.

You don't see that kind of behavior in today's Senate.

You don't see the kind of casualness toward personal campaign contributions that existed. Why do you think, when they built the Dirksen Building, they put a safe in every Senator's office? It was to hold the cash that would be brought into the office and handed to the Senator. And that was a routine kind of circumstance.

One of the things I enjoyed about the renovation of the Dirksen Building was being able to say to the Architect of the Capitol: Take the safe out because we don't need it anymore. I notice now that I started a trend. If I leave no legacy other than this, it will be that the safes are all coming out of the Dirksen Office Building, and I was the first one to do that.

This is an extraordinary place filled with extraordinary people who take their jobs very seriously and deserve the kind of respect that too often they do not get. Everybody says, when they leave this place, they will miss the people. I certainly will. The friendships that have been made here, the lessons I have been taught, and the mentors I have had have all been a major part of it. I will not name names because once I get started in that, I will not be able to quit. But I do recognize the mentors I have had in the leaders, in my senior colleague, Senator HATCH—and I will tell a story about him—and the staff. These are also extraordinary people who go to extraordinary lengths to serve the country. We should acknowledge that and give them the credit they deserve.

Senator HATCH gave me this piece of advice. We were talking one night about an issue, and we were on opposite sides. That didn't happen very often. Senator HATCH and I don't confer in advance of a vote very often. We come to our own conclusions, but, both being conservative Republicans, we usually end up in the same place. On this occasion, we were different. ORRIN was giving me his full court press. You have all been exposed to ORRIN's full court press on an issue.

Finally, he said to me: BOB, apply the driving home test.

I said: All right, what is the driving home test?

He said: After this is all over and the lights go out and you go get in your car and you are driving home, thinking back on the day and the votes you cast, the driving home test is, how will you feel driving home if you cast that particular vote?

I said: ORRIN, that is some of the best advice I ever got.

I voted against him, and I felt great while I was driving home.

That is one of the first things I have learned. This is an extraordinary place filled with extraordinary people who are dedicated to the country, dedicated to doing the right thing, and who uphold the highest ethical standards.

The next thing I have learned is that there are two parties and that there is a difference between the two parties. There are those who say: Oh, there is not a dime's worth of difference between the Republicans and the Democrats; they are the same people who say we are all corrupt. There is a significant difference. The Democrats are the party of government. Going back to their roots with Franklin Roosevelt, they come to the conclusion that if there is a problem, government should solve that problem. The Republicans are the party of free markets, and they come to the conclusion that if there is a problem, it should be left to the markets to solve it. And they are both right. That is the thing I have come to understand here. There are some problems where government is the solution—but not always. There are some problems where free markets do provide the solution—but not always.

The tension between those two has run throughout the history of the Republic. You can go all the way back to Thomas Jefferson and Alexander Hamilton and the arguments they had as to what the proper role of government should be, whether it should be big government or little government, whether you should have this or that kind of power. It ran through the Constitutional Convention and arguments that occurred there.

It is appropriate that those who believe in government should have strong advocates on their side. Those who believe in free markets should have equally strong advocates on their side. And because I believe in free markets, I am a Republican, and I have been happy to be a Republican. I have been careful to stand up for those things I believe, and I have compiled a record that many of my friends on the Democratic side would consider fairly miserable in terms of wisdom on voting. But let us understand in the debate, as we go back and forth between these two concepts, that we do not question the motives or the patriotism of anyone on the other side—or within our own caucuses.

I remember an event where someone on the Republican side voted with the Democrats in a way that some on this side felt was betrayal, and there was a sense of, let's punish him, let's do this, that, and the other. Trent Lott taught me this lesson. He said: No, the most important vote is the next one. We are going to need his vote the next time. And if we punish him for this last vote, we won't get it.

Yes, there is a difference between the two parties. Yes, we disagree. But if we can disagree in an effort to solve the problems of the country and be willing on occasion to say maybe the other side is right, we will move forward.

Let me go back to the Civil Rights Act and that debate. Barry Goldwater was the Republican standard-bearer in the year that was passed. Barry Goldwater and many of his colleagues on the Republican side believed that the Civil Rights Act was an unwarranted intrusion on personal liberty, that you were entitled to pick your own associations. And the Democrats—some of them—believed the civil rights bill had to be passed to keep faith with the 14th amendment and government's role in securing liberty.

Everett Dirksen stood in the middle of that fight. The civil rights bill was

written in Dirksen's office. Lyndon Johnson gets historic credit for it, as he deserves, but within this body where the cloture vote determined whether it would pass, the key figure was Everett Dirksen.

My father, with me as his chief of staff, was caught in that pressure with the conservatives saying one thing, the liberals saying another, and dad trying to decide which way he would go. I remember a comment he made as he made his decision—and he made his decision to go with Dirksen, vote for the bill, vote for cloture. Being a businessman, he had thought it through. He believed in free markets as well as I do. But he made this comment which I have always held on to as an example of the way you deal with this challenge. He said: You know, I thought about it, and many of these companies that refuse to serve Black people are public companies with their stock available on the stock exchange. So what we are saying is, it is all right for the Black person to own the company but it is not all right for him to patronize it. That is unsustainable.

So on this occasion, he sided with the people who believed in government to solve the problem. He voted for the Civil Rights Act, and he got a challenger for his next nomination and the toughest primary he ever had within the party. He overcame that challenger, and he got his fourth term.

I made the decision to act in concert with George Bush and my leader, MITCH MCCONNELL, and the Democratic leader, HARRY REID, and the Republican standard-bearer, JOHN MCCAIN, to vote in favor of an act of government as opposed to free markets when I supported TARP. And I got a challenger as I sought a fourth term, and I was not as successful as my father, so my career was ended. My father never regretted his civil rights vote. I don't regret my TARP vote because it was the right thing to do.

For those who say: Oh, what a terrible thing it is that your career has ended, I go back again to the old Senate and a Senator named Norris Cotton, from New Hampshire. Norris Cotton was a Republican. He used to tell this story.

Three fellows were sitting on a bench in New Hampshire in their rocking chairs contemplating what would happen after they had died. The first one said: You know, after I die, I want to be buried next to George Washington, the Father of our country. I think it will be a great honor to be buried next to Washington.

The second one said: Well, that is fine, but I am more loyal to our State. I want to be buried next to Daniel Webster.

OK. They rocked for a while, and they turned to the third fellow and they said: What about you?

He said: I want to be buried next to Elizabeth Taylor.

They said: But, Joe, Elizabeth Taylor is not dead yet.

He said: Neither am I.

I appreciate the opportunity to give this farewell speech and your willingness to come listen to it. But I am not dead yet. The demographers are saying, within the next three or four decades, the number of Americans over the age of 100 will be in the millions. I intend to be one of that number. I have loved being in the Senate. I have loved the association. I have enjoyed hearing about the issues and being in the arena to try to solve them.

I do not intend to leave the arena of public debate and public affairs. I simply have changed venues. I am grateful to the Senate and to all my friends for all the things you have taught me. I view the Senate not as the end of my career but as the education and preparation for the next stage.

My father lived until he was 95, my mother 96. I only have to beat the demographic laws by a very small percentage to beat my goal. I appreciate the opportunity of being here and your courtesy in listening to me here today.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, I am humbled to follow my great, good friend, the eloquent orator, the wonderful Senator from Utah, Mr. BOB BENNETT, a man who has been a giant in this Senate, not only terms of height but of intellect. We have followed his lead on many issues. I know the Senate will miss him.

THE ECONOMY

Mr. BOND. Madam President, I am going to take advantage of the attention Senator BENNETT brought to give some of my views on the economy and the compromise bill that we hope will be pending before the Senate. My apologies for lowering the grade of discourse by moving down to such a mundane but nevertheless important subject.

Madam President, it has been more than 2 years since the severe crisis beginning in the housing and mortgage markets nearly brought down the financial system, and with it the entire economy, in late 2008.

The American people are still struggling from the effects of this crisis. Unemployment continues to rise and is nearly a staggering 10 percent, millions of families continue to face home foreclosure, and many more are having difficulties finding financing to make large purchases or run businesses.

We face no more important task than stabilizing the economy. On November 2, Americans sent a clear message to Washington.

They have had enough of the runaway spending, the exploding debt, the bailouts, and the job-killing policies coming out of this Congress and administration. The recent election showed us that Americans will not settle for a Washington agenda that does not make economic recovery, fiscal restraint and job creation the top priority.

We need new jobs now. Plain and simple I cannot be any clearer about this point. As I have said repeatedly on this floor, government cannot create jobs, but it can create the conditions to allow the private sector to flourish through low taxes, commonsense regulations, and enhanced trade opportunities.

Unfortunately, for the past 2 years, Washington has moved in the opposite direction, seeking to raise taxes, increase regulation, and allow trade agreements to wither.

We now have an opportunity to move towards more commonsense approaches that will help in job creation. And we can start now, during this lameduck session.

We must address the looming tax hikes scheduled to hit every American on January 1.

The proposal the President outlined earlier this week is an important step., His efforts to stop the crippling tax hikes in January from hitting American families and small businesses show he has gotten the message.

I only hope he can convince Democrats in Congress what Republicans and the American people understand, raising taxes on the people and small businesses that create jobs is a really bad idea. The President's plan first and foremost ensures that our small businesses will not face the largest tax increase in American history.

Why is this important? Because our small businesses: Represent 99.7 percent of all employer firms, employ just over half of all private sector employees, pay 44 percent of total U.S. private payroll and, have generated 64 percent of net new jobs over the past 15 years.

As my colleagues know, most small businesses are taxed as individuals through their proprietorships, partnerships, or subchapter-S corporations. So if you raise taxes on those earning above $200,000 or $250,000, you are raising taxes on small business owners—the ones most able to create jobs.

The President's compromise also ensures the death tax will not come back to life at the sky-high rate of 55 percent. This is an important provision, because the death tax is anti-savings, anti-family, and anti-investment. It is quite simply unAmerican, and it should be eliminated entirely. The President's plan increases the estate exemption from $3.5 million to $5 million and maintain the 2009 rate of 35 percent is a step in the right direction. It will keep families production farms and businesses from having to sell the farm or business to pay estate tax. We need to pass this compromise before we leave town.

Extending tax cuts is one way we can help the private sector create jobs. That alone is not enough.

There is another area that Congress has direct control over, and that is spending. For the economy to recover and create jobs in the long term, Congress simply must control spending. Today, our debt totals more than $13.8

trillion, which breaks down to more than $44,000 for each citizen's share of that mind-boggling amount.

Likewise, our annual deficit, the amount we add to our children and grandchildren's credit cards, stands at roughly $1.34 trillion, but left unaddressed, could reach as high as $9 trillion over the next decade.

Both entitlement and discretionary spending must be cut. Runaway entitlement spending is stifling our prosperity and will continue to hold our economy back if not addressed promptly.

I am hopeful the next Congress will make this debate their top priority, enact necessary legislation to curtail our drastic runaway spending and raise revenue through a more fair and efficient tax regime.

I believe the debt commission has come up with a reasonable proposal. I may be so bold as to suggest that we establish a BRAC-type commission, a BRAC-type proposal, to deal with that Commission and say it can be accepted or rejected on a simple up-or-down vote by both Houses. That is one good step.

The other step that has to be taken is to reform entitlements. I am disappointed they did not deal with that. But the health care costs of Medicare and Medicaid plus Social Security are what is going to drive our spending through the roof.

Along with extending tax cuts and restraining spending, opening new markets to American businesses through free trade is another critical component to future economic and job growth.

Up until President Obama's recent push for trade in Korea, our pending free trade agreements have been held up to safeguard the interests of labor and extreme environmentalists. I congratulate the President for moving forward on this important job-creating agreement.

With the election behind us, I hope that the politicization of trade in Congress will be behind us as well.

The new Congress must renew its efforts to expand and open up new markets abroad, particularly in Asia where the most dynamic growth in this century will take place.

The Obama administration deserves credit for attempting to reinvigorate the U.S. focus on Asia and trade with this dynamic region.

Trips by the President and the Secretary of State to Asia have helped to elevate ties with longstanding friends and allies like Korea and Japan. They have also been working to forge deeper, stronger relationships with India, Indonesia, Malaysia, and Vietnam.

Reaching an agreement on the U.S.-Korea FTA signals that the United States can return to a leadership position on trade and create some much-needed jobs based on exports here at home.

We must play a leadership role in negotiating and pursuing new FTAs, like the Trans-Pacific Partnership and approving the long-awaited agreements with Colombia and Panama.

Even the Chairman of the President's own Export Council, Jim McNerney, CEO of Boeing, has warned that a failure to approve the free-trade agreements will leave the United States at a ''significant disadvantage'' to other nations that are working to lower barriers to their exports.

For example in Southeast Asia, where the United States exports as much as it does to China, China has negotiated a free trade agreement with all 10 ASEAN countries.

We are languishing while our competitors are moving forward with their own FTAs to give their exporters and their workers a competitive edge.

One such opportunity to increase jobs in the U.S. and secure our strategic interests in the paramount Asia-Pacific region, is the Trans-Pacific Partnership or TPP. The TPP would ensure the United States remains fully engaged in the Asia-Pacific region where strong economic growth will occur in the 21st century.

The partners involved in the TPP discussions now include, in addition to the United States: Australia, New Zealand, Chile, Peru, Malaysia, Vietnam, Singapore and Brunei, which represent the fastest growing regions in the world.

Another way in which we ought to view the TPP, and other free trade agreements, is as a way to cash in on the peace dividends created in the region from our efforts in World War II, the Korean war, and the Vietnam war.

The TPP will open Asian markets to United States exports in a way that we have never seen.

We are already the world's largest exporter. We can build on that and create millions of new jobs by aggressively competing in markets abroad and by rejecting isolationism at home.

In closing I will put these economic considerations in a larger context.

In the 24 years I have been in the U.S. Senate, I have traveled around the world and have seen the remarkable change that came with the fall of the Soviet Union.

With the fall of Socialism and Communism, countries around the world immediately began to look to the United States as ''the'' economic model.

Our free enterprise system has demonstrated that successful businesses can provide job opportunities for all our citizens. This is a classic case of the rising tide lifting all boats.

As the economy gets stronger, people up and down the economic scale benefit, and people in low-wage jobs have the opportunity, through hard work and/or education, to move on up the ladder.

These countries are not looking to Denmark or Sweden with their very high tax rates as a model.

They see the difference between a government-controlled economy and a free economy with appropriate government regulation.

The European Socialist model has demonstrated that it does not grow as quickly as the U.S. economy.

High levels of unemployment generate more social welfare and transfer payments. These transfer payments put pressure on the government to raise taxes even higher, and make more people dependent upon the largesse of the Federal Government.

Last year's ''stimulus'' program did a tremendous job of putting more people on the government payroll. It did not do much for creation of jobs in the private sector.

The private sector in the United States has historically been vibrant and it will create jobs despite increasing government taxation, deficits, and regulation.

But the number of jobs created necessarily will be far less than what the free market system could create if it were not inflicted with an increasing government role.

Using history as our guide, high taxes and excessive spending, such as the new health care bill, will likely lead to a slower recovery, continued high unemployment, and a lower standard of living for all Americans than would otherwise be possible.

There is a chance now for us to reverse course, stop tax hikes, put the brakes on spending, reform entitlement programs, and to pursue new trade opportunities that will create jobs. I believe that is what the American people expect us to do.

Real growth is only possible if we get our fiscal house in order.

If we care about jobs in this country and the future of the economy, Congress cannot continue to vote for thousand-page bills that are full of job-killing provisions.

And Congress cannot continue spending in such a way as to destroy the prosperity of future generations stuck paying the bill.

I am hopeful that the next Congress will make this debate their top priority and enact necessary legislation to curtail drastically our runaway spending and to raise revenue through a more fair and efficient tax regime.

Madam President, I wish to include for the RECORD my discussion of the role housing played in the bubble we had, the crash, and the recession we have gone through. I have spent all my time in the Senate either looking at housing on the Banking Committee or as a member and then chairman or ranking member of the appropriations subcommittee that funds housing. Most of my friends are not interested in hearing a full description of the

housing crisis and what needs to be done. I will give them the opportunity to read it at their leisure.

Promoting what we think is the American dream by giving people no-downpayment homes, homes which they don't have the financial ability to afford, is not the American dream. It leads to the American nightmare. The American nightmare, unfortunately, for too many families, has resulted in home foreclosures, and communities with large numbers of foreclosed houses that are deteriorating thanks to the genius of Wall Street which, through its wonderful, innovative efforts, created high-tech computer game derivatives on which they made profits by selling around the world, which crashed and brought not only our economy but the world economy down. We have to stop that trend. We need a responsible housing policy to rein in Fannie and Freddie, keep them from buying up housing mortgages which are not subject to underwriting standards which could cause problems in the future. These items are all laid out in the statement I include.

If anybody reads them, I would be happy to answer any questions they have.

I ask unanimous consent to have the statement printed in the RECORD.

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

As I prepare to leave the Senate after 24 years, I have had the opportunity to reflect upon some of my most rewarding work in various issue areas.

If my colleagues will indulge me for a few minutes, I have some thoughts to share about America's housing and community development policy.

This is not typically an area that gets a lot of attention, though certainly it has gotten some negative attention because of the recent housing market meltdown.

But good housing is fundamental. It is fundamental to each of us as people. And it is the foundation of any community.

To a community, good housing means economic development and jobs. It means kids are safer, healthier and happier.

To an individual, a home means safety and security, a starting point from which to do everything else in life.

And good housing goes hand-in-hand with community and economic development. One cannot sustain a community very long if there are no jobs. And there won't be jobs if companies don't locate in a particular area, and so forth.

Early in my Senate career, I joined the Housing Subcommittee of the Senate Banking Committee. A few years later, during the 102nd Congress, I became a Member of the VA–HUD–Independent Agencies Appropriations Subcommittee.

Since that time I have been either Chairman or Ranking Member of the Housing Appropriations Subcommittee.

And I have had the good fortune of having as partners in my work the Senator from Maryland, Barbara Mikulski and the Senator from Washington, Patty Murray. I cannot say enough good things about each of these fine colleagues and the work they do.

While bipartisanship has become something of an anachronism in today's Washington, that is not the case on this Subcommittee. These Senators have always been willing to work on a bipartisan basis to get things done for the American people, and I deeply appreciate each of them.

So I have had the opportunity to be involved in housing issues both from a policy and from a funding perspective.

As I have worked on these issues through the years, I have discovered that housing and economic development are the glue that holds our communities together, even though urban and rural areas often face difference issues and concerns. Both are important and I have worked to promote their unique needs.

If we provide the right incentives and investments for growth and opportunity, then families and individuals will prosper and grow, with a tax base that will allow the needed investment for infrastructure, schools, hospitals, libraries and all the necessary amenities that make our Nation great.

As we are all painfully aware, we are at a crossroads when it comes to housing policy in this country. We have seen the devastating after-effects of a housing ''bubble,'' and how the housing market meltdown nearly precipitated a worldwide economic depression.

In part, this crisis was preceded by unrealistic expectations in housing.

Homeownership is perceived by many as key to achieving the ''American Dream.'' However, most of us now recognize that homeownership, while a blessing for many, is not an ideal solution for all. For example, in many cases, rental housing is appropriate for families.

It provides flexibility while limiting exposure to frequent variations in market conditions.

Homeownership is a great way to build wealth for those able to maintain financial stability throughout the life of a home loan.

However, by subsidizing homeownership, and encouraging all families to own homes, even those without realistic resources to maintain their mortgages, the government has turned the American Dream into a nightmare for homeowners, neighbors, communities, the global financial system, and taxpayers.

Since 2007, millions have had their homes foreclosed; millions more are at risk. In the aftermath of this meltdown, the government's efforts to date fall far short of what is required to address adequately the growing number of foreclosures that are hurting homeowners and communities.

As we have seen with previous housing bubbles, the taxpayer ends up bearing the brunt of the costs and the government ends up holding foreclosed properties. The last time I checked, the government did not do a good job of being a landlord.

It is critical that policy-makers address our overall housing policy and the proper role of government versus the private sector.

I believe that three essential areas of our housing system must be reformed. We must address:

Housing finance issues;

Tax policy;

Affordable housing for all.

With a comprehensive but balanced approach, I believe the United States can join other nations in creating a market where responsible consumers buy and retain their homes with confidence; where those who should rent are able to access affordable, safe housing; and where the needs of the homeless and vulnerable are met.

HOUSING FINANCE

First, we need to make changes in the amount of involvement the federal government has in housing.

The federal government is now responsible for 95% of the mortgage market. The Federal Housing Agency (FHA), Fannie Mae, and Freddie Mac guarantee nearly all mortgage loans in the U.S. They are fully backed by the federal government. This means it is the taxpayer who will ultimately be on the line to foot the bill as these entities pay for defaults.

FHA

As many of you may know, I not-so-fondly refer to FHA as a ''powder keg'' or ''ticking time bomb.'' FHA's market share has increased dramatically while its capital reserves have significantly decreased.

FHA's rapid growth in the mortgage market is largely due to the fact that the average homebuyer receives a guaranteed loan with a down payment of only 3.5%—lower than any sane lender would require.

I remember growing up in an era where you did not buy a home unless you had 20% of the loan upfront.

But who would put that much cash down if they are incentivized by the federal government to pay far less?

The current ceiling for an FHA loan is over $720,000 dollars. While I realize that there are some areas of the country considered ''high-cost,'' keeping the loan limits at such high levels perpetuates big government and increases the risk to taxpayers. It is time to reduce the FHA loan limits.

There is a private housing market ready to fill the FHA gap and we need to restart the private housing market and let HUD return to helping first-time homeowners and the more marginal housing applicants.

Rather than continuing to extend these expiring limits, I hope that my colleagues will begin to take a comprehensive look at our nation's housing policies and determine who truly needs the government to back their home loans.

High loan limits and low down-payments combined with the FHA's seeming inability to prevent waste and fraud, sets up the taxpayers for another huge bailout (estimates range from $54 billion to $100 billion). With FHA's capital reserves already at dangerously low levels (below the mandated level of 2 percent), raising the loan limits is equivalent of pouring more gasoline on the fire. The recently-retired HUD IG testified that the increased loan limits are a contributing factor to FHA's growing risk.

In the 2010 housing appropriations bill, I worked with my colleagues on the committee to include $20 million dollars for FHA anti-fraud activities and $5 million dollars in additional funding for the HUD Inspector General to conduct oversight.

FHA has had long-standing management and resource challenges, so we provided $180 million dollars to modernize their information-technology systems to track better mortgage and associated obligations.

In a rational world, Congress and the White House would tighten FHA underwriting standards, in particular by eliminating the 100 percent guarantee.

That guarantee means banks and mortgage lenders have no skin in the game; lenders collect the 2 percent to 3 percent origination fees on as many FHA loans as they can push out the door regardless of whether the borrower has a likelihood of repaying the mortgage.

The bottom line: Congress must take stronger action to shore up the weakening insurance fund to prevent another financial meltdown for another federal entity.

FANNIE MAE/FREDDIE MAC

Not only did this Congress fail to address our housing finance system, the Financial Regulatory Reform bill passed without any Republican participation and failed to address the problem of Fannie and Freddie when these two government sponsored entities were, I believe, at the heart of the housing finance bubble collapse.

The legislation did nothing to rein in the future role of the Government Sponsored Enterprises (GSEs), even though many of us encouraged the leadership to do so during the financial reform debate. Some of my colleagues proposed a finite end to the government conservatorship of Fannie Mae and Freddie Mac. Others favor a gradual move towards reducing the government's exposure to risk by lowering loan limits to a level which is sustainable.

We have already experienced the pain that the GSEs, Freddie and Fannie, can cause, and that pain is expected to continue.

The Federal Housing Finance Agency (FHFA) reported recently that the total cost to the federal government since taking Fannie and Freddie into conservatorship could rise from $148 billion dollars to an astounding $363 billion dollars.

Responsible reform would put an end to the taxpayer-funded bailout of Fannie and Freddie and refocus them on promoting affordable housing. I believe strongly that whatever path is chosen for the future of the GSEs, it is essential that any cost to the government for supporting these entities be placed in the annual budget and accounted for with all other programmatic spending.

I believe the operations of the GSEs must be dramatically wound down to shift the risks from the taxpayers to the private housing finance market.

TAXES

Today, the tax code provides generous incentives to encourage homeownership through the mortgage interest deduction, property tax deduction, and capital gains tax exclusion. The Joint Committee on Taxation estimates that for 2008 these tax incentives totaled just over $108 billion.

The tax code needs to be fair and not skewed toward those who are able to purchase million-dollar homes; it should treat homeowners on a level playing field that helps preserve an effective tax code.

Specifically, the mortgage interest deduction can be claimed by anyone whose mortgage balance is less than $1 million.

Like many, I believe that the federal government should not provide a hefty deduction for mortgage interest paid for million-dollar homes when many families are struggling to maintain homes that average $500,000 dollars or less. This deduction level needs to be revisited soon.

Other government gimmicks such as the First-Time Homebuyers Tax Credit simply kicked the reality of our housing market woes down the road further, and today we are feeling that pain.

Initially, I supported the creation and first extension of the home-buyer tax credit. As a long-time housing advocate, I believed the credit, combined with other tools such as housing counseling and refinancing efforts by state housing finance agencies would help in the stabilization and recovery of the housing market.

Like many of my colleagues, I believed that it was critical to address the housing market that was at the root of the credit crisis and led to our recession. However, the housing crisis evolved from a crisis caused by loose lending through risky subprime loans to a crisis where job loss has become the primary cause of foreclosures and delinquencies.

Today, we can look back and see that the newly-formed tax credit was costly and a target of fraud.

Congress needs to stop trying prescriptive programs to cure a systemic disease that has plagued U.S. housing for too long. Rather than credits or incentives for some, we should allow the market to correct itself and truly feel the bottom of the recession so that a genuine, solid recovery can be realized.

So the question I ask my colleagues is: why are we continuing these debt-fueled policies that led to our housing and economic troubles? Why do we keep using taxpayer dollars to distort and manipulate the housing market?

Americans expect Congress to address fully the causes of the recent financial crisis. As we work toward a full economic recovery, it is essential that Congress address the root of the problem—failed housing policies that were pushed by the government and manipulated by the private market to reap unprecedented profits for a few bad actors.

I strongly urge my colleagues to consider carefully the future role of government in housing, so that the people of this great nation do not bear the burden of a housing crisis ever again.

AFFORDABLE HOUSING

As is always the case, the housing collapse and subsequent recession have hit vulnerable people the hardest.

We must continue to look forward and renew our commitment and energy to ensure that all Americans have fair access to safe and affordable housing.

It is unacceptable that people with disabilities, families with children and minority residents still meet severe challenges for fair housing.

It is unacceptable that the 20 percent of Americans who suffer a physical disability face a significant shortage of accessible and affordable housing.

It is unacceptable that one-in-five Hispanics, African Americans, Asians or Native Americans still face discrimination when renting, buying, or financing a home.

And it is unacceptable that so many families, veterans and the mentally ill are homeless.

VA–HUD COMMITTEE

HUD has a number of primary ''core'' programs to address these needs, including Section 8 housing assistance, public housing, Section 202 housing for the elderly, Section 811 housing for persons with disabilities, the Community Development Block Grant program, the Housing Block grant program, the FHA mortgage-insurance programs and the Homeless Assistance program.

I think it is safe to speak for my colleagues, Ms. Mikulski and Mrs. Murray, in saying that it has not always been easy to garner support for these programs, particularly during tight budget years.

But we did, in fact, increase funding and make these programs more effective through our partnership on the Subcommittee, even when successive Administrations—Democratic and Republican—were not supportive.

In fact, many of the innovations that provide cohesion among the programs were first included in the VA–HUD Appropriations bill at our insistence.

Looking ahead, public housing still faces a crisis of some $20 billion–$30 billion in a backlog of capital needs.

It will take vision and will to persevere and make progress addressing this, but there are some good ideas that can help move us forward. Choice Neighborhoods is one such program that provides a mixture of ideas and perspectives for addressing public housing challenges.

And this is an expansion of the HOPE VI program which dramatically changed the way we think of public housing in this country.

HOPE VI

A few of my colleagues will remember our efforts in the early 1990s to rid cities of dilapidated public housing projects which forced residents to live in substandard housing and had become breeding grounds for crime and drug abuse.

The federal government had a rule at that time requiring a one-for-one hard unit replacement of any housing units slated for demolition.

The intention was good, but in practice this meant that cities could not replace housing stock, even if it was uninhabitable.

So with the help of Senator Mikulski, I convinced my colleagues to include a provision in the National Affordable Housing Act of 1990 that would allow St. Louis, in particular, to replace a dilapidated complex called Pruitt-Igoe with both vouchers and hard units.

This demonstration led to what is now known as the HOPE VI program, which has been very successful in developing mixed-income housing and transforming many distressed communities into revitalized neighborhoods with new jobs and economic investment.

FIGHTING HOMELESSNESS

In 2009, I teamed up with Senator Jack Reed (D–RI) to introduce comprehensive legislation designed to get homeless individuals and families into permanent supportive housing where appropriate and to assist others at risk of homelessness so they do not end up on the streets.

The Homeless Emergency Assistance and Rapid Transition to Housing Act (HEARTH) builds upon recent research showing that providing permanent supportive housing is a more effective way to fight homelessness than providing only emergency shelter programs.

Our legislation:

Provides $2.2 billion for targeted homelessness assistance grant programs;

Allocates up to $440 million for homelessness prevention initiatives, like those serving people who are about to be evicted, live in severely overcrowded housing, or live in an unstable situation that puts them at risk of homelessness;

Expands the definition of homelessness to allow families on the verge of becoming homeless to qualify for assistance.

The HEARTH Act was approved by the Senate as part of the Helping Families Save their Homes Act, and signed by the President in May of 2009.

HOMELESS VETERANS

According to the National Alliance to End Homelessness, about 20 percent of the homeless using shelters in the U.S. are veterans. Homelessness is a major problem among Iraq and Vietnam veterans, particularly those who may have both physical and psychological problems like Post-Traumatic Stress Disorder (PTSD) or Traumatic Brain Injury (TBI).

Senator Murray and I started a new partnership between HUD and the VA to help homeless veterans in the 2008 Transportation-Housing spending bill.

The program, known as the Veterans Affairs Supportive Housing Program, or HUD-VASH, combines rental housing assistance with case management and clinical services to assist homeless veterans. Veterans use Section 8 rental assistance and the supportive services they need to be integrated back into their communities and former lives.

We have continued to fund the program in the years since and I hope that will continue after I am gone.

In closing, I note that many Americans have experienced a very rough time when it comes to housing recently. We have the opportunity now of learning from the mistakes that were made and taking steps to ensure that such a crisis does not happen again.

One simple principle I hope everyone in this body will remember is that a successful housing program requires that every participant in the process must have ''skin in the game.''

To ensure that everyone has ''skin in the game'' we must:

(1) End ''no-down payment'' purchases by homeowners, and require at least a 5 percent down payment;

(2) End the 95–100% government guarantee of loans; make lenders and loan promoters face a real economic loss for any bad loan they promote; and

(3) Require that any loan securitizer keep a stake in the loan or mortgage that will be wiped out if the security fails.

In sum, good housing does not require home ownership; a family can live in rental housing when appropriate to their financial circumstances, and we can encourage the availability of such housing.

There are a number of ideas worth pursuing in the affordable-housing arena that will ensure that more Americans have stability in their housing arrangements so they can pursue their lives with some security.

While I will no longer have the opportunity to participate in Senate debates over housing policy, I look forward to continuing my involvement in these issues in the next phase of my life.

Thank you, and I yield the floor.

Mr. BOND. I yield the floor to my good friend and fellow retiring Senator from my neighboring State of Kentucky, who has been known for his talents on the baseball diamond but also has some, I am sure, very candid comments on what he thinks the Senate has done and ought to do. I will listen with great interest.

The PRESIDING OFFICER. The Senator from Kentucky.

FAREWELL TO THE SENATE

Mr. BUNNING. Madam President, I thank the Senator from Missouri, a dear friend of mine and someone who has unusual wisdom in his remarks today. I listened to many of them. I just hope I have a few that are as well thought out as my good friend from Missouri.

I wish to take a few moments to thank all my colleagues and other individuals who have come to the Chamber to hear me bid farewell. That doesn't mean I will not speak again. That just means I am bidding farewell and this is a farewell speech.

I have had the great fortune of having three wonderful careers during my life: one as a husband and father of 9 children and a grandfather of 40, one as a Major League baseball player for 27 years, and one in public service for 30 years. Many people often talk to me about how different my baseball and public service careers are, but they really are not so different.

I have been booed by 60,000 fans in Yankee Stadium, standing alone on the mound, so I have never cared if I stood alone in the Congress, as long as I stood by my beliefs and my values. I have also thought that being able to throw a curve ball never was a bad skill for a politician to have.

I came to Washington, DC, in 1987, when the people of the Fourth District in northern Kentucky gave me the distinct honor to serve them. I did not know then that the people of Kentucky had bestowed upon me the privilege of representing them for 24 years. I have the same conservative principles in 2010 that I had when I first was elected to Congress.

Over the years, I have always done what I thought was right for Kentucky and my country. I did not run for public service for fame or public acclaim. When I cast my votes, I thought about how they would affect my grandchildren and the next generation of Kentuckians, not where the political winds at the time were blowing. Words cannot express my gratitude to the people of Kentucky for giving me the distinct honor of serving them for 12 years in the House of Representatives and 12 years in the Senate.

Here I stand, though, in the Senate Chamber about to say goodbye after nearly a quarter of a century in Congress. I have reflected much about my time here. As I stand here at the desk of Henry Clay, the great Kentuckian, I am proud to have had the opportunity to serve in a place in history. I thought it fitting to discuss the legislative items of which I am most proud.

I have three bills I am particularly proud I was able to accomplish signing into law. One of the things I am most proud of during my time in Congress is helping pass legislation that repealed the earnings limit on older Americans under the Social Security system. Social Security used to penalize many older Americans for working by reducing their Social Security benefits by $1 for every $3 they earned, if they made more than the earnings limit which was about $12,000 in 1995. This was an unfair tax on seniors and punished them for continuing to work. I worked hard for many years in both the House and Senate to get this unfair earnings limit eliminated.

Finally, in 2000, after I had been elected to the Senate, it passed and was signed into law. This law has helped many hardworking seniors stay involved in their communities, remain independent, and contribute to society.

Another bill I am proud of is the 2004 Flood Insurance Reformation Act. In 2004, I wrote the last reauthorization of the national flood insurance program. That law provided significant reforms to the program just in time for the 2004–2005 hurricane season, including Hurricane Katrina. Had the law not been in place, homeowners all over the gulf coast would not have had coverage for the flood damage to their homes. The 2004 law is still the framework for the program today. It was not a Republican accomplishment or a Democratic accomplishment. It was a bipartisan accomplishment.

I worked very closely with Senator Sarbanes and Representatives Bereuter and Blumenthal to write and pass that law. While I believe that further changes are still needed to the program, the 2004 law made meaningful changes that put the program on a more sound financial footing.

Unfortunately, passage of the bill was not the end of the story. What happened or, more accurately, what did not happen illustrates one reason people are fed up with Washington: because government does not do what it is supposed to do. Despite the fact the bill passed both the Senate and the House unanimously, FEMA refused to implement all of its provisions in a timely manner. The most glaring example was the appeals process created by the bill for property owners to appeal claims they thought were not settled fairly or correctly. The law gave FEMA 6 months to write the rules. FEMA, instead, took almost 2 years from the day the bill passed to put even draft rules out. They probably would not have done it then, if it was not for the right of one Senator to object. I had to hold the nominee to head the agency to get the attention of the Bush administration and move the Secretary of Homeland Security to finally publish the rules. It should not have been that way.

The third bill I am grateful was signed into law is the Emergency Employee Occupational Illness Compensation Program. The Paducah, KY, gaseous diffusion plant is the only operating uranium enrichment plant in the United States. When I came to the Senate, I held the first hearing to look at cleaning up the contamination the Department of Energy left at the site. After the hearing, I focused on cleaning up the site. A lot has been cleaned up since that first hearing 10 years ago. I also worked hard to provide compensation to workers who suffered serious illnesses as a result of their employment at the DOE nuclear weapons program plant.

This energy employment compensation program was set up because many workers served our country's nuclear programs during the Cold War and their health was put at risk without their knowledge—the first compensation bill passed in 2000, with the help of a bipartisan group of Congressmen and Senators. I then became aware that DOE was slow-walking claims processing and payment to many claimants and their portion of the compensation program. So in 2004, again, with the help of a bipartisan group of Senators and Congressmen, I spearheaded legislation that moved the entire program over to the Department of Labor which had sped up and streamlined compensation for the sick nuclear workers.

Along with many of my achievements, I also had time to reflect on some of the disappointments I wish I had been able to fix during my time here. I am deeply concerned about the state of entitlement programs—Medicare, Medicaid, and Social Security. It is clear that our government cannot meet its future obligations and ultimately the American people will suffer, unfortunately. Too many Members of Congress are willing to look the other way and let the financial problems of these programs fester instead of making hard decisions. Congress just cannot get the courage together to address these issues head on.

In fact, after President Bush's second election, Congress briefly focused on the problems of Social Security solvency. At the time, I was a strong supporter of private investment accounts but certainly realized that the whole system needed an overhaul and was open to many different options. Toward the end of the debate, I was willing to tackle Social Security reform even if we did not do investment accounts, as long as we did something. However, it quickly became apparent that many Members of Congress—even some in my own party—were not willing to get serious about this. Six years later, Congress still has not touched Social Security reform, and the program is even in worse financial shape.

Medicare and Medicaid are in the same position. In 2006, Congress finally got serious about spending in these programs and passed the Deficit Reduction Act. This bill slowed the rate of growth—the rate of growth—in Medicare by $6 billion and in Medicaid by $5 billion over 5 years. Let me be clear about this. We were not cutting spending in these programs. We were just slowing the growth.

Well, you would have thought the sky was falling when we did this. The longer Congress takes to honestly tackle these fiscal challenges, the harder it will be to fix these programs. This means bigger cuts, bigger deficits, and bigger tax increases.

Health care is another area where Congress should have done better. The other side of the aisle's stubborn refusal to compromise and, more importantly, listen to the desires of the American people on health care reform led to the passage of a bill that is one of the worst pieces of legislation I have seen in Congress in 24 years.

The health care bill is clearly unconstitutional, will force millions of Americans to lose the health insurance they currently enjoy, give the IRS—that is the Internal Revenue Service—the power to police and tax Americans who do not have health insurance, and takes over $500 billion out of Medicare programs to pay for new spending.

Despite all the rhetoric from the administration and Democratic leaders about being transparent and open and willing to compromise, it quickly became clear that they only wanted Republican support if we agreed to everything they wanted to do. Well, compromise does not work like that. A compromise means you actually have to take ideas from other people instead of just giving lip service.

One of the other recent disappointments was the financial regulation bill passed earlier this year. Before my first election, I spent 31 years working in the security business. That was back when baseball players did not make millions of dollars a year and had to have jobs in the off-season to pay the bills. I spent nearly all of my time in Congress on either the old House Banking Committee or the Senate Banking Committee, so this is something I know a great deal about and care about.

There were, and are, real problems in our financial system. But that bill is not going to fix them and almost certainly sows the seeds for the next banking and financial crisis while, at the same time, adding more burdens on the economies struggling to recover.

That bill did not replace bailouts with bankruptcy. It made bailouts a permanent part of the financial system. The bill did not force the too-big-to-fail banks to get smaller. It gave them special status. The bill ignored the role of housing finance and left Fannie Mae and Freddie Mac alone. The housing crisis could not have happened without Fannie Mae and Freddie Mac.

The Senate failed to act on a bill to reform Fannie and Freddie passed by the Banking Committee in 2006, and that failure is going to end up costing taxpayers hundreds of millions of dollars. Congress has to do something soon to get them off the taxpayers' life support they have been on since 2008. But, unfortunately, that did not happen in the financial reform bill.

The bill also ignores the Federal Reserve's failures as a regulator and, instead, gave them more power. And, worst of all, the bill did nothing to rein in the largest single cause of the current financial crisis and most other financial crises in the past: flawed monetary policy by the Federal Reserve.

Nothing Congress has done will stop the next bubble or collapse if the Fed continues with its easy money policies. Cheap money will always distort prices and lead to dangerous behavior. No amount of regulation can contain it.

For many years, I was a lone critic of the Federal Reserve. Particularly, no one questioned Alan Greenspan, despite his policies causing two recessions and two asset bubbles. I was the lone vote against Ben Bernanke in 2006. I was the lone vote because I thought he would continue the Greenspan monetary and regulatory policies. Well, he did. He kept it up—a flawed monetary policy—and was slow to regulate. Then, in 2008, he took the Federal Reserve into fiscal policy by bailing out Bear Stearns and, later, AIG, and just about every other major financial institution in the country. As we saw, even last week around the world, Chairman Bernanke compromised the independence of the Fed and turned it into an arm of the U.S. Treasury.

Things have not gotten better since then either. Chairman Bernanke is continuing with the easy monetary policy, and a month ago started the printing presses again to buy up more Treasury debt. While the Fed may be propping up the banks with plenty of cheap money, he is undermining our currency.

Other central banks are moving away from the dollar and gold is continuing to climb. Just like the soaring national debt and entitlement costs, the destruction of the dollar is not sustainable. Congress must act to rein in the Chairman of the Federal Reserve and the Fed before they destroy our currency and permanently damage our economy and financial system.

Public awareness of what the Fed is doing is increasing, while public opinion of the Fed is falling. Chairman Bernanke had nearly twice as many votes cast against him in the Senate earlier this year than any other Fed Chairman in history. It is just not outside the Fed that opposition is growing. Regional Federal Reserve Bank presidents are speaking up and voting against Fed policy. Even some members of the Fed Board are recognizing the dangers of Chairman Bernanke's policies. I am more hopeful now than ever that Chairman Bernanke and the Fed will not be allowed to continue the flawed policies and act as an arm of the Treasury and the major banks.

As I stand here and reflect upon my time in Congress, I can honestly say I am gratified, despite the ups and downs, to have had the opportunity to serve my country and serve the people of the Commonwealth of Kentucky.

Twenty-four years is a very large portion of my life and my family's life. I thank my nine children: Barb, Jim, Joan, Cat, Bill, Bridget, Mark, Amy, and David, and my 40 grandchildren, who inspired me to try to make this country better and better for the next generation to live.

I also want to give a special thanks to my wife Mary, the mother of my nine children and my childhood sweetheart from the fourth grade. I thank her for being at my side through all of the road trips, the late nights I spent in the House and the Senate. She is my better half, who supported and stood by me. She is my lighthouse that always shone in the dark during the good and the bad times of public service. She prayed me to my wins in public service and in baseball, and I never could have done any of these achievements without her.

As this chapter in my life comes to an end and I flip the page into a new chapter, I thank very much all the other people in my life who have stood by me. Without the friendship and support of so many over the years, I never would have been able and had the privilege to represent Kentucky in the House and the Senate.

As I leave here today, I offer a little prayer for the next Congress. Pope John Paul II once said:

> Freedom consists not in doing what we like, but in having the right to do what we ought.

This is the motto I have tried to live by during my time in Congress. I pray that the Members of the next Congress do what is right for the country, not what is right for their fame and their future aspirations. My hope is that Congress will focus on the astronomical debt instead of continuing down the path of spending our future generations into higher taxes and a lower standard of living than we have now.

Godspeed and God bless.

With a sense of pride and gratitude, I will say for the last time, Mr. President, I yield the floor.

Mr. FRANKEN. Mr. President, I note the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

FAREWELL TO THE SENATE

Mr. DORGAN. Mr. President, those of us who are leaving the Congress at the end of this year are given the opportunity to make a farewell speech. But more, it is an opportunity to say thank you to a lot of people to whom we owe a thank-you, and to colleagues, to family, to the staff here in the Senate and our state staff, and the people of North Dakota, in this case, who gave me the opportunity to serve. It is the opportunity for me to say thank you.

One of my colleagues the other day talked about the number of people who have served in the Senate. Since the beginning of our country, there have been 1,918 people who have served in the Senate. When I signed in, I signed on the line, and I was No. 1,802. There have been 212 Senators with whom I have served in the years I have been in the Senate. It is hard to get here and it is also hard to leave. But all of us do leave, and the Senate always continues. When finally you do leave, you understand this is the most unique legislative body in the world.

I arrived 30 years ago in Congress, and when we all show up the first day, we feel so very important and we believe the weight of the world rests on our shoulders. Then we begin getting mail from home.

I have long described a letter that was sort of leavening to me, sent to me by a schoolteacher early on after I arrived here. Her class was to do a project to write to DORGAN in Washington, DC. I paged through the 20 letters from fourth grade students, and one of them said: Dear Mr. DORGAN, I know who you are. I see you on television sometimes. My dad watches you on television too. Boy, does he get mad.

So I knew the interests of public service, of trying to satisfy all of the varied interests in our country. It is important, it seems to me, that we do the right thing as best we can and as best we see it. That dad from that letter showed up at a good many of my meetings over the years, I think. He didn't introduce himself. But in most cases, the people I represented over these many years were people, ordinary folks who loved their country, raised their families, paid their bills, and wanted us to do the right thing for our country's future.

I have a lot of really interesting memories from having served here, 12 years in the House and 18 years in the Senate. The first week I came to Washington, in the House, I stopped to see the oldest Member of the House, Claude Pepper. I had read so much about him, I wanted to meet him. I walked into his office, and his office was like a museum with a lot of old things in it, really interesting things. He had been here for a long, long time. I have never forgotten what I saw behind his chair—two photographs. The first photograph was of Orville and Wilbur Wright, December 17, 1903, making the first airplane flight, signed ''to Congressman Claude Pepper with admiration, Orville Wright.'' Beneath it was a photograph of Neil Armstrong stepping on the surface of the Moon, signed ''to Congressman Pepper, with regards, Neil Armstrong.'' I was thinking to myself, here is a living American and in one lifetime, he has an autographed picture of the first person who learned to fly and the first person who walked on the Moon. Think of the unbelievable progress in a lifetime. And what is the distance between learning to fly and flying to the Moon? It wasn't measured on that wall in inches, although those photographs were only 4 or 5 inches apart; it is measured in education, in knowledge, in a burst of accomplishments in an unprecedented century.

This country has been enormously blessed during this period. The hallmark, it seems to me, of the century we just completed was self-sacrifice and common purpose, a sense of community, commitment to country, and especially, especially leadership. In America, leadership has been so important in this government we call self-government.

There was a book written by David McCullough about John Adams, and John Adams described that question of leadership. He would travel in Europe representing this new country, and he would write letters back to Abigail. In his letters to Abigail, he would plaintively ask the question: Where will the leadership come from for this new country we are starting? Who will become the leaders? Who will be the leaders for this new nation?

In the next letter to Abigail, he would again ask: Where will the leadership come from? Then he would say: There is only us. Really, there is only us. There is me, there is George Washington, there is Ben Franklin, there is Thomas Jefferson, there is Hamilton, Mason, and Madison. But there is only us, he would plaintively say to Abigail.

In the rearview mirror of history, of course, the ''only us'' is some of the greatest human talent probably ever assembled. But it is interesting to me that every generation has asked the same question John Adams asked: Where will the leadership come from for this country? Who will be the leaders?

The answer to that question now is here in this room. It has always been in this room—my colleagues, men and women, tested by the rigors of a campaign, chosen by citizens of their State who say: You lead, you provide leadership for this country.

For all of the criticism about this Chamber and those who serve in this Chamber, for all of that criticism, I say that the most talented men and women with whom I have ever worked are the men and women of the Senate on both sides of this aisle. They live in glass houses. Their mistakes are obvious and painful. They fight, they disagree, then they agree. They dance around issues, posture, delay. But always, always there is that moment—the moment of being part of something big, consequential, important; the moment of being part of something bigger than yourself. At that moment, for all of us at different times, there is this acute awareness of why we were sent here and the role the Senate plays in the destiny of this country.

The Senate is often called the most exclusive club in the world, but I wonder, really, if it is so exclusive if someone from a town of 300 people and a high school senior class of 9 students can travel from a desk in that small school to a desk on the floor of the Senate. I think it is more like a quiltwork of all that is American, of all the experiences in our country. It allows someone from a small town with big ideas to sit in this Chamber among the desks that were occupied by Henry Clay, Daniel Webster, Harry Truman, Lyndon Johnson, and so many more, and feel as if you belong. That is the genius of self-government.

I announced about a year ago that I would not seek reelection after serving here 30 years, 12 in the House and 18 years in the Senate. I am repeatedly asked, as is my colleague Senator DODD, I am sure, who is leaving at the end of this year, what is your most significant accomplishment? While I am proud of so many things I have done legislatively, the answer is not legislative. I have always answered it by saying: Well, the first month I was here, 30 years ago next month, I stepped into an elevator on the ground floor of the Cannon Office Building of the U.S. House of Representatives. That step into that elevator changed my life. There was a woman on that elevator, and between the ground floor and the fourth floor, I got her name. And that is a pretty significant accomplishment for a Lutheran Norwegian. This year, we celebrated our 25th wedding anniversary. My life has been so enriched by my wife Kim and children, Scott and Shelly and Brendon and Haley; grandchildren Madison and Mason—they serve too. Families are committed too, to this life of public service, weekends alone, and I am forever grateful to the commitment and sacrifice of my family.

I wish to say two things about some other people as well.

First, there is our staff. All of us would probably say—but, of course, I

say with much greater credibility—I have the finest staff in the U.S. Senate. I have been so enormously blessed. I am so proud of all of them. They are talented, they are dedicated to this country, and I have been blessed to work with them. In fact, I have worked with most of them for many, many years.

Then I wish to say to the floor staff of the Senate that I come here, as do my colleagues, and we say our piece and we get involved in the debates, and the floor staff does such an unbelievable job. When we are done speaking, we often leave. They are still here. They are the ones who turn out the lights. They refrain from rolling their eyes when I know they want to during these debates. Boy, are they professional, and all of us owe them such a great debt of gratitude.

To my colleagues, I kind of feel like Will Rogers: There is nobody in here I do not like.

It is a great place with some terrific colleagues, especially Senator KENT CONRAD. We have been friends for 40 years. For 40 years we have been involved in the political fights and the political battles in North Dakota. He is a great Senator. I said last night at a reception: He is the best Senator in the United States Senate come January. But what I should just say right now is, he is an outstanding Senator and makes a great contribution to this body. Congressman POMEROY, with whom I have served, the other part of Team North Dakota, three of us who worked together on campaigns 40 years ago, in North Dakota and who then for 18 years were the only three members of North Dakota's Congressional Delegation. It has been a great pleasure. We will continue these friendships. But I say thanks to Senator CONRAD especially for the work we have done together.

Now, you know—and it shows—I love politics. I love public service, always have. John F. Kennedy used to say every mother kind of hopes her child might grow up to be President, as long as they do not have to be active in politics. But, of course, politics is the way we make decisions about America. It is an honorable thing. I have always been enormously proud of being in politics. I have run 12 times in statewide elections since age 26. I have served continuously in statewide elective office since the age of 26—never outside of statewide elective office—for a long time, 40 years. It has been a great gift to me to be able to serve, and I am forever grateful to the people of North Dakota who have said to me: We want you to represent us.

Now it is time for me to do some other things that I have long wanted to do. That is why I chose not to seek reelection this year.

Let me be clear to you. I did not decide not to run for the Senate because I am despondent about the state of affairs here. That is not the case. These are difficult and troubling times. But I did not decide not to run and to criticize this institution, although there is plenty of which to be critical. I do not want to add to the burdens of this institution. This institution is too important to the future of this country.

I could talk, by the way, for hours about the joys of serving here with all of my colleagues.

I was thinking about the late Ted Kennedy, when I was jotting a few notes, standing at his desk back in that row for many years. I know no one will mind me saying this: I think he is the best legislator I have ever seen in terms of getting things done. Ted Kennedy, full of passion, and on certain days when he was agitated and full-throated, you could hear him out on the street fighting and shouting for the things he knew were important for America.

I think of Bob Dole who would saunter onto this floor, and he almost seemed to have an antenna that knew exactly what was going on, what the mood was, and what he could and could not do and how you must compromise at certain times. He had a knack like that, unlike any others I have seen.

I think of Strom Thurmond, who left us at age 101. If anybody could know his life story, what an unbelievable, courageous story. One of the things that I remember about Strom Thurmond is my involvement with legislation for organ transplantation to save people's lives. I did a press conference on a bill I was introducing on organ transplants, and Strom Thurmond showed up. I think he was 90 years old. He signed an organ donor card. He said after he signed the organ donor card at age 90: I do not know if I've got anything anybody wants, but if I am gone, they are welcome to it.

Robert C. Byrd, who sat where my colleague is sitting now—they do not make them like Robert C. Byrd anymore. I recall one day when another colleague was on the Senate floor, Robert C. Byrd got very angry about what the other colleague was saying. He believed it was disrespectful. So he rushed up to the Chamber, and the other colleague had left by that time. I do not know that our colleague ever understood what happened to him. But Senator Byrd, being very angry at what the other Senator had said, said simply this: I have been here long enough to watch pygmies strut like Colossus. He said: They, like the fly in Aesop's Fables, sitting on the axle of a chariot observe, my, what dust thy do raise. Then he sat down. And I thought, you know, they do not make Senators like that anymore. The Senator who left did not understand what Senator Byrd had just done, cutting him off at the knees.

But I take a treasury of memories. I should mention as well one of my best friends, Tom Daschle, who served here, a wonderful friend and a great leader for a long while as well. I just take a treasury of memories from this place.

This place, however, has substantial burdens ahead of it, and will have to make good decisions, tough decisions, and exhibit the courage needed for the kind of future we want; we are going to have to put some sacrifice on the line for our country's future.

I want to talk for a bit about a couple of those issues. While there are always big issues, and I have always been interested in debating the big issues, my principal passion has been to support family farmers, small business folks, and the people who go to work every morning at a job; the family farmers out there who live on hope, plant a seed, and hope it grows, who risk everything; the Main Street business owner who this morning got up and turned the key in the front door and went in and waited because they have everything in their financial lives on the line, hoping their small business works; and the worker who goes to a job in the morning every day, every day, and they are the ones who know ''seconds,'' those workers at the bottom of the economic ladder. They know second shift, secondhand, second mortgage. They know it all. The question is, who speaks for them? The hallways outside the Chamber are not crowded with people saying: Let me speak for those folks.

In the first book I wrote, the first page, a book called ''Take This Job and Ship It,'' about trade, on the first page of that book I describe a story that was told about Franklin Delano Roosevelt's funeral. As they lined up in this Capitol to file past the casket of the deceased President, a journalist was trying to capture the mood of people who were waiting in line. He walked up to a man, a worker who was holding his cap in front of him standing there with tears in his eyes, and the journalist said to this working man: Well, did you know Franklin Delano Roosevelt?

The man said: No, I didn't. But he knew me.

The question is, it seems to me, for every generation in this Chamber, who knows American workers? Who stands up for the people who go to work every morning in this country? As I said, there are big issues that relate to workers and farmers and businesspeople and others in this country.

Let me just mention a couple. We know that for America to succeed we have to fix our schools. Thirty percent of the kids going to schools are not graduating. That cannot continue. We cannot have schools that are called dropout factories. We need the best schools in the world with the best teachers in the world if we are going to compete. We need substantial education reform.

We also have to get rid of this crushing debt. We know we cannot borrow 40 percent of everything we spend. We know better than that. All of us know that. We have been on a binge, and it has to change. We cannot borrow money from China, for example, to give tax cuts to the wealthiest Americans. Somehow we have to change all of

these issues. It is time for this country to sober up in fiscal policy and leadership from this Chamber as well.

We need a financial industry that stops gambling and starts lending, lending especially to those businesses that want to create jobs and want to expand. We need a fair trade policy that stands up for American workers for a change and promotes ''made in America'' again. We are not going to be a world economic power if we do not have world class manufacturing capability. It is dissipating before our eyes. This is all about creating good jobs and expanding opportunities in this country. It is not happening with our current trade policy. It is trading away America's future, and we know better than that.

On energy, we have ridden into a box canyon. Sixty percent of the oil we use comes from other countries, some of it from countries that do not like us very much. That holds us hostage, and we cannot continue that. We need to produce more of all kinds of energy at home. We need to conserve more. We need more energy efficiency. We need to do all of these to promote stability and security in this country.

Another issue that I have spent a lot of time working on deals with American Indians. They were here first. We are talking about the first Americans. They greeted all of us. They now live in Third World conditions in much of this country, and we have to do better. We have to keep our promises and we have to honor our treaties. In this Congress, I have had the privilege of chairing the Indian Affairs Committee. This Congress, however, as tough as it has been, has done more on Indian issues than in the previous 40 years. We passed the Indian Health Care Improvement Act, the first time in 17 years. We passed the Tribal Law and Order Act that I and others helped write, which is so very important. We just passed yesterday the special diabetes provisions that are so important to the Indians. We put $2½ billion in the Economic Recovery Act to invest in health care facilities and education and the other things that are necessary in Indian Country.

We just passed the Cobell settlement which deals with a problem that has existed for 150 years in which looting and stealing from Indian trust accounts went on routinely. President Obama signed the bill last night at the White House.

Those five things are the most important elements together that have been done in 40 years by a Congress dealing with Indian issues. But the work is not nearly over, and we have to keep our promises and honor our trust agreements.

We face some pretty big challenges. But the fact is, our grandparents and great-grandparents faced challenges that were much more significant as well, and they prevailed.

All of us in politics especially know the noise of democracy is unbelievable. It is relentless, incessantly negative, and it goes on 24/7. We have bloviaters all over the country who are trying to make sounds from the chest seem like important messages from their brain. They take almost everything they can find in any paper from any corner of this country that seems stupid and ugly and just way out of line, and they hold that up to the light on their program and they say: Isn't this ugly?

Sure it is ugly, but it is not America. It is just some little obscene gesture somewhere in the corner of our country. It is not America. There is this old saying, ''bad news travels halfway around the world before good news gets its shoes on.'' That is what is happening all the time. This country is full of good. It is full of good things, good people, and good news. Every day people go to work to build, create, and invent, and they hope the future will be better than the past.

There was a book titled ''You Can't Go Home Again'' by Thomas Wolfe. He said there is a peculiar quality of the American soul, a peculiar quality of the American soul that has an almost indestructible belief, a quenchless hope that things are going to be better, that something is going to turn up, that tomorrow is going to work out, and somehow that has been what has been the hallmark of American aspirations.

When I graduated college with an MBA degree and got my first job in the aerospace industry at a very young age, the first program or project I worked on was called the Voyager Project. We were, with Martin-Marietta Corporation, building a landing vehicle for Mars. That was 40 years ago. That program was discontinued after about 4 years.

But 5 years ago, the new program resulted in firing two missiles, two rockets from our country, 1 week apart. We aimed them at Mars. One week apart the rockets lifted off with a payload. When they landed, 200 million miles later, they landed 1 week apart on the surface of Mars. The payload had a shroud and it opened and a dune buggy drove off the shroud and started driving around on the surface of Mars. First one did, and then a week later the second arrived. They were named Spirit and Opportunity. Five years ago, we began driving Spirit and Opportunity on the surface of Mars. They were American vehicles. They were supposed to last for 90 days. We are still driving those dune buggies on the surface of Mars 5 years later.

Spirit, very much like old men, got arthritis of the arm. So they say it hangs at kind of a permanent half salute.

Spirit also has five wheels, and one wheel broke. So the wheel didn't break off, but now it is digging a trench about 2 inches deeper on the surface of Mars and the arthritic arm just barely gets there, but it does. It gets back to sample even a slightly bit deeper into the soil of Mars to tell us a little bit about what is going on. Spirit, by the way, also fell asleep about 1 year ago. They couldn't reach it. It takes 9 minutes to communicate electronically, by radio, with these dune buggies on Mars. So they sent a signal to a satellite we have circling Mars and had the satellite send a signal to Spirit and Spirit woke right up. So two dune buggie-sized vehicles are traveling on the surface of Mars driven by American genius.

My point in all this is, first of all, they are very aptly named during challenging times—''Spirit'' and ''Opportunity,'' manufactured to last only 90 days but still driving around on the surface of Mars 5 years later. If American invention and American initiative can build rockets and dune buggies and drive them on the surface of Mars, surely we can fix the things that are important on planet Earth. I was going to say this isn't rocket science, but I guess it is.

This country is an unbelievable place. This is all a call to America's future. Where we have been and what we have done, all these things together ought to inspire us that we can do so much more.

George Bernard Shaw once said:

> Life is no brief candle to me. It is a splendid torch which I am able to hold but for a moment.

This is our moment. This is it.

About 15 years ago, I was leading a delegation of American Congressmen and Senators to meet with a group of European members of Parliament about our disputes in trade. About an hour into the meeting, the man who led the European delegation slid back in his chair, leaned across to me, and he said: Mr. Senator, we have been speaking for an hour about how we disagree. I want to tell you something. I think you should know how I feel about your country. I was a 14-year-old boy on a street corner in Paris, France, when the U.S. liberation Army marched down the Champs-Elysees. An American soldier reached out his hand and gave me an apple as he marched past. I will go to my grave remembering that moment, what it meant to me, what it meant to my family, what it meant to my country.

I sort of sat back in my chair, thinking, here is this guy telling me about who we are and where we have been and what we have meant to others. It was pretty unbelievable. Our problems are nothing compared to where we can go and what we can be as a country, if we just do the right thing.

This Senate has a lot to offer the American people. I know its best days are ahead. That splendid torch, that moment, that is here. That torch exists in this Chamber as well.

I feel unbelievably proud to have been able to serve here with these men and women for so long. I am going to go on to do other work. But I will always watch this Chamber and those who will continue to work in this Chamber and do what is important for this country's future. I will be among the cheerleaders who say: Good for

you. Good for you. You know what is important, and you have steered America toward a better future.

I thank my colleagues.

(Applause, Senators rising.)

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. CONRAD. Mr. President, we have just heard from Senator DORGAN, an extraordinary Senator and even more extraordinary as a friend. He has served in the Congress for 30 years. He has served in public office in my State for more than 40 years. It has been my privilege to call him my best friend for 42 years. We just heard the remarkable ability he has, a gift, to paint word pictures that communicate with people, that help us understand the consequences of the actions we take here.

In recent weeks, I have become very interested in the universe and the vastness of what surrounds us. One of the things I have found most striking is that 1 light-year takes light 1 year, it goes 5.8 trillion miles and the universe is 12 to 15 billion light-years across. This is a vastness that is hard for us to calculate. Scientists tell us it all started with a big bang almost 14 billion years ago. Now scientists are saying it may not just be one big bang but there is a cycle that takes place over 1 trillion years that leads to repeated big bangs. BYRON DORGAN has been a big bang in the Senate. He has made a difference here. He has made an enormous difference in our home State of North Dakota. He helped build a foundation that has made North Dakota, today, the most successful State in the country—the lowest unemployment, the best financial situation, the fastest economic growth. BYRON DORGAN helped build a foundation that has transformed our State. We are forever in his debt.

As his friend and colleague, we are forever grateful to the contributions he has made to North Dakota and to the Nation.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I associate myself with the remarks of the Senator from North Dakota and add my voice as well to celebrate Senator DORGAN's tenure in the Senate. I wish he was going to stay. He has been someone about getting things done. As somebody who has sat in the presiding chair a number of times, I have heard Senator DORGAN. Even when I don't fully agree with him, no one is more persuasive in arguing his case.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

TRIBUTES TO RETIRING SENATORS

ROBERT BENNETT

Mr. REID. Mr. President, I am sorry I was tied up in other matters today and not able to hear speeches of some of our Senators who are departing. I will have more to say at a later time. I did want to say on two of the Senators, I watched some of their remarks.

Senator BENNETT from Utah is a very dear friend of mine. We have traveled around as Members of the Senate, visiting places all over the world. His wife Joyce is an accomplished artist. She is a flutist. She is well known here and in Utah. Senator BENNETT is a very courageous man. What a disappointment he was not reelected. I am not usually giving speeches for my Republican colleagues, but it is a real loss to the country that Senator BENNETT will not return to the Senate. He is a very courageous man. He represents the ideals of the State of Utah. He is a very devout member of his church. He is a person who calls his political issues the way he sees them. His having been criticized for supporting his President, a Republican President, on the Toxic Asset Relief Program is unfair. This was one of the most important issues we faced in ages in this country, and I think the proof is in the pudding. Of the hundreds of billions of dollars—almost $1 trillion—that were put out for that fund, all but $25 billion is paid back and most of the economists say we will get more than that back from some of the things that were invested in.

I admire the public service of Senator BENNETT. It has been outstanding. It meets the accomplishments of his father who also served very well in the U.S. Senate. I am going to miss him a great deal. What a wonderful human being. He is an author. He has in the past been a very successful businessman, and I think one of the most accomplished legislators I have had the pleasure to deal with.

BYRON DORGAN

BYRON DORGAN from North Dakota is such a fine person. He for many years has had the same job I had under Senator Daschle, the head of the Democratic Policy Committee, and he rendered valuable service to the caucus, to the Senate, and the whole country in his capacity there. We served together in the House of Representatives. We have traveled together. His wife Kim is such a fine human being. I am going to miss BYRON. He is and has been one of my close advisers, close friends. I hope I am not being boastful here, but I don't think Tom Daschle had two better friends in the Senate than DORGAN and REID. We were very close to him. We admired our friend Tom Daschle and did everything we could to make his life here as pleasant as possible.

As far as being a good speaker, he is very good. He has a unique way of communicating that very few people I have known have had. He is someone who, as far as the finances of this country and the world, is without peer as a legislator. He knows it all, and he has a way of articulating his views that is unique and I think very powerful. So I am going to miss BYRON DORGAN very much. He is a wonderful human being. I care a great deal about him. I have watched his son and daughter grow up. They are in college now. I remember them when they were little kids. In fact, my son Key, who was a fine athlete at the University of Virginia, when he was playing on those national champion soccer teams at the University of Virginia, gave BYRON's son Brendon a few soccer lessons. So I am grateful for the friendship of Senator BENNETT and Senator DORGAN.

JIM BUNNING

Senator BUNNING, I of course admire because of his great athletic skills. He is a member of the Baseball Hall of Fame. To think I have had the opportunity to serve in the Senate with one of the great pitchers of all time. I love talking to JIM BUNNING about his baseball days. Some of the stories he has told I have repeated many times and I will never forget them. One of the things he said that I have repeated on a number of occasions—JIM BUNNING was a great pitcher, an All-Star with no-hitters in both leagues. But he has some humility, because he said there was Sandy Koufax and there was the rest of us. He and I don't vote often the same way, but he is a man who has a strong opinion, and I am going to miss JIM BUNNING and the ability for me to talk to him about his athletic feats. I certainly wish him well in whatever his endeavors may be in the future.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011—MOTION TO PROCEED—Resumed

Mr. REID. Mr. President, discrimination has never served America very well. When it applies to those who serve America in the Armed Forces, it is both disgraceful and counterproductive.

The theory behind don't ask, don't tell is a thing that happened way in the past. The theory behind this should be a thing of the past, and we should put the policy behind us. It is obsolete, it is embarrassing, and it weakens our military and offends the very values we ask our troops to defend. We need to match our policy with our principle and finally say that in the United States, everyone who steps up to serve our country should be welcomed. That is the only argument that is right and it should be enough.

That is not the only reason we should repeal it. Repealing it will make our military stronger. It doesn't make America safer to discharge troops with critically needed skills, and that is exactly what has happened. This policy is responsible for the discharge of about 14,000 highly qualified service men and women—people whom we have spent millions of dollars training—and we never will know how many wanted to sign up but stayed away because of don't ask, don't tell. It doesn't make us stronger to limit military readiness of an all-volunteer force. Don't ask, don't tell doesn't help morale; it hurts morale.

The other side may feel passionately that our military should sanction discrimination based on sexual orientation, but they are clearly in the minority and they have run out of excuses. The Chairman of the Joint Chiefs of Staff supports repealing it. So does the Secretary of Defense. The vast majority of the military say that it would not oppose repeal. The majority of Americans support repealing it too. There is simply no evidence and no justification—legal, military, or otherwise—for keeping this policy in place. There is no reason to keep America's citizens from fighting for a country they love because of whom they love.

The next Speaker of the House has asked why we would get into this debate. He said, Why should we get into this debate during a time of two wars and ongoing security concerns? I think wartime is exactly the right time to do everything we can to strengthen our military. It couldn't be a better time.

What opponents of don't ask, don't tell don't want to ask is what this policy tells us about equality between our principle and our practice. We can no longer ask our troops to die for a flag that represents justice and ask them to be false to themselves while they do it.

The other side knows it doesn't have the votes to take this repeal out of the Defense Authorization Act, so they have been holding up this bill for a long time—for months. And the latest—the Chair certainly has known about it—is a letter from 42 Senators in a further effort to stall this legislation, saying we have to finish the tax bill and we have to finish the spending bill before you can do anything of a legislative nature. What kind of sense is that, when we are so crammed with things to do? With all the things we have to do, why would they do that, other than simply trying to avoid it, and they have been doing it for a long time. We tried every possible way to move forward. When they refuse to debate it, they also hold up the other good and important, urgently needed parts of the bill. It is not only don't ask, don't tell.

The bill before us contains an across-the-board pay raise for all of the members of the military. More than that, we authorized over 35 different bonuses and special pay incentives that our troops depend on to make ends meet. Let me be clear: Failure to pass this bill means our troops will lose these benefits.

The chairman of the Armed Services Committee was on the floor today saying if we don't do it today, we can't do it. In fact, everyone knows they have stalled this so long, they have stalled this so long that meeting cloture—the average time for a conference committee on this bill is 70 days—70 days; not 7, 70 days.

The bill also contains provisions that would expand health care for troops and their families and significantly enhance mental health care for servicemembers returning from Iraq and Afghanistan. It would fund critical troop protection needs such as MRAPs and up-armored humvees, which are desperately needed on the battlefield. It would support critical missions in Afghanistan, including expanding intelligence collection efforts, disrupting Taliban finances, and building the Afghan National Army so that Afghanistan can take responsibility for its own security. These are not minor or unimportant issues. These are life-and-death matters for real Americans risking their lives for us, for our defense. We ask our troops to trust us and fight for us and be brave enough to stand in the line of fire. When we send our troops into battle, we do so because we believe strongly that we stand on the right side of history. We have to believe that, because we know the consequences of war and the terrible burdens it carries.

Not far from here—I hope the Presiding Officer has the opportunity to see this during his tenure here in the Senate—is the Congressional Cemetery. It is worth going and seeing. It is 2 miles southeast of where we stand right now on the banks of the Anacostia River. It is a final resting place of veterans of every war this Nation has ever fought. It is not Arlington. It is the Congressional Cemetery. It is also where 19 U.S. Senators, more than 70 Congressmen, a former Speaker of the House, and a former Vice President are buried. One tombstone there belongs to an Air Force sergeant who fought in Vietnam. He became famous shortly after that war ended when he tried to be in the military and out of the closet at the same time.

He lost that fight. His tombstone at Congressional Cemetery reads as follows:

> When I was in the military, they gave me a medal for killing two men and a discharge for loving one.

America is better than that. When it comes to equality in the military, we know which side is the right side of history. The only question is whether we are brave enough to stand there.

In a few moments, I will move to reconsider the motion to proceed to this bill. This legislation is critical for our troops, and it is unconscionable to leave here without passing it. I bent over backward to find a way to get this bill done. It is clear that Republicans—a few of them—don't want to vote on repealing don't ask, don't tell. They are all doing what they can to stand in the way of the bill. They want to block a vote on this issue at all costs, even if it means we do not pass the Defense authorization bill for the first time in 48 years, even if it means our troops don't get the funding and protections they need.

What we have gone through to try to get this bill on the floor reminds me of a story—it is not a story; it is an experience I had as a boy. I don't know how old I was. Let's say I was about 11. As everyone knows now, I was born in a little town on the southeastern tip of Nevada. I never traveled anyplace. I was a teenager before I went to Needles, CA, which was about 50 miles from Searchlight.

My brother, 10 years older than I, got out of high school and got a job in Ash Fork, AZ, working for Standard stations. It was a big deal that he was going to take his little brother there to spend a week. I was excited. It was wonderful. Ash Fork was quite a ways from Searchlight—a couple hundred miles. But the reason I am telling you this story is that my brother was busy after work with his girlfriend—more so than with his little brother—so he palmed me off a lot of the time on his girlfriend's brother, who was a little bit older than I. There wasn't a thing in the world her little brother could do as well as I could. In all the games we would play, do you know something? I never won a single game. Why? Because he kept changing the rules during the game. It didn't matter what the game was, he kept changing the rules. So I was always the loser.

Well, that is what is happening here on this bill. It doesn't matter what I do; before we get to the end of it, they change the rules again. How about four amendments—two on each side? No. Anyway, we have gone through all these different iterations and everything. No, we can't do it.

I have already tried to bring this bill to the floor twice this year. In fact, I offered to bring it up this summer, with no restrictions, but the Republicans refused this request. It is just like I talked about my trip to Ash Fork, AZ, where I could not win because the rules kept being changed—because my friends on the other side of the aisle blocked both of these attempts. Now we are trying to get this bill done in a lameduck session when everybody knows we have so much to do and we don't have time for unlimited debate. Some of the requests have been really unusual. Seven days of debate. Think about that. Seven days of debate in a lameduck session. I have tried my best to find a way forward that would ensure a fair and reasonable opportunity for colleagues on the other side to offer and vote on amendments.

Over the last 20 years, we have had rollcall votes on an average of 12 amendments during consideration of the Defense authorization bill. So in an

effort to be as fair as possible, I have made it clear to my colleagues that I am willing to vote on 15 relevant amendments, 10 from the Republicans and 5 from the Democratic side—some Democrats don't like that, but we would do it—with ample time for debate on each amendment, but we never can get enough time. We started out with an hour, but that is not enough. My colleagues on this side of the aisle are demanding even more time—time they know is not available. There are not enough days in this calendar year to do what the minority is asking, and they know this. They want the tax and the spending bills done first, as we have talked about. At the same time they say we need to wait, they say they need as much time as possible to consider the bill. It is impossible to do both. It is illogical and unreasonable. It is quite clear that they are trying to run out the clock. Senator LEVIN said here this morning that they probably would have done it anyway. That is too bad.

I want to be clear that my remarks should in no way be taken as a criticism of my colleague from Maine, Senator COLLINS. Quite the contrary. She has tried. I have respect for her, and I have worked with her as the only Republican on a number of occasions—and two or three others on occasion—to try to move forward on many of the Nation's top priorities. I believe she has been doing her very best. But for her I would not have been able to get any of these arrangements that they turned down. At the same time, members of her caucus are working equally as hard to defeat this measure at all costs.

In my effort to get this done, I don't know how I could have been more reasonable. Despite the critical importance for our troops, for our Nation, and for justice that we get this bill done, we have not been able to reach an agreement. I regret that our troops will pay the price for our inability.

I now move to reconsider the vote that has previously been made on this matter.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President——

Mr. REID. It is nondebatable. Mr. President, I ask unanimous consent that the motion to proceed to the motion to reconsider the vote by which cloture was not invoked on the motion to proceed to S. 3454 be agreed to, the motion to reconsider be agreed to, and the Senate now vote on the motion to invoke cloture on the motion to proceed to S. 3454, upon reconsideration.

The PRESIDING OFFICER. Is there objection? The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Ms. COLLINS. Mr. President, if I could ask the majority leader a question through the Chair.

Unfortunately, I was not able to hear the majority leader's speech, for which I apologize. I was in a meeting, and as soon as I found out he was speaking, I rushed to the floor. I want to make sure, since this is an important bill and an important issue, that I understand precisely what it is the majority leader is proposing. So I ask through the Chair whether the majority leader is proposing a procedure where there would be no amendments and the tree would be filled or whether the majority leader is proposing an agreement that he and I and Senator LIEBERMAN discussed yesterday, which would have allowed for 15 amendments, 10 on the Republican side and 5 on the Democratic side. Again, if the majority leader explained this and I missed it, I apologize. I received conflicting information about how the majority leader intends to proceed on this important bill.

I note that we have been in quorum calls for hours during which we could have proceeded to the tax bill and started working on it, and we could be working this weekend as well.

But I would very much appreciate hearing from the majority leader exactly what his intent is.

Mr. REID. Mr. President, I hope my friend heard the nice things I said about her in my statement.

Ms. COLLINS. Unfortunately, I missed those as well.

Mr. REID. They were pretty good. I want to be very candid with my friend. In an effort to do the things the Senator from Maine and I talked about with Senator LIEBERMAN on a number of occasions, including yesterday and the day before, all of those require filling the tree, every one of them. That is just the way it is. The only way we can have some control over amendments is to do it that way.

The answer to my friend's question—would I fill the tree—the answer is yes.

Ms. COLLINS. Mr. President, if I could pose a further question to the majority leader through the Chair, I understand what the majority leader is saying, but as he discussed his plan with me, he would, in fact, allow 15 amendments—10 to be offered on the Republican side that would be amendments of the Republican side's choice as long as they were relevant to the bill—and he would ensure that there would be votes on those amendments. So I am confused when I hear he is going to fill the tree because that implies to me that he would not be allowing those 15 amendments we discussed—10 on our side, of our choice, as long as they were relevant to the bill. So I am truly trying to find out what the agreement is.

Mr. REID. The agreement is that I have made a number of different offers and have made other suggestions. In direct answer to the Senator's question, we have to fill the tree, of course. We have to work through the amendments. I tried to come up with some agreement on amendments and time and what some of the amendments would be. That is how we always do things here.

I will also say this: I have had kind of a hard thing to work through because all I have worked on in the last few weeks has been with the overhanging problem of not—42 Republicans, in a letter, have said: You are not going to do anything legislatively. Mr. President, they have proved that they are not allowing us to do anything legislatively. Certainly, this is a legislative matter.

I think I have been as clear as I can be. I, of course, would be willing to work on the amendment process with my friend. But as far as agreeing to something right now, I cannot do that.

Ms. COLLINS. Mr. President, it seems evident to me that, unfortunately, the majority leader is not pursuing the path we discussed, or at least that is my interpretation of what he is saying. I think that is so unfortunate.

I want to vote to proceed to this bill. I was the first Republican to announce my support for the carefully constructed language in the Armed Services Committee that would repeal don't ask, don't tell. But that is not all that is in this bill. This is an enormously important bill to our troops in Afghanistan and Iraq. It authorizes a pay raise that is important to my home State. It is a vitally important bill.

I just do not understand why we can't proceed along a path that will bring us to success and that will allow us to get the 60 votes to proceed, which I am willing to be one of those 60 votes. I thought we were extremely close to getting a reasonable agreement yesterday that would allow us to proceed. I was even willing to consider a proposal by the majority leader that we would start the DOD bill and then go to the tax bill, finish the tax bill, and then return to finish the DOD bill. I think there is such a clear path for us to be able to get this bill done, and I am perplexed and frustrated that this important bill is going to become a victim of politics. We should be able to do better.

Senator LIEBERMAN and I have been bargaining in good faith with the majority leader. He, too, has been creative in his approaches.

So I just want to say that I am perplexed as to what has happened and why we are not going forward in a constructive way that would lead to success.

Mr. REID. Mr. President, as I stated in my remarks earlier, this is not any kind of a legislative wrangle I am having with my friend from Maine. She has been the only person I could talk to about this legislation. I appreciate her time and efforts. But the only way we can do this—and we do it all the time—is I fill the tree and we will try to work through the amendments with some agreement after that is done. This has been taking months to do—months. The time has come, as Senator LEVIN said, to stop playing around.

Mr. President, I simply make the following request: I ask upon reconsideration, cloture is invoked—the reason I

do this, we can get to where I want to go. It takes three votes. We can do it with three votes or one vote. Upon reconsideration, cloture is invoked on the motion to proceed. Then the Senate can proceed to the bill and would be able to enter into an orderly process for consideration of the bill, allowing different amendments. We have already been through that. There is no need to go through that number. But we have talked about 15—5 from us, the Democrats.

So I make my request. I ask unanimous consent that the motion to proceed to the motion to reconsider the vote by which cloture was not invoked on the motion to proceed to S. 3454 be agreed to, the motion to reconsider be agreed to, and the Senate now vote on the motion to invoke cloture on the motion to proceed to S. 3454, upon reconsideration.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, did the Chair rule on my request?

The PRESIDING OFFICER. Is there objection to the request?

Hearing no objection, it is so ordered.

CLOTURE MOTION

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

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 414, S. 3454, the National Defense Authorization Act for Fiscal Year 2011.

Harry Reid, Carl Levin, Tom Udall, Jack Reed, Barbara A. Mikulski, Jon Tester, Al Franken, Richard J. Durbin, Byron L. Dorgan, Jeanne Shaheen, Frank R. Lautenberg, Sheldon Whitehouse, Benjamin L. Cardin, Roland W. Burris, Jim Webb, Daniel K. Akaka, Bill Nelson.

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 3454, the Department of Defense authorization bill, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Arkansas (Mrs. LINCOLN) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Texas (Mr. CORNYN).

Further, if present and voting, the Senator from Texas (Mr. CORNYN) would have voted ''nay.''

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

The yeas and nays resulted—yeas 57, nays 40, as follows:

[Rollcall Vote No. 270 Leg.]

YEAS—57

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

NAYS—40

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

NOT VOTING—3

Brownback	Cornyn	Lincoln

The PRESIDING OFFICER. On this vote the yeas are 57, the nays are 40. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

VOTE EXPLANATION

Mrs. LINCOLN. Madam President, I wish to note that on the last vote, vote No. 270, due to circumstances way beyond my control, I was unable to be here and wish to be recorded or considered as having voted on the reconsideration of the motion to proceed to S. 3454. I wish to be considered—I wish to have been recorded as voting ''yes.''

Apparently, I cannot be recorded, and I understand that. I just wanted to make note that had I been here I would have voted ''yes.''

The PRESIDING OFFICER. The RECORD will so note.

Mrs. LINCOLN. Great. Thank you, Madam President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

UNANIMOUS CONSENT REQUEST—S. 3463

Mr. LEAHY. Madam President, I have alerted the other side I am about to make a unanimous consent request on an important piece of legislation. Unfortunately, in the last couple of years we have gotten into this habit of: Nobody wants to vote yes or no, they want to vote maybe. It is easier to block things from even being considered.

Frankly, in my State of Vermont people expect if they elect you to the Senate that you have the courage to vote yes or no, but not maybe.

We just saw another example of this. We cannot even get a yes-or-no vote on Defense authorization at a time when our Nation is in two wars. We cannot get a yes-or-no vote; we get a maybe.

I find it frustrating. Over and over we have done it today. People are prepared to vote yes or no, but the other side says, no; it is easier to vote maybe. Then you never have to explain anything.

We all know what has happened in the Deepwater Horizon BP spill. A number of brave families' members were lost. I would note for the sake of the Senate, if they had been building the Deepwater Horizon drilling platform, and they were assembling it on land and something was negligently done and someone lost their life, they could recover for the value of the life. Because of a quirk in the law, because it happened at sea, even though it may have been caused by the same thing, these people—their lives are almost valueless. There is a way to fix them. We have drawn, after months of negotiation, a very tightly put together piece of legislation that will only affect the families of the 11 hard-working men who died when the Deepwater Horizon was destroyed. I am going to make this so we can vote yes or no and not maybe.

I ask unanimous consent that the Senate Committee on Commerce, Science and Transportation be discharged from further consideration of the Survivors Equality Act, S. 3463; that the Senate proceed to its immediate consideration; the Rockefeller-Leahy amendment that is at the desk be adopted; the bill, as amended, then be read a third time and passed; the motions to reconsider be laid upon the table; and all statements and the text of the amendment that has been hotlined for more than a week be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. DEMINT. Reserving the right to object, this is a nation of laws not of men. It destroys that whole foundation of our legal system when we make retroactive law. This bill has not been vetted properly by a committee. Again, it undermines our whole system of the rule of law. So I am compelled to object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Vermont.

Mr. LEAHY. Madam President, of course, this bill has been given an enormous amount of scrutiny by both Republicans and Democrats. Six months ago, I introduced the Survivors Equality Act, S. 3463, with Senator DURBIN and Senator WHITEHOUSE, to help the families of those who die on the high seas. In fact, the day of the hearing, we had Michelle Jones, pictured here, in our mind when we held that hearing.

That same day, June 8, the Judiciary Committee held a hearing on the liability cap that harms victims' families. We heard testimony from Michelle Jones's brother-in-law, Chris Jones. He is the brother of Gordon Jones, one of those who died aboard the Deepwater Horizon. It was very moving testimony. I think everybody, both parties, felt the emotion in that room.

A few weeks later, the Commerce Committee also held a hearing on the same matter. I think it is unfortunate and a slam to the families to say that this matter has not been vetted. The Commerce Committee also had a hearing. Then we had months and months of work, Republicans and Democrats meeting, trying to make as tightly drawn piece of legislation as possible.

After these months and months of work, I hope the Senate is finally going to do justice to the families of the men who died when the Deepwater Horizon exploded in the Gulf of Mexico. At least stand up and say yes or no. Vote either to give them justice or vote not to give them justice. Do not do this unfortunate habit we are getting into of voting maybe. Let's not vote on this bill. Let's not take a position one way or the other. We will object to the bill coming up.

It allows everybody to be a maybe. It allows people to go and say: Well, we are so sympathetic for your family. We wish we could help your family. Certainly, if the bill comes up, I may vote.

Well, we have a whole lot of people ready to vote for the bill. Vote yes; vote no. That is what I have been trying to do since that catastrophic event. We did have a lot of negotiations, and we did have to whittle it back at the request of people on the other side of the aisle. The proposal has been so narrow that it will help only the families of the 11 hard-working men who died when the Deepwater Horizon oil rig exploded last April.

So by saying there are a lot of things that can be done for them if one second before that oil rig left land when it was being constructed, if it exploded there and they lost their lives, but it is a different rule if you have gone 100 yards further, a few seconds later, and you are at sea.

That is why I came to the floor today to seek the Senate's consent to pass this legislation without further delay. It is designed to provide a more equitable remedy under the Death on the High Seas Act, the Jones Act, for the survivors of those killed on Deepwater Horizon. When I refer to it as the difference between when it is on land or on sea, as the law is now, the families will be given far less protection simply because their loved ones died on the open seas rather than if they had died in a well, for example, if they are working at a well and there is an explosion, but the well is on land.

That is not fair. It reminds me of an earlier era in our history. The law should be modernized for those families without further delay. Of course, I would like the modernization to be broader, to cover victims on cruise ships, for instance. Some here in this body have objected to covering victims on cruise ships.

That is why I said: OK. You might not be willing to cover victims in other accidents on the high seas, but at least the U.S. Senate should not turn its back on the families of these 11 men.

I am also concerned about timeliness. These victims' families' claims have been unnecessarily delayed because they are thoughtlessly lumped in with thousands of other claims for economic damage. It should be pretty easy to spot the 11 where the people died. This legislative proposal, on which I have worked with Senators ROCKEFELLER, WHITEHOUSE, and others, would ensure fairness and timeliness for these families. We have had strong bipartisan support. We have a number of Republicans who support this legislation. Senators on both sides of the aisle have heard from these families. They understand the inequities they face. The proposal has been circulating through the Senate for more than a week. It should not be stopped. Let us vote yes or no. If you don't like this legislation, vote against it. But don't vote maybe. Don't have the Senate give that kind of procedural slap in the face to these families by saying: We don't have the courage to vote yes or no so we are going to vote maybe.

Time is running out for these 11 families to know they are going to be treated fairly and not be forced to wait for years to see if their losses are addressed. The legislation only applies to the Deepwater Horizon disaster, the largest oil spill in our Nation's history. Let us act for the widows and children of these men before we head home to be with our own families during the holiday season. They need our help now. We should at least be able to agree to this limited fix. Again, vote yes or vote no. Don't vote maybe. Stop the months of delay. There is no justification for the failure to act on this deeply personal tragic issue. It has been pending for months. Both sides have been running hot lines on it for more than a week. It is a 5-page proposal. It is easy to understand.

I will never forget the testimony of Chris Jones before the Judiciary Committee. His father was sitting there. He talked about his brother losing his life and meeting his brother's widow Michelle Jones. Michelle has lost the love of her life, but her two young sons have lost their father.

This is not about politics. This should not be partisan. This is about justice for these kids who are facing a Christmas without their fathers, justice for widows who want closure, who are bravely fighting for their families.

Can we not at least once in this body not vote maybe but have the courage to vote yes or no, not hide behind an objection to a bill coming up that many Republicans and Democrats support, at least allow people to be on record?

Look at this family, say: I am going to vote yes or no, not, gee, I don't have time. We just voted maybe. I think it is unfortunate. It shows disdain for these families. I regret the objection.

I ask unanimous consent that the draft of the Rockefeller, Leahy, and Schumer amendment be printed in the RECORD.

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

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Fairness in Admiralty and Maritime Law Act''.

SEC. 2. AMENDMENT OF SHIPOWNERS' LIABILITY ACT OF 1851.

(a) GENERAL LIMIT OF LIABILITY.—Section 30505(c) of title 46, United States Code, is amended to read as follows:

''(c) CLAIMS NOT SUBJECT TO LIMITATION.—Subsection (a) does not apply—

''(1) to a claim for wages; or

''(2) to a claim for personal injury or wrongful death arising from the blowout and explosion of the mobile offshore drilling unit *Deepwater Horizon* that occurred on April 20, 2010.''.

(b) CONFORMING AMENDMENT.—Section 30511(c) of title 46, United States Code, is amended by inserting ''that are subject to limitation under section 30505'' after ''question''.

SEC. 3. AMENDMENT OF THE DEATH ON THE HIGH SEAS ACT.

(a) CAUSE OF ACTION.—Section 30302 of title 46, United States Code, is amended by inserting after the first sentence the following: ''If the death was attributable to the blowout and explosion of the mobile offshore drilling unit *Deepwater Horizon* that occurred on April 20, 2010, the action may be brought in law or in admiralty.''.

(b) AMOUNT AND APPORTIONMENT OF RECOVERY.—Section 30303 of title 46, United States Code, is amended by adding at the end the following: ''If the action under this chapter arises from the blowout and explosion of the mobile offshore drilling unit *Deepwater Horizon* that occurred on April 20, 2010, the recovery may include fair compensation for nonpecuniary loss, plus a fair compensation for the decedent's pain and suffering. In this section, the term 'nonpecuniary loss' means the loss of care, comfort, companionship, and society.''.

(c) DEATH OF PLAINTIFF IN PENDING ACTION.—Section 30305 of title 46, United States Code, is amended by adding at the end the following: ''If a civil action in law is pending in a court of the United States to recover for personal injury caused by wrongful act, neglect, or default described in the second sentence of section 30302 of this title and the individual dies during the action as a result of that wrongful act, neglect, or default, the personal representative of the decedent may be substituted as the plaintiff and the action may proceed under this chapter for the recovery authorized by this chapter.''.

SEC. 4. AMENDMENT OF JONES ACT.

Section 30104(a) of title 46, United States Code, is amended by adding at the end the following: ''If the action under this chapter arises from the blowout and explosion of the mobile offshore drilling unit *Deepwater Horizon* that occurred on April 20, 2010, the recovery for a seaman who dies may include fair compensation for nonpecuniary loss, plus a fair compensation for the decedent's pain and suffering. In this section, the term 'nonpecuniary loss' means the loss of care, comfort, companionship, and society.''.

SEC. 5. MULTIDISTRICT LITIGATION FOR CERTAIN CIVIL ACTIONS.

(a) IN GENERAL.—Chapter 303 of title 46, United States Code, is amended—

(1) by redesignating section 30308 as section 30309; and

(2) by inserting after section 30307 the following:

"§ 30308. Multidistrict litigation for certain civil actions

''(a) IN GENERAL.—A plaintiff in a covered civil action brought under chapter 301 or this chapter may elect to have the claims of that plaintiff—

''(1) severed from all other claims in the covered civil action; and

''(2) not be subject to section 1407 of title 28 or any similar provision of State law.

''(b) COVERED CIVIL ACTION DEFINED.—In this section, the term 'covered civil action' means a civil action for damages for personal injury or wrongful death arising from the blowout and explosion of the mobile offshore drilling unit *Deepwater Horizon* that occurred on April 20, 2010.''.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 303 of title 46, United States Code, is amended by striking the item relating to section 30308 and inserting the following:

''30308. Multidistrict litigation for certain civil actions.

''30309. Nonapplication.''.

SEC. 6. EFFECTIVE DATE.

The amendments made by this Act shall apply to—

(1) causes of action and claims arising after April 19, 2010; and

(2) actions commenced before the date of enactment of this Act that have not been finally adjudicated, including appellate review, as of that date.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent to engage the chairman in a brief colloquy regarding this legislation.

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

Mr. WHITEHOUSE. I thank him for his leadership, for his compassion. I was proud to join him as a cosponsor of his legislation. It is disturbing to me that his effort to speak for these families who have lost their loved ones has fallen on deaf ears and on a procedural objection that could just as easily have not stood. As we stand here in this empty room, where right now we could be voting on help for these 11 families, instead, we are milling about, killing time and waiting for something to happen.

I want to ask the chairman: If this oil rig that exploded and burned had been on land and these same 11 workers had been killed, would they be treated differently and far more generously, and would their families be treated differently and far more generously than in this actual case just because it happened to be out in the ocean as a deepwater drilling rig?

Mr. LEAHY. Madam President, the Senator is absolutely correct. When we held these hearings, he was an indispensable part. This is an inexplicable anomaly of the law that reflects a different era. Had they been assembling, for example, this oil rig, had they had it on land and it exploded, they would be able to recover as anybody could. If it was an onshore oil rig—of course, we have many in this country and throughout the world—if they had been working on that and there had been an explosion and they lost their lives, there would have been remedies available. But because it was at sea and even if it is just barely at sea, the remedies are entirely different. To put it in laymen's terms, they are basically limited to the value of what is left. Of course, there is nothing left.

Mr. WHITEHOUSE. Under the circumstances of this case, I know the objection was founded upon concern that this would defeat the expectations of potential defendants who might otherwise have to pay this verdict. As I understand it, the two most likely responsible parties—indeed, the one already decreed by the government for pollution purposes to be the responsible party—are BP and Halliburton, two enormous multinational corporations. If I am not mistaken, what we have done today is to send 11 American families, whose father, brother, or husband was lost through no fault of that individual from a tragic accident that has been described as being the result of real ineptitude and very poor safety practices out on that rig by big corporations, we are now taking the side of BP and Halliburton against those 11 families here on the eve of the Christmas holidays, taking away rights they would have if this accident had happened on the land.

My question is, don't we think that BP and Halliburton could afford this? It is not as though it is the little Sisters of Mercy whom we are going to put out of business if we allow this to go forward.

Mr. LEAHY. The Senator is correct. Basically what the Senate has said is, we will protect British Petroleum and Halliburton over the rights and needs of the families of 11 men who died because of negligence. Is this what the Senate has come to? Is this what it has come to? By our failure to even vote, our unwillingness to stand up and vote, our effort to do a maybe instead of a yes or no, we are sending a Christmas present. I suppose we should say Merry Christmas, British Petroleum, Merry Christmas, Halliburton. We protected you and saved you from having to pay for your negligence. That is a pretty cold signal to send to these families of the 11 men who died.

Frankly, as I have often said, the Senate should be the conscience of the Nation. How do we express our conscience when we don't even have the courage to vote yes or no on a matter of this significance?

Mr. WHITEHOUSE. I thank the chairman for his leadership and for his compassion. I am proud to join him today in this effort.

I yield the floor.

MORNING BUSINESS

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

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

The Senator from Colorado.

DEFENSE AUTHORIZATION

Mr. UDALL of Colorado. Madam President, we have again witnessed gridlock at its worst on the heels of the vote that just concluded. When the Senate was given a chance to lead on critical issues crucial to our national security, to our troops and to our leadership in the 21st century, the Senate let politics obstruct progress that we should make.

This is the second time this year we have prevented ourselves, if you will, from debating critical national security issues. Like so many other debates that we wanted to have this year, this one was derailed by obstruction before it even began.

The last time the minority party blocked debate of a national defense authorization act, they argued that the DREAM Act should not be considered as an amendment to the bill and that we needed to wait on the report of the Pentagon study group on how to repeal don't ask, don't tell before we can vote on the broader bill.

This time we did consider the DREAM Act in a separate vote and this time, after voting today, we voted after the Pentagon's task force on don't ask, don't tell has weighed in with the most comprehensive review of a personnel policy that DOD has ever conducted on any policy being proposed. But the obstruction continues. There are new excuses this time. Opponents now say we need to extend tax breaks before we can consider legislation necessary to ensure our national security. It doesn't seem to matter to those who voted no today that the Pentagon study group looking at repeal confirmed what many of us have been saying for years, that don't ask, don't tell can be overturned without disrupting our Nation's military readiness. It doesn't seem to matter to these opponents that Secretary Gates, Admiral Mullen, and a host of other military and civilian leaders believe that repeal by a Federal judge would be far more disruptive and damaging to readiness and morale than repeal through legislation that has been thoughtfully and comprehensively drafted by the Congress. This wide-ranging and highly respected group of military and civilian leaders has strongly urged us, the Senate, to act on this Defense authorization bill this month.

Unlike what some on the other side of the aisle have claimed, the repeal language in this legislation respects the Pentagon's timeline and it gives our military leaders the flexibility they say they need to implement repeal in a way that tracks with military standards and guidelines. The best way to change the policy is for elected representatives—that is us—to pass the

legislation before us now and to do it this year.

But the vote we just had means we will have no debate on don't ask, don't tell. And just as importantly—and I know the Presiding Officer serves on the Foreign Relations Committee—it thwarts a serious discussion about pressing national security issues. Imagine that. We are prevented from debating fundamental national security concerns at a time of two wars. People in my State of Colorado do not understand such obstruction, and I do not think Americans all across the country do.

This is further illuminated because every year for nearly a half century, Congress has taken up and passed a bill renewing our defense policies for the Nation for the coming year. That is 48 years consecutively. And this Defense authorization bill, like all those that came before it, is as critically important as the 48 that have preceded it. It provides funding for our military operations in Afghanistan and Pakistan and Iraq. It supports our servicemembers and keeps Americans safe through needed resources and policies, including fair and competitive pay and benefits for our men and women in uniform.

The bill also includes many important provisions directed at the health and needs of our servicemembers' families. Specifically, if I might, I want to mention a provision I authored with help from other of my colleagues which would extend health insurance for military families, enabling children of active-duty servicemembers and retirees to stay on their parents' policies until they turn age 26. It is similar to what we did in the Affordable Care Act last year and this year more broadly for Americans.

Also importantly, this legislation provides improved care for our wounded servicemembers and their families—not just the physical wounds of war but also the mental wounds of war.

As I conclude, I have to tell you I remain hopeful that somehow this Congress can find a way, even in the midst of this partisan rancor, to pass this Defense authorization bill for the 49th consecutive year. I am willing to stay until Christmas, even through Christmas, and the week after, to get this done.

I will tell you, if we cannot get don't ask, don't tell repeal as part of the Defense authorization bill, I am willing to stay through the holidays to debate it on the floor as a stand-alone measure, and I will urge my colleagues to join me in that debate.

So despite the vote today, I have to say I am optimistic about our future, and I am committed, as I know the Presiding Officer is, to a new kind of politics where we can find consensus among our disagreement. I know the people of our States and Americans at large want us to tackle tough decisions. It is why they sent us here: to resolve the tough problems. But I think opportunities that are inherent in those problems led us to want to serve in the Nation's capital.

Let's reach out to each other. Let's find common ground. Let's call on each other to work together to accomplish our shared priorities and demonstrate support for our Armed Forces. After all, they are standing up for us. We can stand up for them. Americans sent us here to do no less.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

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

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

TRIBUTE TO RETIRING SENATORS

CHRIS DODD

Mr. HARKIN. Madam President, in these closing weeks of the 111th Congress, the Senate will be saying goodbye to a number of retiring colleagues. But, for my part, I will miss them all, but I have to be honest, the most poignant farewell will be to my dear friend, Senator CHRIS DODD of Connecticut.

CHRIS and I have much in common. We are both proud of our Irish roots. We were both elected to the House of Representatives at the same time, in the famous post-Watergate election of 1974. CHRIS moved over here to the Senate in 1980, and I followed 4 years later. We both ran for President—with similarly unambiguous results. Over the years, we have collaborated on many legislative initiatives, including, most recently, the historic Patient Protection and Affordable Care Act—the health reform bill.

As we all know, CHRIS DODD is almost literally a son of the Senate. With good reason, he is enormously proud of his father, Thomas J. Dodd, who was a lead prosecutor at the Nuremberg trials and served two terms in the Senate, from 1959 to 1971. CHRIS worked as a Senate page at age 16, and was elected to the Senate at age 36. For three decades, CHRIS has embodied everything that is good about this body: a passion for public service, a sincere desire to reach out across the aisle, a great talent for forging coalitions and bringing people together, and a willingness to work extraordinarily long hours in order to accomplish big and important things.

Over the decades, Senator DODD has been a leading champion of working Americans, fighting for safer workplaces, the right to organize, stronger public schools, better access to higher education, and, of course, quality health care as a right not a privilege. He was the author of 1993 Family and Medical Leave Act, which for the first time entitled every American to have leave from their job to take care of children or elderly relatives.

Make no mistake, Senator DODD is leaving the Senate at the very top of his game. Last year, when Senator Kennedy fell ill, CHRIS picked up the torch of health care reform. When I became chair of the Health, Education, and Labor Committee, I asked him to continue to take the lead in forging the final bill, which he had led so expertly on before, and which will go down in history as one of America's great progressive accomplishments, on a par with Social Security and Medicare.

Even before final passage of health reform, Senator DODD, as chair of the Banking Committee, was hard at work crafting yet another historic bill: the most sweeping reform of Wall Street and the banking industry since the Great Depression.

To be sure, other Senators played important roles in passing health reform and Wall Street reform. But it was Senator DODD's dogged work and virtuoso skills as a legislator that ultimately won the day. These two landmark laws are a tremendous living legacy to the senior Senator from Connecticut. He has made his mark as one of the great reformers in the history of the U.S. Senate.

CHRIS DODD has accomplished many things during his three decades in this body. But, in my book, the highest accolade is simply that CHRIS DODD is a good, generous and decent person, with a passion for fairness and social justice.

For me, it has been a great honor to be his friend and colleague for the last 36 years. Our friendship, of course, will continue. But I will miss the day-to-day association with CHRIS here on the floor, in committee, and elsewhere here on the Hill.

Paul Wellstone used to say that ''the future belongs to those with passion.'' By that definition, our friend CHRIS DODD has a wonderful future ahead of him. No question he is full of passion, passion for doing what is right for the people of this country. But no question, the Senate is losing a giant—one of our most accomplished and respected members. We are also losing a happy warrior in the mold of FDR and Hubert Humphrey. As the columnist E.J. Dionne has written, ''The happiness quotient in the Senate will definitely drop when [Senator] Dodd leaves.'' I couldn't agree more.

For 36 years in Congress, CHRIS DODD has faithfully served the people of Connecticut and the people of the United States. And there is no doubt that he will pursue new avenues of public service in retirement.

As I said, I will miss his friendship and counsel here in the Senate. But I wish CHRIS, his wonderful wife Jackie, and their wonderful young children, Grace and Christina, the very best in the years ahead.

TED KAUFMAN

Madam President, when our colleague Ted Kaufman, who is leaving, was sworn in as Senator in January 2009 to succeed the newly elected Vice President, Senator JOE BIDEN, he made it clear that he would not run for election in 2010. He noted that he had not

raised money to become a Senator and would not raise money to be elected 2 years later. He would be a free man, beholden to no special interest, determined to do only what is right for the people of Delaware and the United States.

Senator Kaufman has made good on that pledge. He may no longer be a Member of the Senate since the swearing in of the new Senator from Delaware, Mr. COONS, but in just 2 years in the Senate, he left his mark—both legislatively and in the esteem of Senators on both sides of the aisle.

Of course, it should come as no surprise that Ted Kaufman excelled in this body, and had influence and clout far beyond what is typical for a reshman Senator whose tenure was only going to be 2 years. After all, he came to this body with a distinguished and diverse background in government, business, and the academy. He holds a degree in mechanical engineering from Duke, which led to a job with DuPont chemical company. He went on to earn an M.B.A. from the Wharton School and taught at Duke University's schools of law and business. And, of course, as we all knew Ted before, he served for 20 years on the staff of Senator JOE BIDEN, most of that time as chief of staff.

Like most Senators, I have enormous respect for the role of the Senate's professional staff members. In fact, we often joke that Senators are ''a constitutional impediment to the smooth functioning of staff.''

In Senator Ted Kaufman, we saw the best of both worlds, combining the expertise and competence of a veteran staffer with the leadership and political skills of a first-rate Senator. This made Senator Kaufman a formidable presence in this body for the last 2 years.

No question, Senator Kaufman's influence was felt most impressively in the effort to reform Wall Street in the wake of the financial meltdown of 2008.

Soon after becoming Senator, he cosponsored, along with Senator LEAHY and Senator GRASSLEY, a bill to give Federal prosecutors more effective tools for rooting out financial fraud. President Obama signed that bill into law in May of last year.

And when the Senate undertook the sweeping reform of the financial system earlier this year, Senator Kaufman quickly stepped forward as one of the toughest critics of Wall Street, giving speech after speech here on the floor proposing and demanding fundamental changes in America's broken financial system.

I listened with particular interest to his explanations and criticisms of high-frequency trading and other opaque trading practices of hedge funds and big Wall Street firms.

I was proud to cosponsor the SAFE Banking Act, cosponsored by Senator Kaufman and Senator BROWN.

This legislation would have dramatically reduced the size and concentration of the largest financial institutions, thereby making our financial system safer. I was disappointed this proposal was not included in the financial bill. But getting 33 votes for this ambitious measure was no small feat, and, no question, Senator Kaufman's tireless efforts helped to rally support in the Senate for reforming our financial institutions. Thanks in no small measure to Senator Kaufman's expertise and relentless advocacy, the worst aspects of Wall Street's casino capitalism have been eliminated, and our financial system is better able to allocate capital to areas of the economy that need it the most.

So the junior Senator from Delaware was true to his word. For the last 2 years, he was a Senator's Senator, giving his all, beholden to no interest, serving the people of Delaware and the United States with competence, character, courage, and, I might add, with rock-solid integrity.

I have valued Ted Kaufman's friendship and counsel here in the Senate, as I said, going back for nearly 20 years. I look forward to continuing that relationship now that he has departed from this body. So I join with the entire Senate family in wishing Ted and Lynne much happiness and success in the years ahead.

GEORGE VOINOVICH

With the close of the 111th Congress, the Senate will lose to retirement again one of our most seasoned and respected Members on the other side of the aisle, Senator GEORGE VOINOVICH of Ohio.

Senator VOINOVICH and I have much in common. We are both proud midwesterners. But here is what we really have in common: My mother immigrated to America from what is now Slovenia, the nation of Slovenia, and George's mother was a first-generation American of Slovenia descent. Both of us were—and I think we are the only two Senators ever—awarded the Golden Order of Merit by the Republic of Slovenia, in part for our efforts to assist Slovenia in its campaign to rid the world of landmines and to assist the victims of landmines. We both care very deeply about the success of democracy in Slovenia, a very small nation that has set a powerful example of political stability, economic reform, true democracy, and ethnic inclusiveness in the Balkans.

For nearly 4½ decades, GEORGE VOINOVICH has devoted himself to public service at just about every level of government—quite amazing—as a member of the Ohio House of Representatives, Cuyahoga County commissioner, Mayor of Cleveland, Lieutenant Governor of Ohio, Governor of Ohio, and, for the last 12 years, U.S. Senator from the State of Ohio. Across those 44 years of service, he has been respected for his independence, his pragmatism, and his insistence on putting ideology and partisanship aside in order to accomplish important things for ordinary working Americans.

Another constant in the career of GEORGE VOINOVICH has been his insistence on fiscal discipline and his willingness to advance creative, tough-minded, nonideological approaches to help government live within its means. As mayor of Cleveland, he took a municipality that had recently declared bankruptcy and turned it around to become a three-time All-American City winner. As Governor, he returned the State budget to balance despite a bad economy. And for the last 12 years, he has been one of the Senate's leading champions of fiscal conservatism. By that, I mean true fiscal conservatism, which means a willingness both to cut spending and to raise revenues as necessary in order to bring down deficits and balance the books. On that score, on matters of taxing and spending, Senator VOINOVICH had the courage to break ranks with his own party on many occasions.

Our colleague Senator VOINOVICH has many accomplishments in this body. I do not have time to mention them all, but I know he is particularly proud of his work as chair and, most recently, ranking member of the Clean Air and Nuclear Safety Subcommittee of the Committee on Environment and Public Works, wherein he played a key role in passing the National Energy Security Act of 2009, which is helping our Nation to lessen its dependance on imported petroleum.

He is also deservedly proud of his long leadership in the fight to preserve and protect Lake Erie and the other Great Lakes—a cause that has been a constant throughout his career in public service. Here in the Senate, he has been a cochair of the Great Lakes Task Force, and he introduced a bill that, when signed into law in 2008 by President Bush, ratified the Great Lakes Compact to protect these national treasures through better water management and conservation—a singular accomplishment by Senator VOINOVICH of Ohio.

Senator VOINOVICH has achieved much during his distinguished career in public service. I could use any number of superlatives to describe his character and work: sterling character, an honest individual, someone who, when he gave you his word, gave you his word. To Senator VOINOVICH, a handshake was a handshake. It was a commitment, and he would never go back. But in my book, the highest accolade is simply that GEORGE VOINOVICH is a generous, sincere, decent person, dedicated to public service, always determined to do the right thing for the people of Ohio and the entire United States, a man lacking in ideological rigor but still a person dedicated to true conservative causes he has championed all his life.

It has been a great honor to be his friend and colleague for these last years. Our friendship, of course, will continue. I wish GEORGE and Janet the very best in the years ahead.

JUDD GREGG

I know others are here. If I can indulge them just for a few more minutes, I would like to make one more speech in praise of another colleague who is retiring, again on the other side of the aisle, and who is a good friend and someone for whom I have had not only great friendship but great respect, and I have served with him a lot on our committees—Senator JUDD GREGG of New Hampshire.

Senator GREGG can be a very effective and persuasive partisan for the conservative causes he holds dear. He also has a strong New Hampshire independent streak and is willing to buck his party when he thinks it is wrong—for example, when he voted against President Bush's Medicare prescription drug benefit bill because it was unpaid for and would add hundreds of billions of dollars to the debt. Indeed, as ranking member and former chair of the Budget Committee, Senator GREGG has been one of the Senate's leading champions of fiscal discipline.

I especially admire Senator GREGG's capacity for reaching across the aisle, building bridges, and getting important work done. On that score, he has represented New Hampshire and the United States at his very best. This quality has made him a standout member of the Health, Education, Labor, and Pensions Committee, which I chair. He forged a very productive working relationship with my predecessor as chair, Senator Ted Kennedy. For example, he played a key role with Senator Kennedy in crafting the bipartisan No Child Left Behind Act, and a few years later, I was proud to work with both of those New England Senators again—especially Senator GREGG—to reauthorize and improve the Americans with Disabilities Education Act.

In 2008, Senator GREGG was a key leader in crafting and forging bipartisan support for the Emergency Economic Stabilization Act. Many have criticized the Troubled Asset Relief Program, TARP, but facts are facts: TARP prevented a total meltdown of our financial system. And almost the entire $700 billion taxpayer investment has been or soon will be paid back to the U.S. Treasury. In fact, just this week, the Treasury booked a $12 billion profit on its previous $45 billion investment in Citigroup.

This year, Senator GREGG has played a key role on the HELP Committee in bringing together Senators from both parties to advance food safety legislation. Frankly, there were many times when sharp policy disagreements threatened the survival of that bill. But at every turn, Senator GREGG played a constructive role in working through the options, crafting bipartisan compromises, and keeping the legislation on track to passage. I have nothing but admiration and gratitude to Senator GREGG for his leadership on the food safety bill, which, as you know, passed the Senate, and because of a little glitch, the House had to return it, and it is coming back to us on the continuing resolution bill. We will put it on our omnibus bill and send it back to the House. I do not think there is any doubt that this will be signed into law by the President this year.

That is the first modernization of our Food and Drug Administration inspection systems in 70 years—70 years. Again, I wish to publicly thank Senator GREGG for hanging in there over several years' period of time to make sure we kept it on track from one Congress to another, from one Congress to another, up and down, but we finally got it done. As I just said, I have the utmost admiration and gratitude to Senator GREGG for hanging in there and making sure we got the job done.

As many of our colleagues will remember, several years ago, Senator GREGG bought a $20 Powerball lottery ticket and won $850,000. Again, we all want to go up and touch him and see if it will rub off on us a little bit. To this day, Senator GREGG is the only person I have ever known who won a Powerball lottery ticket. Well, as we have often said, that was JUDD GREGG's personal good fortune, but it has been our good fortune to have a Senator of his high caliber and character in this body for the last 18 years. During that time, I have placed great store by his friendship and his counsel. Of course, that relationship and friendship will continue, but I am sorry we are going to miss him here in the Senate.

I join with the entire Senate family in wishing JUDD and Kathleen the very best in the years ahead.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, may I first say how proud and privileged I feel to have been on the floor during the distinguished speeches of the senior Senator from Iowa on behalf of his friends and colleagues, many of decades' duration. I am still in my first term here. I know I still have a lot to learn, but one thing I have learned is that this place operates on friendship and that the friendships here are special ones, forged in cooperation, tempered in combat, and sustained in mutual respect. The Senator's eloquent words about our colleagues are a great testament to that fine characteristic of this body. So I felt very touched and pleased to be here.

RENEWABLE ENERGY

Mr. WHITEHOUSE. Madam President, I am here to draw attention to what I consider to be an urgent need that we include an extension of the Treasury grant program for renewable energy projects in any upcoming tax legislation considered by the Senate. These are called 1603 grants because they were created by section 1603 of the Recovery Act. This grant program has been vital to the renewable energy industry, which creates jobs, promotes energy independence, and is a vital foundation of the emerging clean energy revolution.

Section 1603 of the Recovery Act allows for cash grants in place of the 30-percent investment tax credit for renewable energy projects. That direct cash payment provides an immediate jump-start to renewable energy projects. Many renewable energy projects were funded using what were called tax equity partnerships, and much of this funding dried up during the recent credit crunch.

The 1603 grant program is a lifeline to renewable energy developers, and it has allowed hundreds of projects to go forward that otherwise would have stumbled or failed. According to the American Wind Energy Association, the cash grants enabled the construction of 10,000 megawatts of new wind capacity in 2009, while just 4,000 megawatts would have been built without the program.

The transition for America to a clean energy economy is long past due. This country has run on the same fuel at basically the same efficiency levels since the start of the Industrial Revolution at the Slater Mill in Pawtucket, RI. This was acceptable maybe in 1900, perhaps even in 1950, but where does it leave us today in 2010? Sadly, it leaves us behind the international competitive curve.

The next big economic revolution—the green, clean energy revolution—will dwarf the digital revolution in terms of jobs and wealth creation. We have heard testimony in this Senate that the Internet is a $1 trillion industry worldwide, while energy is expected to be a $6 trillion energy industry. That means jobs. We know other countries are making significant investments in clean energy to claim those jobs and to claim a commanding position in the race for leadership to a clean energy future for our planet.

Half of America's existing wind turbines were manufactured overseas. Of the two wind turbines installed in Portsmouth, RI, one was manufactured by a Danish company and the other by an Austrian company. Meanwhile, our pace of wind turbine installation is also lagging behind. It looks like in 2010, the United States will have installed about one-eighth of the wind power installed by Germany. The United States invented the first solar cell, but we now rank fifth among countries that manufacture solar components. The United States is home to only 1 of the top 10 companies manufacturing solar energy components and to only 1 of the top 10 companies manufacturing wind turbines.

Companies in other countries see the demand for clean energy, and they are moving swiftly ahead of us in the race to meet that demand. An extension of the section 1603 Treasury grant program would help us create and sustain jobs and build the foundation for our long-term economic growth.

A study by Lawrence Berkeley National Laboratory found that wind energy projects made possible by section 1603 were responsible for more than 55,000 jobs. Extending the grant program would continue this impressive job creation in a sector of promising growth and at a time when it is desperately needed.

Already I have seen the seeds of green innovation take root in Rhode Island. The U.S. Navy is decommissioning part of a naval station in Newport that it no longer needs. Instead of that land going to waste, a Portsmouth developer is planning to convert 85 of these acres for a large solar power energy project. His plans also include an incubator space for renewable energy projects and a green technology museum.

We have a company based in East Greenwich that develops renewable energy technologies and products to maximize energy efficiency. In the past year, the company has filed for patent protection on three different renewable energy technologies, including an exciting new technology that will generate electrical power from wind turbines mounted on boats and marinas.

Another example is Hodges Badge, the largest manufacturer of ribbons, buttons, and medals in the country. It is located in Portsmouth. If your kids have ever won a ribbon at a track meet or a horse show or some other competition, it was probably made at Hodges Badge in Portsmouth. This family-owned company is on track to become the first manufacturer in Rhode Island powered entirely by clean energy, having just broken ground this month on installation of a 149-foot tall wind turbine behind the factory.

Company President Eric Hodges said:

> It'll be nice to say we're first, that we're 100-percent renewable. It's a nice marketing message. But really it's because it's the right thing to do.

Putting up the turbine will cost about $900,000 and Hodges readily admits that he wouldn't have pursued the project if it were not for renewable energy grants from the State and Federal Government. That project and its jobs would be lost. Hodges Badge does the type of traditional manufacturing that Rhode Island has unfortunately been losing for decades, that our country has been losing for decades. Finding a way to save on energy is one way to ensure this company, which has 95 employees in Rhode Island, can succeed and doesn't leave our State. Extending the section 1603 program would proliferate hundreds of small renewable projects across the country.

For example, in Rhode Island the program would help a 100-kilowatt project at a low-income housing project in Portsmouth, a 1.5-megawatt project at a water treatment facility in Jamestown, and a 300-kilowatt solar project in Wakefield. Without the grant program, these types of projects and the jobs associated with them would dry up. That goes for large-scale projects too. A renewable energy company in Rhode Island has proposed the country's largest offshore wind farm off the coast of Rhode Island, a 200-turbine, 1,000-megawatt project with a goal of starting construction in 2014. This impressive project would provide power to States all along the east coast. We cannot let innovative projects such as these, job-creating projects such as these, entrepreneurial projects such as these, be stopped in their tracks by this bill.

What would extending the Treasury grant program cost? The tax cuts for wealthy Americans that are part of the newly announced tax deal would pay for the extension of the Treasury grant program supporting these renewable jobs 20 times over.

It is time for us to lead again. Just imagine if every one of the wind turbines to be sited in Rhode Island waters and all up and down the Atlantic coast was manufactured in the United States or imagine if we converted brownfields across the country to solar farms, creating a profitable use for this property and bringing jobs to blighted neighborhoods or finally, for a minute, imagine 1 million more manufacturing facilities like Hodges Badge running their assembly lines entirely on solar, wind, geothermal and other renewable energy sources and no longer being held hostage to rising fuel costs. A clean energy economy beckons with vast promise and jobs, efficiencies, and entrepreneurship. We must not, we cannot ignore the call.

I urge our leaders to include in any tax compromise we take up an extension of the renewable energy tax credits and the 1603 program.

I thank the distinguished Senator from Oregon for his patience and yield the floor.

The PRESIDING OFFICER (Mr. MANCHIN). The Senator from New Hampshire.

START TREATY

Mrs. SHAHEEN. Mr. President, I think most of us believe we should not play partisan politics when it comes to nuclear weapons. But in a speech this morning at the Heritage Foundation, my colleagues, our colleague, Senator JIM DEMINT, claimed the new START treaty weakens our national security. I like our colleague from South Carolina. He has been the ranking member on the European Affairs Subcommittee of the Foreign Relations Committee, which I have chaired for the last 2 years, and we have worked very well together. But on this issue he is just wrong.

Nearly the entire foreign policy and national security establishment, Democrats and Republicans alike, completely disagree with him. Senator DEMINT is arguing that this treaty somehow weakens our national security and limits our strategic options. That argument has little basis in reality and is opposed by every living former Republican Secretary of State, five former Secretaries of Defense, seven former commanders of our strategic nuclear weapons, foreign policy and national security giants from seven former Presidential administrations and former President George H.W. Bush. All of these national security heavyweights argue the exact opposite of Senator DEMINT, and they all agree the new START treaty strengthens our national security.

The new START treaty has the unanimous backing of America's military leadership and America's NATO allies. According to the most recent CBS news poll, the treaty now has the support of 82 percent of Americans. Now is the time to vote on the new START treaty. No one is rushing this treaty. Since the treaty was signed back in April, the Senate has had 245 days—I want to repeat that, 245 days—to thoroughly review and consider this agreement. After 20 Senate hearings, more than 31 witnesses, over 900 questions and answers, and 8 months of consideration, including a significant delay during the August recess for additional time before the Senate Foreign Relations Committee, the consensus is clear. New START is in our national security interest, and the Senate should not wait any longer to ratify this treaty.

I ask the opponents of this treaty to consider our broader national security interests. Think about the effect stalling this treaty or publicly rejecting it will have not only on our ability to monitor Russia—because we have had no inspectors on the ground in Russia for over a year now because the treaty expired on December 5, so it has been over a year—but on all of our counterproliferation efforts around the world. Failing to ratify New START this year tells the world we are not serious about the nuclear threat.

I know my colleagues don't want Iran or North Korea or al-Qaida to have the bomb. We have heard that from everyone in this Chamber. Everyone is clear about that. Last week five former Republican Secretaries of State from five former Republican Presidents connected the passage of New START to our efforts on Iran and North Korea.

Again, I ask opponents of this treaty, are ideological goals worth the risk to our national security? Delaying a vote on New START into next year is a dangerous and unnecessary gamble with this Nation's security. I hope the opponents of this treaty will reconsider their opposition and recognize how important it is to this country's security to pass this treaty this year in this Congress.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

RAY DAVES AIRPORT TRAFFIC CONTROL TOWER

Mr. WYDEN. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of H.R. 5591, and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 5591) to designate the airport traffic control tower located at Spokane International Airport in Spokane, Washington, as the ''Ray Daves Airport Traffic Control Tower.''

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

Mr. WYDEN. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

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

The bill (H.R. 5591) was ordered to a third reading, was read the third time, and passed.

PEDESTRIAN SAFETY ENHANCEMENT ACT OF 2009

Mr. WYDEN. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of S. 841, and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 841) to direct the Secretary of Transportation to study and establish a motor vehicle safety standard that provides for a means of alerting blind and other pedestrians of motor vehicle operation.

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

Mr. WYDEN. Mr. President, I ask unanimous consent that a Kerry substitute amendment, which is at the desk, be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

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

The amendment (No. 4750) was agreed to, as follows:

(Purpose: To require the Secretary of Transportation to establish a motor vehicle safety standard for electric and hybrid vehicles that would require such vehicles to emit a sound to alert pedestrians to their operation)

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Pedestrian Safety Enhancement Act of 2010''.

SEC. 2. DEFINITIONS.

As used in this Act—

(1) the term ''Secretary'' means the Secretary of Transportation;

(2) the term ''alert sound'' (herein referred to as the ''sound'') means a vehicle-emitted sound to enable pedestrians to discern vehicle presence, direction, location, and operation;

(3) the term ''cross-over speed'' means the speed at which tire noise, wind resistance, or other factors eliminate the need for a separate alert sound as determined by the Secretary;

(4) the term ''motor vehicle'' has the meaning given such term in section 30102(a)(6) of title 49, United States Code, except that such term shall not include a trailer (as such term is defined in section 571.3 of title 49, Code of Federal Regulations);

(5) the term ''conventional motor vehicle'' means a motor vehicle powered by a gasoline, diesel, or alternative fueled internal combustion engine as its sole means of propulsion;

(6) the term ''manufacturer'' has the meaning given such term in section 30102(a)(5) of title 49, United States Code;

(7) the term ''dealer'' has the meaning given such term in section 30102(a)(1) of title 49, United States Code;

(8) the term ''defect'' has the meaning given such term in section 30102(a)(2) of title 49, United States Code;

(9) the term ''hybrid vehicle'' means a motor vehicle which has more than one means of propulsion; and

(10) the term ''electric vehicle'' means a motor vehicle with an electric motor as its sole means of propulsion.

SEC. 3. MINIMUM SOUND REQUIREMENT FOR MOTOR VEHICLES.

(a) RULEMAKING REQUIRED.—Not later than 18 months after the date of enactment of this Act the Secretary shall initiate rulemaking, under section 30111 of title 49, United States Code, to promulgate a motor vehicle safety standard—

(1) establishing performance requirements for an alert sound that allows blind and other pedestrians to reasonably detect a nearby electric or hybrid vehicle operating below the cross-over speed, if any; and

(2) requiring new electric or hybrid vehicles to provide an alert sound conforming to the requirements of the motor vehicle safety standard established under this subsection.

The motor vehicle safety standard established under this subsection shall not require either driver or pedestrian activation of the alert sound and shall allow the pedestrian to reasonably detect a nearby electric or hybrid vehicle in critical operating scenarios including, but not limited to, constant speed, accelerating, or decelerating. The Secretary shall allow manufacturers to provide each vehicle with one or more sounds that comply with the motor vehicle safety standard at the time of manufacture. Further, the Secretary shall require manufacturers to provide, within reasonable manufacturing tolerances, the same sound or set of sounds for all vehicles of the same make and model and shall prohibit manufacturers from providing any mechanism for anyone other than the manufacturer or the dealer to disable, alter, replace, or modify the sound or set of sounds, except that the manufacturer or dealer may alter, replace, or modify the sound or set of sounds in order to remedy a defect or noncompliance with the motor vehicle safety standard. The Secretary shall promulgate the required motor vehicle safety standard pursuant to this subsection not later than 36 months after the date of enactment of this Act.

(b) CONSIDERATION.—When conducting the required rulemaking, the Secretary shall—

(1) determine the minimum level of sound emitted from a motor vehicle that is necessary to provide blind and other pedestrians with the information needed to reasonably detect a nearby electric or hybrid vehicle operating at or below the cross-over speed, if any;

(2) determine the performance requirements for an alert sound that is recognizable to a pedestrian as a motor vehicle in operation; and

(3) consider the overall community noise impact.

(c) PHASE-IN REQUIRED.—The motor vehicle safety standard prescribed pursuant to subsection (a) of this section shall establish a phase-in period for compliance, as determined by the Secretary, and shall require full compliance with the required motor vehicle safety standard for motor vehicles manufactured on or after September 1st of the calendar year that begins 3 years after the date on which the final rule is issued.

(d) REQUIRED CONSULTATION.—When conducting the required study and rulemaking, the Secretary shall—

(1) consult with the Environmental Protection Agency to assure that the motor vehicle safety standard is consistent with existing noise requirements overseen by the Agency;

(2) consult consumer groups representing individuals who are blind;

(3) consult with automobile manufacturers and professional organizations representing them;

(4) consult technical standardization organizations responsible for measurement methods such as the Society of Automotive Engineers, the International Organization for Standardization, and the United Nations Economic Commission for Europe, World Forum for Harmonization of Vehicle Regulations.

(e) REQUIRED STUDY AND REPORT TO CONGRESS.—Not later than 48 months after the date of enactment of this Act, the Secretary shall complete a study and report to Congress as to whether there exists a safety need to apply the motor vehicle safety standard required by subsection (a) to conventional motor vehicles. In the event that the Secretary determines there exists a safety need, the Secretary shall initiate rulemaking under section 30111 of title 49, United States Code, to extend the standard to conventional motor vehicles.

SEC. 4. FUNDING.

Notwithstanding any other provision of law, $2,000,000 of any amounts made available to the Secretary of Transportation under under section 406 of title 23, United States Code, shall be made available to the Administrator of the National Highway Transportation Safety Administration for carrying out section 3 of this Act.

The bill (S. 841), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

NATIONAL FOUNDATION ON PHYSICAL FITNESS AND SPORTS ESTABLISHMENT ACT

Mr. WYDEN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 677, S. 1275.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 1275) to establish a National Foundation on Physical Fitness and Sports to carry out activities to support and supplement the mission of the President's Council on Physical Fitness and Sports.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Health, Education, Labor, and Pensions, which an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Foundation on Fitness, Sports, and Nutrition Establishment Act''.

SEC. 2. ESTABLISHMENT AND PURPOSE OF FOUNDATION.

(a) ESTABLISHMENT.—There is established the National Foundation on Fitness, Sports, and Nutrition (hereinafter in this Act referred to as the ''Foundation''). The Foundation is a charitable and nonprofit corporation and is not an agency or establishment of the United States.

(b) PURPOSES.—The purposes of the Foundation are—

(1) in conjunction with the Office of the President's Council on Fitness, Sports and Nutrition, to develop a list and description of programs, events and other activities which would further the purposes and functions outlined in Executive Order 13265, as amended, and with respect to which combined private and governmental efforts would be beneficial;

(2) to encourage and promote the participation by private organizations in the activities referred to in subsection (b)(1) and to encourage and promote private gifts of money and other property to support those activities; and

(3) in consultation with such Office, to undertake and support activities to further the purposes and functions of such Executive Order.

(c) PROHIBITION ON FEDERAL FUNDING.—The Foundation may not accept any Federal funds.

SEC. 3. BOARD OF DIRECTORS OF THE FOUNDATION.

(a) ESTABLISHMENT AND MEMBERSHIP.—The Foundation shall have a governing Board of Directors (hereinafter referred to in this Act as the ''Board''), which shall consist of 9 members each of whom shall be a United States citizen and—

(1) 3 of whom should be knowledgeable or experienced in one or more fields directly connected with physical fitness, sports, nutrition, or the relationship between health status and physical exercise; and

(2) 6 of whom should be leaders in the private sector with a strong interest in physical fitness, sports, nutrition, or the relationship between health status and physical exercise.

The membership of the Board, to the extent practicable, should represent diverse professional specialties relating to the achievement of physical fitness through regular participation in programs of exercise, sports, and similar activities, or to nutrition. The Assistant Secretary for Health, the Executive Director of the President's Council on Fitness, Sports and Nutrition, the Director for the National Center for Chronic Disease Prevention and Health Promotion, the Director of the National Heart, Lung, and Blood Institute, and the Director for the Centers for Disease Control and Prevention shall be ex officio, nonvoting members of the Board. Appointment to the Board or its staff shall not constitute employment by, or the holding of an office of, the United States for the purposes of laws relating to Federal employment.

(b) APPOINTMENTS.—Within 90 days from the date of enactment of this Act, the members of the Board shall be appointed by the Secretary in accordance with this subsection. In selecting individuals for appointments to the Board, the Secretary should consult with—

(1) the Speaker of the House of Representatives concerning the appointment of one member;

(2) the Majority Leader of the House of Representatives concerning the appointment of one member;

(3) the Majority Leader of the Senate concerning the appointment of one member;

(4) the President Pro Tempore concerning the appointment of one member;

(5) the Minority Leader of the House of Representatives concerning the appointment of one member; and

(6) the Minority Leader of the Senate concerning the appointment of one member.

(c) TERMS.—The members of the Board shall serve for a term of 6 years, except that the original members of the Board shall be appointed for staggered terms as determined appropriate by the Secretary. A vacancy on the Board shall be filled within 60 days of the vacancy in the same manner in which the original appointment was made and shall be for the balance of the term of the individual who was replaced. No individual may serve more than 2 consecutive terms as a member.

(d) CHAIRMAN.—The Chairman shall be elected by the Board from its members for a 2-year term and shall not be limited in terms or service, other than as provided in subsection (c).

(e) QUORUM.—A majority of the current membership of the Board shall constitute a quorum for the transaction of business.

(f) MEETINGS.—The Board shall meet at the call of the Chairman at least once a year. If a member misses 3 consecutive regularly scheduled meetings, that member may be removed from the Board and the vacancy filled in accordance with subsection (c).

(g) REIMBURSEMENT OF EXPENSES.—Members of the Board shall serve without pay, but may be reimbursed for the actual and necessary traveling and subsistence expenses incurred by them in the performance of the duties of the Foundation, subject to the same limitations on reimbursement that are imposed upon employees of Federal agencies.

(h) LIMITATIONS.—The following limitations apply with respect to the appointment of employees of the Foundation:

(1) Employees may not be appointed until the Foundation has sufficient funds to pay them for their service. No individual so appointed may receive a salary in excess of the annual rate of basic pay in effect for Executive Level V in the Federal service. A member of the Board may not receive compensation for serving as an employee of the Foundation.

(2) The first employee appointed by the Board shall be the Secretary of the Board who shall serve, at the direction of the Board, as its chief operating officer and shall be knowledgeable and experienced in matters relating to physical fitness, sports, and nutrition.

(3) No Public Health Service employee nor the spouse or dependent relative of such an employee may serve as a member of the Board of Directors or as an employee of the Foundation.

(4) Any individual who is an employee or member of the Board of the Foundation may not (in accordance with the policies developed under subsection (i)) personally or substantially participate in the consideration or determination by the Foundation of any matter that would directly or predictably affect any financial interest of—

(A) the individual or a relative (as such term is defined in section 109(16) of the Ethics in Government Act, 1978) of the individual; or

(B) any business organization, or other entity, of which the individual is an officer or employee, is negotiating for employment, or in which the individual has any other financial interest.

(i) GENERAL POWERS.—The Board may complete the organization of the Foundation by—

(1) appointing employees;

(2) adopting a constitution and bylaws consistent with the purposes of the Foundation and the provision of this Act; and

(3) undertaking such other acts as may be necessary to carry out the provisions of this Act. In establishing bylaws under this subsection, the Board shall provide for policies with regard to financial conflicts of interest and ethical standards for the acceptance, solicitation and disposition of donations and grants to the Foundation.

SEC. 4. POWERS AND DUTIES OF THE FOUNDATION.

(a) IN GENERAL.—The Foundation—

(1) shall have perpetual succession;

(2) may conduct business throughout the several States, territories, and possessions of the United States;

(3) shall have its principal offices in or near the District of Columbia; and

(4) shall at all times maintain a designated agent authorized to accept service of process for the Foundation.

The serving of notice to, or service of process upon, the agent required under paragraph (4), or mailed to the business address of such agent, shall be deemed as service upon or notice to the Foundation.

(b) SEAL.—The Foundation shall have an official seal selected by the Board which may be used as provided for in section 5.

(c) INCORPORATION; NONPROFIT STATUS.—To carry out the purposes of the Foundation under section 2, the Board shall—

(1) incorporate the Foundation in the District of Columbia; and

(2) establish such policies and bylaws as may be necessary to ensure that the Foundation maintains status as an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986.

(d) POWERS.—Subject to the specific provisions of section 2, the Foundation, in consultation with the Office of the President's Council on Fitness, Sports, and Nutrition, shall have the power, directly or by the awarding of contracts or grants, to carry out or support activities for the purposes described in such section.

(e) TREATMENT OF PROPERTY.—For purposes of this Act, an interest in real property shall be treated as including easements or other rights for preservation, conservation, protection, or enhancement by and for the public of natural, scenic, historic, scientific, educational inspirational or recreational resources. A gift, devise, or bequest may be accepted by the Foundation even though it is encumbered, restricted, or subject to beneficial interests of private persons if any current or future interest therein is for the benefit of the Foundation.

SEC. 5. PROTECTION AND USES OF TRADEMARKS AND TRADE NAMES.

(a) TRADEMARKS OF THE FOUNDATION.—Authorization for a contributor, or a supplier of goods or services, to use, in advertising regarding the contribution, goods, or services, the trade name of the Foundation, or any trademark, seal, symbol, insignia, or emblem of the Foundation may be provided only by the Foundation with the concurrence of the Secretary or the Secretary's designee.

(b) TRADEMARKS OF THE COUNCIL.——Authorization for a contributor or supplier described in subsection (a) to use, in such advertising, the trade name of the President's Council on Fitness, Sports, and Nutrition, or any trademark, seal, symbol, insignia, or emblem of such Council, may be provided—

(1) by the Secretary or the Secretary's designee; or

(2) by the Foundation with the concurrence of the Secretary or the Secretary's designee.

SEC. 6. AUDIT, REPORT REQUIREMENTS, AND PETITION OF ATTORNEY GENERAL FOR EQUITABLE RELIEF.

(a) AUDITS.—For purposes of the Act entitled ''An Act for audit of accounts of private corporations established under Federal law'', approved August 30, 1964 (Public Law 88–504, 36 U.S.C. 1101–1103), the Foundation shall be treated as a private corporation under Federal law. The Inspector General of the Department of

Health and Human Services and the Comptroller General of the United States shall have access to the financial and other records of the Foundation, upon reasonable notice.

(b) REPORT.—The Foundation shall, not later than 60 days after the end of each fiscal year, transmit to the Secretary and to Congress a report of its proceedings and activities during such year, including a full and complete statement of its receipts, expenditures, and investments.

(c) RELIEF WITH RESPECT TO CERTAIN FOUNDATION ACTS OR FAILURE TO ACT.—If the Foundation—

(1) engages in, or threatens to engage in, any act, practice or policy that is inconsistent with its purposes set forth in section 2(b); or

(2) refuses, fails, or neglects to discharge its obligations under this Act, or threaten to do so;

the Attorney General of the United States may petition in the United States District Court for the District of Columbia for such equitable relief as may be necessary or appropriate.

Mr. WYDEN. Mr. President, I ask unanimous consent that the committee-reported substitute amendment be agreed to, the bill, as amended, be read a third time and passed, and the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

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

The committee-reported substitute amendment was agreed to.

The bill (S. 1275), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

AUTHORIZING TESTIMONY AND LEGAL REPRESENTATION

Mr. WYDEN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 699 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the title of the resolution.

The bill clerk read as follows:

A resolution (S. Res. 699) to authorize testimony and legal representation in City of St. Paul v. Irene Victoria Andrews, Bruce Jerome Berry, John Joseph Braun, David Eugene Luce, and Elizabeth Ann McKenzie.

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

Mr. REID. Mr. President, this resolution concerns a request for testimony and representation in a criminal action pending in Minnesota State Court. In this action, protesters have been charged with trespass for occupying Senator AL FRANKEN's St. Paul, Minnesota office in April of this year, and refusing requests to leave the premises. The prosecution has sought testimony from a member of the Senator's staff who witnessed the relevant events. Senator FRANKEN would like to cooperate by providing testimony from that person. This resolution would authorize that person to testify in connection with these actions, with representation by the Senate Legal Counsel of her and any other employee from whom evidence may be sought.

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

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

The resolution (S. Res. 699) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 699

Whereas, in the case of *City of St. Paul* v. *Irene Victoria Andrews, Bruce Jerome Berry, John Joseph Braun, David Eugene Luce, and Elizabeth Ann McKenzie*, Case No. 10–071–634, pending in Ramsey County District Court in St. Paul, Minnesota, the prosecution has sought testimony from Shelly Schafer, an employee of Senator Al Franken;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Shelly Schafer is authorized to testify in the case of *City of St. Paul* v. *Irene Victoria Andrews, Bruce Jerome Berry, John Joseph Braun, David Eugene Luce, and Elizabeth Ann McKenzie*, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Shelly Schafer, and any other employee from whom evidence may be sought, in connection with the testimony authorized in section one of this resolution.

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 104–191, appoints the following individual to the National Committee on Vital and Health Statistics for a 4-year term: Dr. Raj Chanderraj of Nevada vice Dr. Richard K. Harding of South Carolina.

TRAFFICKING DETERRENCE AND VICTIMS SUPPORT ACT OF 2009

Mr. WYDEN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 581, S. 2925.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 2925) to establish a grant program to benefit victims of sex trafficking, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Domestic Minor Sex Trafficking Deterrence and Victims Support Act of 2010''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Human trafficking is modern-day slavery. It is one of the fastest-growing, and the second largest, criminal enterprise in the world. Human trafficking generates an estimated profit of $32,000,000,000 per year, world wide.

(2) In the United States, human trafficking is an increasing problem. This criminal enterprise victimizes individuals in the United States, many of them children, who are forced into prostitution, and foreigners brought into the country, often under false pretenses, who are coerced into forced labor or commercial sexual exploitation.

(3) Sex trafficking is one of the most lucrative areas of human trafficking. Criminal gang members in the United States are increasingly involved in recruiting young women and girls into sex trafficking. Interviews with gang members indicate that the gang members regard working as an individual who solicits customers for a prostitute (commonly known as a ''pimp'') to being as lucrative as trafficking in drugs, but with a much lower chance of being criminally convicted.

(4) National Incidence Studies of Missing, Abducted, Runaway and Throwaway Children, the definitive study of episodes of missing children, found that of the children who are victims of non-family abduction, runaway or throwaway children, the police are alerted by family or guardians in only 21 percent of the cases. In 79 percent of cases there is no report and no police involvement, and therefore no official attempt to find the child.

(5) In 2007, the Administration of Children and Families, Department of Health and Human Services, reported to the Federal Government 265,000 cases of serious physical, sexual, or psychological abuse of children.

(6) Experts estimate that each year at least 100,000 children in the United States are exploited through prostitution.

(7) Children who have run away from home are at a high risk of becoming exploited through sex trafficking. Children who have run away multiple times are at much higher risk of not returning home and of engaging in prostitution.

(8) The vast majority of children involved in sex trafficking have suffered previous sexual or physical abuse, live in poverty, or have no stable home or family life. These children require a comprehensive framework of specialized treatment and mental health counseling that addresses post-traumatic stress, depression, and sexual exploitation.

(9) The average age of first exploitation through prostitution is 13. Seventy-five percent of minors exploited through prostitution have a pimp. A pimp can earn $200,000 per year prostituting 1 sex trafficking victim.

(10) Sex trafficking of minors is a complex and varied criminal problem that requires a multidisciplinary, cooperative solution. Reducing trafficking will require the Government to address victims, pimps, and johns, and to provide training specific to sex trafficking for law enforcement officers and prosecutors, and child welfare, public health, and other social service providers.

(11) Human trafficking is a criminal enterprise that imposes significant costs on the economy of the United States. Government and non-profit resources used to address trafficking include those of law enforcement, the judicial and penal systems, and social service providers. Without a range of appropriate treatments to help trafficking victims overcome the trauma they have experienced, victims will continue to be exploited by criminals and unable to support

themselves, and will continue to require Government resources, rather than being productive contributors to the legitimate economy.

(12) Human trafficking victims are often either not identified as trafficking victims or are mischaracterized as criminal offenders. Both private and public sector personnel play a significant role in identifying trafficking victims and potential victims, such as runaways. Examples of such personnel include hotel staff, flight attendants, health care providers, educators, and parks and recreation personnel. Efforts to train these individuals can bolster law enforcement efforts to reduce human trafficking.

(13) Minor sex trafficking victims are under the age of 18. Because minors do not have the capacity to consent to their own commercial sexual exploitation, minor sex trafficking victims should not be charged as criminal defendants. Instead, minor victims of sex trafficking should have access to treatment and services to help them recover from their sexual exploitation, and should also be provided access to appropriate compensation for harm they have suffered.

(14) Several States have recently passed or are considering legislation that establishes a presumption that a minor charged with a prostitution offense is a severely trafficked person and should instead be cared for through the child protection system. Some such legislation also provides support and services to minor sex trafficking victims who are under the age of 18 years old. These services include safe houses, crisis intervention programs, community-based programs, and law-enforcement training to help officers identify minor sex trafficking victims.

(15) Sex trafficking of minors is not a problem that occurs only in urban settings. This crime also exists in rural areas and on Indian reservations. Efforts to address sex trafficking of minors should include partnerships with organizations that seek to address the needs of such underserved communities.

SEC. 3. SENSE OF CONGRESS.

It is the sense of the Congress that—

(1) the Attorney General should implement changes to the National Crime Information Center database to ensure that—

(A) a child entered into the database will be automatically designated as an endangered juvenile if the child has been reported missing not less than 3 times in a 1-year period;

(B) the database is programmed to cross-reference newly entered reports with historical records already in the database; and

(C) the database is programmed to include a visual cue on the record of a child designated as an endangered juvenile to assist law enforcement officers in recognizing the child and providing the child with appropriate care and services;

(2) funds awarded under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.) (commonly known as Byrne Grants) should be used to provide education, training, deterrence, and prevention programs relating to sex trafficking of minors;

(3) States should—

(A) treat minor victims of sex trafficking as crime victims rather than as criminal defendants or juvenile delinquents;

(B) adopt laws that—

(i) establish the presumption that a child under the age of 18 who is charged with a prostitution offense is a minor victim of sex trafficking;

(ii) avoid the criminal charge of prostitution for such a child, and instead consider such a child a victim of crime and provide the child with appropriate services and treatment; and

(iii) strengthen criminal provisions prohibiting the purchasing of commercial sex acts, especially with minors;

(C) amend State statutes and regulations—

(i) relating to crime victim compensation to make eligible for such compensation any individual who is a victim of sex trafficking as defined in section 1591(a) of title 18, United States Code, or a comparable State law against commercial sexual exploitation of children, and who would otherwise be ineligible for such compensation due to participation in prostitution activities because the individual is determined to have contributed to, consented to, benefitted from, or otherwise participated as a party to the crime for which the individual is claiming injury; and

(ii) relating to law enforcement reporting requirements to provide for exceptions to such requirements for victims of sex trafficking in the same manner as exceptions are provided to victims of domestic violence or related crimes; and

(4) demand for commercial sex with sex trafficking victims must be deterred through consistent enforcement of criminal laws against purchasing commercial sex.

SEC. 4. SEX TRAFFICKING BLOCK GRANTS.

Section 204 of the Trafficking Victims Protection Reauthorization Act of 2005 (42 U.S.C. 14044c) is amended to read as follows:

"SEC. 204. ENHANCING STATE AND LOCAL EFFORTS TO COMBAT TRAFFICKING IN PERSONS.

''(a) SEX TRAFFICKING BLOCK GRANTS.—

''(1) DEFINITIONS.—In this section—

''(A) the term 'Assistant Attorney General' means the Assistant Attorney General for the Office of Justice Programs of the Department of Justice;

''(B) the term 'eligible entity' means a State or unit of local government that—

''(i) has significant criminal activity involving sex trafficking of minors;

''(ii) has demonstrated cooperation between State, local, and, where applicable, tribal law enforcement agencies, prosecutors, and social service providers in addressing sex trafficking of minors;

''(iii) has developed a workable, multi-disciplinary plan to combat sex trafficking of minors, including—

''(I) the establishment of a shelter for minor victims of sex trafficking, through existing or new facilities;

''(II) the provision of rehabilitative care to minor victims of sex trafficking;

''(III) the provision of specialized training for law enforcement officers and social service providers for all forms of sex trafficking, with a focus on sex trafficking of minors;

''(IV) prevention, deterrence, and prosecution of offenses involving sex trafficking of minors;

''(V) cooperation or referral agreements with organizations providing outreach or other related services to runaway and homeless youth; and

''(VI) law enforcement protocols or procedures to screen all individuals arrested for prostitution, whether adult or minor, for victimization by sex trafficking and by other crimes, such as sexual assault and domestic violence; and

''(iv) provides an assurance that, under the plan under clause (iii), a minor victim of sex trafficking shall not be required to collaborate with law enforcement to have access to any shelter or services provided with a grant under this section;

''(C) the term 'minor victim of sex trafficking' means an individual who is—

''(i) under the age of 18 years old, and is a victim of an offense described in section 1591(a) of title 18, United States Code, or a comparable State law; or

''(ii) at least 18 years old but not more than 20 years old, and who, on the day before the individual attained 18 years of age, was described in clause (i) and was receiving shelter or services as a minor victim of sex trafficking;

''(D) the term 'qualified non-governmental organization' means an organization that—

''(i) is not a State or unit of local government, or an agency of a State or unit of local government;

''(ii) has demonstrated experience providing services to victims of sex trafficking or related populations (such as runaway and homeless youth), or employs staff specialized in the treatment of sex trafficking victims; and

''(iii) demonstrates a plan to sustain the provision of services beyond the period of a grant awarded under this section; and

''(E) the term 'sex trafficking of a minor' means an offense described in subsection (a) of section 1591 of title 18, United States Code, the victim of which is a minor.

''(2) GRANTS AUTHORIZED.—

''(A) IN GENERAL.—The Assistant Attorney General, in consultation with the Assistant Secretary for Children and Families of the Department of Health and Human Services, is authorized to award block grants to 6 eligible entities in different regions of the United States to combat sex trafficking, and not fewer than 1 of the block grants shall be awarded to an eligible entity with a State population of less than 5,000,000.

''(B) GRANT AMOUNT.—Subject to the availability of appropriations under subsection (g) to carry out this section, each grant awarded under this section shall be for an amount not less than $2,000,000 and not greater than $2,500,000.

''(C) DURATION.—

''(i) IN GENERAL.—A grant awarded under this section shall be for a period of 1 year.

''(ii) RENEWAL.—

''(I) IN GENERAL.—The Assistant Attorney General may renew a grant under this section for two 1-year periods.

''(II) PRIORITY.—In awarding grants in any fiscal year after the first fiscal year in which grants are awarded under this section, the Assistant Attorney General shall give priority to applicants that received a grant in the preceding fiscal year and are eligible for renewal under this subparagraph, taking into account any evaluation of such applicant conducted pursuant to paragraph (5), if available.

''(D) CONSULTATION.—In carrying out this section, consultation by the Assistant Attorney General with the Assistant Secretary for Children and Families of the Department of Health and Human Services shall include consultation with respect to grantee evaluations, the avoidance of unintentional duplication of grants, and any other areas of shared concern.

''(3) USE OF FUNDS.—

''(A) ALLOCATION.—For each grant awarded under paragraph (2)—

''(i) not less than 50 percent of the funds shall be used by the eligible entity to provide shelter and services (as described in clauses (i) through (iv) of subparagraph (B)) to minor victims of sex trafficking through qualified nongovernmental organizations; and

''(ii) not less than 10 percent of the funds shall be awarded by the eligible entity to one or more qualified nongovernmental organizations with annual revenues of less than $750,000, to provide services to minor victims of sex trafficking or training for service providers related to sex trafficking of minors.

''(B) AUTHORIZED ACTIVITIES.—Grants awarded pursuant to paragraph (2) may be used for—

''(i) providing shelter to minor victims of trafficking, including temporary or long-term placement as appropriate;

''(ii) providing 24-hour emergency social services response for minor victims of sex trafficking;

''(iii) providing minor victims of sex trafficking with clothing and other daily necessities needed to keep such victims from returning to living on the street;

''(iv) case management services for minor victims of sex trafficking;

''(v) mental health counseling for minor victims of sex trafficking, including specialized counseling and substance abuse treatment;

''(vi) legal services for minor victims of sex trafficking;

''(vii) specialized training for law enforcement personnel, social service providers, and public

and private sector personnel likely to encounter sex trafficking victims on issues related to the sex trafficking of minors;

''(viii) funding salaries, in whole or in part, for law enforcement officers, including patrol officers, detectives, and investigators, except that the percentage of the salary of the law enforcement officer paid for by funds from a grant awarded under paragraph (2) shall not be more than the percentage of the officer's time on duty that is dedicated to working on cases involving sex trafficking of minors;

''(ix) funding salaries for State and local prosecutors, including assisting in paying trial expenses for prosecution of sex trafficking offenders;

''(x) investigation expenses for cases involving sex trafficking of minors, including—

''(I) wire taps;

''(II) consultants with expertise specific to cases involving sex trafficking of minors;

''(III) travel; and

''(IV) any other technical assistance expenditures;

''(xi) outreach and education programs to provide information about deterrence and prevention of sex trafficking of minors; and

''(xii) programs to provide treatment to individuals charged or cited with purchasing or attempting to purchase sex acts in cases where—

''(I) a treatment program can be mandated as a condition of a sentence, fine, suspended sentence, or probation, or is an appropriate alternative to criminal prosecution; and

''(II) the individual was not charged with purchasing or attempting to purchase sex acts with a minor.

''(4) APPLICATION.—

''(A) IN GENERAL.—Each eligible entity desiring a grant under this section shall submit an application to the Assistant Attorney General at such time, in such manner, and accompanied by such information as the Assistant Attorney General may reasonably require.

''(B) CONTENTS.—Each application submitted pursuant to subparagraph (A) shall—

''(i) describe the activities for which assistance under this section is sought; and

''(ii) provide such additional assurances as the Assistant Attorney General determines to be essential to ensure compliance with the requirements of this section.

''(5) EVALUATION.—The Assistant Attorney General shall enter into a contract with an academic or non-profit organization that has experience in issues related to sex trafficking of minors and evaluation of grant programs to conduct an annual evaluation of grants made under this section to determine the impact and effectiveness of programs funded with grants awarded under paragraph (2).

''(b) MANDATORY EXCLUSION.—Any grantee awarded funds under this section that is found to have utilized grant funds for any unauthorized expenditure or otherwise unallowable cost shall not be eligible for any grant funds awarded under the block grant for 2 fiscal years following the year in which the unauthorized expenditure or unallowable cost is reported.

''(c) COMPLIANCE REQUIREMENT.—A grantee shall not be eligible to receive a grant under this section if within the last 5 fiscal years, the grantee has been found to have violated the terms or conditions of a Government grant program by utilizing grant funds for unauthorized expenditures or otherwise unallowable costs.

''(d) ADMINISTRATIVE CAP.—The cost of administering the grants authorized by this section shall not exceed 3 percent of the total amount appropriated to carry out this section.

''(e) AUDIT REQUIREMENT.—For fiscal years 2012 and 2013, the Inspector General of the Department of Justice shall conduct an audit of all 6 grantees awarded block grants under this section.

''(f) MATCH REQUIREMENT.—A grantee of a grant under this section shall match at least 25 percent of a grant in the first year, 40 percent in the second year, and 50 percent in the third year.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General to carry out this section $15,000,000 for each of the fiscal years 2012 through 2014.''.

SEC. 5. REPORTING REQUIREMENTS.

(a) ANNUAL STATISTICAL SUMMARY.—Section 3701(c) of the Crime Control Act of 1990 (42 U.S.C. 5779(c)) is amended by inserting '', which shall include the total number of reports received and the total number of entries made to the National Crime Information Center (NCIC) database of the Federal Bureau of Investigation, established pursuant to section 534 of title 28, United States Code.'' after ''this title''.

(b) STATE REPORTING.—Section 3702 of the Crime Control Act of 1990 (42 U.S.C. 5780) is amended in paragraph (4)—

(1) by striking ''(2)'' and inserting ''(3)'';

(2) in subparagraph (A), by inserting '', and a photograph taken within the previous 180 days'' after ''dental records'';

(3) in subparagraph (B), by striking ''and'' after the semicolon;

(4) by redesignating subparagraph (C) as subparagraph (D); and

(5) by inserting after subparagraph (B) the following:

''(C) notify the National Center for Missing and Exploited Children of each report received relating to a child reported missing from a foster care family home or childcare institution; and''.

SEC. 6. PROTECTION FOR CHILD TRAFFICKING VICTIMS AND SURVIVORS.

Section 225(b) of the Trafficking Victims Reauthorization Act of 2008 (22 U.S.C. 7101 note) is amended—

(1) in paragraph (1), by striking ''and'' at the end;

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following:

''(2) protects children exploited through prostitution by including safe harbor provisions that—

''(A) treat an individual under 18 years of age who has been arrested for offering to engage in or engaging in a sexual act with another person in exchange for monetary compensation as a victim of a severe form of trafficking in persons;

''(B) prohibit the charging or prosecution of an individual described in subparagraph (A) for a prostitution offense;

''(C) require the referral of an individual described in subparagraph (A) to comprehensive service or community-based programs that provide assistance to child victims of commercial sexual exploitation, to the extent that comprehensive service or community-based programs exist; and

''(D) provide that an individual described in subparagraph (A) shall not be required to prove fraud, force, or coercion in order to receive the protections described under this paragraph; and''.

SEC. 7. SUBPOENA AUTHORITY.

Section 566(e)(1) of title 28, United States Code, is amended—

(1) in subparagraph (A), by striking ''and'' at the end;

(2) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(C) issue administrative subpoenas in accordance with section 3486 of title 18, solely for the purpose of investigating unregistered sex offenders.''.

SEC. 8. PROTECTION OF CHILD WITNESSES.

Section 1514 of title 18, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by inserting ''or its own motion,'' after ''attorney for the Government''; and

(ii) by inserting ''or investigation'' after ''Federal criminal case'' each place it appears;

(B) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively;

(C) by inserting after paragraph (1) the following:

''(2) In the case of a minor witness or victim, the court shall issue a protective order prohibiting harassment or intimidation of the minor victim or witness if the court finds evidence that the conduct at issue is reasonably likely to adversely affect the willingness of the minor witness or victim to testify or otherwise participate in the Federal criminal case or investigation. Any hearing regarding a protective order under this paragraph shall be conducted in accordance with paragraphs (1) and (3), except that the court may issue an ex parte emergency protective order in advance of a hearing if exigent circumstances are present. If such an ex parte order is applied for or issued, the court shall hold a hearing not later than 14 days after the date such order was applied for or is issued.'';

(D) in paragraph (4), as so redesignated, by striking ''(and not by reference to the complaint or other document)''; and

(E) in paragraph (5), as so redesignated, in the second sentence, by inserting before the period at the end the following: '', except that in the case of a minor victim or witness, the court may order that such protective order expires on the later of 3 years after the date of issuance or the date of the eighteenth birthday of that minor victim or witness''; and

(2) by striking subsection (c) and inserting the following:

''(c) Whoever knowingly and intentionally violates or attempts to violate an order issued under this section shall be fined under this title, imprisoned not more than 5 years, or both.

''(d)(1) As used in this section—

''(A) the term 'course of conduct' means a series of acts over a period of time, however short, indicating a continuity of purpose;

''(B) the term 'harassment' means a serious act or course of conduct directed at a specific person that—

''(i) causes substantial emotional distress in such person; and

''(ii) serves no legitimate purpose;

''(C) the term 'immediate family member' has the meaning given that term in section 115 and includes grandchildren;

''(D) the term 'intimidation' means a serious act or course of conduct directed at a specific person that—

''(i) causes fear or apprehension in such person; and

''(ii) serves no legitimate purpose;

''(E) the term 'restricted personal information' has the meaning give that term in section 119;

''(F) the term 'serious act' means a single act of threatening, retaliatory, harassing, or violent conduct that is reasonably likely to influence the willingness of a victim or witness to testify or participate in a Federal criminal case or investigation; and

''(G) the term 'specific person' means a victim or witness in a Federal criminal case or investigation, and includes an immediate family member of such a victim or witness.

''(2) For purposes of subparagraphs (B)(ii) and (D)(ii) of paragraph (1), a court shall presume, subject to rebuttal by the person, that the distribution or publication using the Internet of a photograph of, or restricted personal information regarding, a specific person serves no legitimate purpose, unless that use is authorized by that specific person, is for news reporting purposes, is designed to locate that specific person (who has been reported to law enforcement as a missing person), or is part of a government-authorized effort to locate a fugitive or person of interest in a criminal, antiterrorism, or national security investigation.''.

SEC. 9. SENTENCING GUIDELINES.

Pursuant to its authority under section 994 of title 28, United States Code, and in accordance

with this section, the United States Sentencing Commission shall review and amend the Federal sentencing guidelines and policy statements to ensure—

(1) that the guidelines provide an additional penalty increase of up to 8 offense levels, if appropriate, above the sentence otherwise applicable in Part J of the Guidelines Manual if the defendant was convicted of a violation of section 1591 of title 18, United States Code, or chapters 109A, 109B, 110 or 117 of title 18, United States Code; and

(2) if the offense described in paragraph (1) involved causing or threatening to cause physical injury to a person under 18 years of age, in order to obstruct the administration of justice, an additional penalty increase of up to 12 levels, if appropriate, above the sentence otherwise applicable in Part J of the Guidelines Manual.

SEC. 10. MINIMUM PENALTIES FOR POSSESSION OF CHILD PORNOGRAPHY.

(a) CERTAIN ACTIVITIES RELATING TO MATERIAL INVOLVING THE SEXUAL EXPLOITATION OF MINORS.—Section 2252(b)(2) of title 18, United States Code, is amended by inserting after ''but if'' the following: ''any visual depiction involved in the offense involved a prepubescent minor or a minor who had not attained 12 years of age, such person shall be fined under this title and imprisoned for not less than 1 year nor more than 20 years, or if''.

(b) CERTAIN ACTIVITIES RELATING TO MATERIAL CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.—Section 2252A(b)(2) of title 18, United States Code, is amended by inserting after ''but, if'' the following: ''any image of child pornography involved in the offense involved a prepubescent minor or a minor who had not attained 12 years of age, such person shall be fined under this title and imprisoned for not less than 1 year nor more than 20 years, or if''.

SEC. 11. ADMINISTRATIVE SUBPOENAS.

Section 3486(a)(1) of title 18, United States Code, is amended—

(1) in subparagraph (A)(i)—

(A) by striking ''or'' after ''Federal health care offense;''; and

(B) by striking ''children,'' and inserting the following: ''children; or (III) and only for the purpose of investigations by the U.S. Marshals Service of an unregistered sex offender'';

(2) in subparagraph (D)—

(A) by striking ''paragraph, the term'' and inserting the following: ''paragraph—

''(i) the term'';

(B) by inserting '', 2250'' after ''2243'';

(C) by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(ii) the term 'sex offender' means an individual required to register under the Sex Offender Registration and Notification Act (42 U.S.C. 16901 et seq.).''.

SEX TRAFFICKING

Mr. COBURN. I support the goals of this legislation and believe that slavery, in any form, is morally reprehensible. Sex trafficking is a global epidemic, and we should endeavor to eliminate this industry, especially due to its effects on minors who are victims of this practice. However, I believe we can and must do so in a fiscally responsible manner that avoids duplication of existing laws and programs and upholds the Constitution.

Mr. WYDEN. I thank the Senator from Oklahoma for his constructive work in helping to craft an agreement to pass S. 2925. As he notes, sex trafficking is modern day slavery. It is a morally reprehensible epidemic that ensnares far too many children, and there is far too little awareness of the scope of this criminal enterprise in the United States. I also agree that in combating this heinous crime, and providing law enforcement agencies and services providers with effective tools, Congress must take care to do so in a manner that is fiscally responsible and that avoids inefficiency and duplication.

Mr. COBURN. Although the Subcommittee on Human Rights held a hearing on child prostitution this year, it did not fully explore the effectiveness of existing law and grant programs, and whether there are loopholes or problems that need to be fixed in order to make the Federal Government's efforts more effective. There are multiple programs for trafficking victims under existing law, but some of them remain unclear and confusing. In fact, many of them have never received congressional funding. Thus, while I agree with the Senator from Oregon that there seems to be a disparity between the resources provided to domestic victims and those provided to international victims, I conveyed to him in our negotiations that I question whether we cannot already provide most of those resources under existing law. As a result, I am committed to vigorous oversight of these issues during the reauthorization of the Trafficking Victims Protection Reauthorization Act, TVPRA, which expires next year.

Mr. WYDEN. I agree with the Senator from Oklahoma that an important role of Congress is to provide oversight to help make Federal programs more effective, to increase efficiency, and to reduce duplication, waste, and unnecessary expenditures. I have discussed with the Senator from Oklahoma his work on the deficit commission, and as he knows, I serve on the Senate Budget Committee and I am very concerned about controlling government spending and working to ensure the most efficient and effective use of government resources. The level of debt that our nation has accumulated is very concerning and is a threat to economic growth and sound fiscal policy. In accordance with these concerns, I agree with the Senator from Oklahoma that when the TVPRA reauthorization occurs, the Senate should carefully consider all programs to combat human trafficking, including S. 2925, to determine which programs provide the most effective impact, and whether there is duplication, inefficiency, or waste that can and should be reduced.

Mr. COBURN. I thank the Senator from Oregon for recognizing the dire state of our economy and his willingness to offset the cost of this legislation. The U.S. national debt is now over $13.8 trillion and growing. As a result, it is irresponsible for Congress to jeopardize the future standard of living of our children by borrowing from future generations. In the TVPRA reauthorization next year, it is imperative that we examine all trafficking victims grant programs, including this one, for waste, fraud and abuse, as well as their effect on the deficit. Our country is too fragile and these minor victims are too important for Congress to shirk its duty to perform oversight. I look forward to working with the Senator from Oregon to ensure this and other trafficking victims grant programs are performing effectively, efficiently and within the bounds of the Constitution.

Mr. WYDEN. Mr. President, I ask unanimous consent that the committee substitute amendment be considered; that the two Wyden amendments which are at the desk be agreed to en bloc; that the committee substitute, as amended, be agreed to; the bill, as amended, be read a third time, and that a budgetary pay-go statement be read.

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

The amendments (Nos. 4751 and 4752) were agreed to, as follows:

AMENDMENT NO. 4751

(Purpose: To strengthen the reporting requirement)

Strike section 5 and insert the following:

SEC. 5. REPORTING REQUIREMENTS.

(a) REPORTING REQUIREMENT FOR STATE CHILD WELFARE AGENCIES.—

(1) REQUIREMENT FOR STATE CHILD WELFARE AGENCIES TO REPORT CHILDREN MISSING OR ABDUCTED.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(A) in paragraph (32), by striking ''and'' after the semicolon;

(B) in paragraph (33), by striking the period and inserting ''; and''; and

(C) by inserting after paragraph (33) the following:

''(34) provides that the State has in effect procedures that require the State agency to promptly report information on missing or abducted children to the law enforcement authorities for entry into the National Crime Information Center (NCIC) database of the Federal Bureau of Investigation, established pursuant to section 534 of title 28, United States Code.''.

(2) REGULATIONS.—The Secretary of Health and Human Services shall promulgate regulations implementing the amendments made by paragraph (1). The regulations promulgated under this subsection shall include provisions to withhold Federal funds from any State that fails to substantially comply with the requirement imposed under the amendments made by paragraph (1).

(3) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date that is 6 months after the date of the enactment of this Act, without regard to whether final regulations required under paragraph (2) have been promulgated.

(b) ANNUAL STATISTICAL SUMMARY.—Section 3701(c) of the Crime Control Act of 1990 (42 U.S.C. 5779(c)) is amended by inserting '', which shall include the total number of reports received and the total number of entries made to the National Crime Information Center (NCIC) database of the Federal Bureau of Investigation, established pursuant to section 534 of title 28, United States Code.'' after ''this title''.

(c) STATE REPORTING.—Section 3702 of the Crime Control Act of 1990 (42 U.S.C. 5780) is amended in paragraph (4)—

(1) by striking ''(2)'' and inserting ''(3)'';

(2) in subparagraph (A), by inserting '', and a photograph taken within the previous 180 days'' after ''dental records'';

(3) in subparagraph (B), by striking ''and'' after the semicolon;

(4) by redesignating subparagraph (C) as subparagraph (D); and

(5) by inserting after subparagraph (B) the following:

''(C) notify the National Center for Missing and Exploited Children of each report received relating to a child reported missing from a foster care family home or childcare institution; and''.

AMENDMENT NO. 4752

(Purpose: To make technical corrections)

On page 23, line 2, insert ''(a) IN GENERAL.—'' before ''Section 204''.

On page 26, line 22, after the period add: ''Each eligible entity awarded a block grant under this subparagraph shall certify that Federal funds received under the block grant will be used to combat only interstate sex trafficking.''.

On page 28, line 9, strike ''50 percent'' and insert ''67 percent''.

On page 33, between lines 20 and 21, insert the following:

(b) SUNSET PROVISION.—Effective 3 years after the date of enactment of this Act, section 204 of the Trafficking Victims Protection Reauthorization Act of 2005 (42 U.S.C. 14044c) is amended to read as it read on the day before the date of enactment of this Act.

(c) GAO EVALUATION.—Not later than 30 months after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study of and submit to Congress a report evaluating the impact of this Act and the amendments made by this Act in aiding minor victims of sex trafficking in the United States and increasing the ability of law enforcement agencies to prosecute sex trafficking offenders, which shall include recommendations, if any, regarding any legislative or administrative action the Comptroller General determines appropriate.

On page 36, line 14, insert ''(as defined in such section 3486)'' after ''sex offenders''.

On page 41, line 21, insert ''(a) IN GENERAL.—'' before ''Section 3486(a)(1)''.

On page 41, strike line 23 and all that follows through page 42, line 4, and insert the following:

(1) in subparagraph (A)—

(A) in clause (i), by striking ''or'' at the end;

(B) by redesignating clause (ii) as clause (iii); and

(C) by inserting after clause (i) the following:

''(ii) an unregistered sex offender conducted by the United States Marshals Service, the Director of the United States Marshals Service; or''; and

On page 42, strike line 9.

On page 42, line 10, strike ''(C)'' and insert ''(B)''.

On page 42, line 12, strike ''(D)'' and insert ''(C)''.

On page 42, after line 15, add the following:

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 3486(a) of title 18, United States Code, is amended—

(1) in paragraph (6)(A), by striking ''United State'' and inserting ''United States'';

(2) in paragraph (9), by striking ''(1)(A)(ii)'' and inserting ''(1)(A)(iii)''; and

(3) in paragraph (10), by striking ''paragraph (1)(A)(ii)'' and inserting ''paragraph (1)(A)(iii)''.

SEC. 12. REDUCING UNNECESSARY PRINTING AND PUBLISHING COSTS OF GOVERNMENT DOCUMENTS.

Not later than 180 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall coordinate with the heads of Federal departments and independent agencies to—

(1) determine which Government publications could be available on Government websites and no longer printed and to devise a strategy to reduce overall Government printing costs beginning with fiscal year 2012, except that the Director shall ensure that essential printed documents prepared for Social Security recipients, Medicare beneficiaries, and other populations in areas with limited internet access or use continue to remain available;

(2) establish government-wide Federal guidelines on employee printing;

(3) issue on the Office of Management and Budget's public website the results of a cost-benefit analysis on implementing a digital signature system and on establishing employee printing identification systems, such as the use of individual employee cards or codes, to monitor the amount of printing done by Federal employees, except that the Director of the Office of Management and Budget shall ensure that Federal employee printing costs unrelated to national defense, homeland security, border security, national disasters, and other emergencies do not exceed $860,000,000 annually for fiscal years 2012 through 2014; and

(4) issue guidelines requiring every department, agency, commission or office to list at a prominent place near the beginning of each publication distributed to the public and issued or paid for by the Federal Government the following:

(A) The name of the issuing agency, department, commission or office.

(B) The total number of copies of the document printed.

(C) The collective cost of producing and printing all of the copies of the document.

(D) The name of the firm publishing the document.

SEC. 13. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 2925) was ordered to be engrossed for a third reading and was read the third time.

The assistant legislative clerk read as follows:

Mr. Conrad: This is the Statement of Budgetary Effects of PAYGO Legislation for S. 2925, as amended.

Total Budgetary Effects of S. 2925 for the 5-year Statutory PAYGO Scorecard: $0.

Total Budgetary Effects of S. 2925 for the 10-year Statutory PAYGO Scorecard: $0.

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

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR S. 2925, THE DOMESTIC MINOR SEX TRAFFICKING DETERRENCE AND VICTIMS SUPPORT ACT OF 2010, WITH AMENDMENTS PROVIDED TO CBO ON DECEMBER 6, 2010

	By fiscal year, in millions of dollars—											
	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2011–2015	2011–2020
Net Increase of Decrease (−) in the Deficit												
Statutory Pay-As-You-Go Impact [1]	0	0	0	0	0	0	0	0	0	0	0	0

[1] S. 2925 would establish a new federal crime relating to the violation of certain protective orders issued by courts. Violators of the bill's provisions could be subject to criminal fines, so the government might collect more fines if the bill is enacted. Criminal fines are recorded as revenues, then deposited in the Crime Victims Fund, and later spent. Enacting S. 2925 could increase revenues and direct spending, but CBO estimates that the net budget impact would not be significant in any year.

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

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

The bill (S. 2925), as amended, was passed, as follows:

S. 2925

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 ''Domestic Minor Sex Trafficking Deterrence and Victims Support Act of 2010''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Human trafficking is modern-day slavery. It is one of the fastest-growing, and the second largest, criminal enterprise in the world. Human trafficking generates an estimated profit of $32,000,000,000 per year, world wide.

(2) In the United States, human trafficking is an increasing problem. This criminal enterprise victimizes individuals in the United States, many of them children, who are forced into prostitution, and foreigners brought into the country, often under false pretenses, who are coerced into forced labor or commercial sexual exploitation.

(3) Sex trafficking is one of the most lucrative areas of human trafficking. Criminal gang members in the United States are increasingly involved in recruiting young women and girls into sex trafficking. Interviews with gang members indicate that the gang members regard working as an individual who solicits customers for a prostitute (commonly known as a ''pimp'') to being as lucrative as trafficking in drugs, but with a much lower chance of being criminally convicted.

(4) National Incidence Studies of Missing, Abducted, Runaway and Throwaway Children, the definitive study of episodes of missing children, found that of the children who are victims of non-family abduction, runaway or throwaway children, the police are alerted by family or guardians in only 21 percent of the cases. In 79 percent of cases there is no report and no police involvement, and therefore no official attempt to find the child.

(5) In 2007, the Administration of Children and Families, Department of Health and Human Services, reported to the Federal Government 265,000 cases of serious physical, sexual, or psychological abuse of children.

(6) Experts estimate that each year at least 100,000 children in the United States are exploited through prostitution.

(7) Children who have run away from home are at a high risk of becoming exploited through sex trafficking. Children who have run away multiple times are at much higher risk of not returning home and of engaging in prostitution.

(8) The vast majority of children involved in sex trafficking have suffered previous sexual or physical abuse, live in poverty, or have no stable home or family life. These children require a comprehensive framework of specialized treatment and mental health counseling that addresses post-traumatic stress, depression, and sexual exploitation.

(9) The average age of first exploitation through prostitution is 13. Seventy-five percent of minors exploited through prostitution have a pimp. A pimp can earn $200,000 per year prostituting 1 sex trafficking victim.

(10) Sex trafficking of minors is a complex and varied criminal problem that requires a multi-disciplinary, cooperative solution. Reducing trafficking will require the Government to address victims, pimps, and johns, and to provide training specific to sex trafficking for law enforcement officers and prosecutors, and child welfare, public health, and other social service providers.

(11) Human trafficking is a criminal enterprise that imposes significant costs on the economy of the United States. Government and non-profit resources used to address trafficking include those of law enforcement, the judicial and penal systems, and social service providers. Without a range of appropriate treatments to help trafficking victims overcome the trauma they have experienced, victims will continue to be exploited by criminals and unable to support themselves, and will continue to require Government resources, rather than being productive contributors to the legitimate economy.

(12) Human trafficking victims are often either not identified as trafficking victims or are mischaracterized as criminal offenders. Both private and public sector personnel play a significant role in identifying trafficking victims and potential victims, such as runaways. Examples of such personnel include hotel staff, flight attendants, health care providers, educators, and parks and recreation personnel. Efforts to train these individuals can bolster law enforcement efforts to reduce human trafficking.

(13) Minor sex trafficking victims are under the age of 18. Because minors do not have the capacity to consent to their own commercial sexual exploitation, minor sex trafficking victims should not be charged as criminal defendants. Instead, minor victims of sex trafficking should have access to treatment and services to help them recover from their sexual exploitation, and should also be provided access to appropriate compensation for harm they have suffered.

(14) Several States have recently passed or are considering legislation that establishes a presumption that a minor charged with a prostitution offense is a severely trafficked person and should instead be cared for through the child protection system. Some such legislation also provides support and services to minor sex trafficking victims who are under the age of 18 years old. These services include safe houses, crisis intervention programs, community-based programs, and law-enforcement training to help officers identify minor sex trafficking victims.

(15) Sex trafficking of minors is not a problem that occurs only in urban settings. This crime also exists in rural areas and on Indian reservations. Efforts to address sex trafficking of minors should include partnerships with organizations that seek to address the needs of such underserved communities.

SEC. 3. SENSE OF CONGRESS.

It is the sense of the Congress that—

(1) the Attorney General should implement changes to the National Crime Information Center database to ensure that—

(A) a child entered into the database will be automatically designated as an endangered juvenile if the child has been reported missing not less than 3 times in a 1-year period;

(B) the database is programmed to cross-reference newly entered reports with historical records already in the database; and

(C) the database is programmed to include a visual cue on the record of a child designated as an endangered juvenile to assist law enforcement officers in recognizing the child and providing the child with appropriate care and services;

(2) funds awarded under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.) (commonly known as Byrne Grants) should be used to provide education, training, deterrence, and prevention programs relating to sex trafficking of minors;

(3) States should—

(A) treat minor victims of sex trafficking as crime victims rather than as criminal defendants or juvenile delinquents;

(B) adopt laws that—

(i) establish the presumption that a child under the age of 18 who is charged with a prostitution offense is a minor victim of sex trafficking;

(ii) avoid the criminal charge of prostitution for such a child, and instead consider such a child a victim of crime and provide the child with appropriate services and treatment; and

(iii) strengthen criminal provisions prohibiting the purchasing of commercial sex acts, especially with minors;

(C) amend State statutes and regulations—

(i) relating to crime victim compensation to make eligible for such compensation any individual who is a victim of sex trafficking as defined in section 1591(a) of title 18, United States Code, or a comparable State law against commercial sexual exploitation of children, and who would otherwise be ineligible for such compensation due to participation in prostitution activities because the individual is determined to have contributed to, consented to, benefitted from, or otherwise participated as a party to the crime for which the individual is claiming injury; and

(ii) relating to law enforcement reporting requirements to provide for exceptions to such requirements for victims of sex trafficking in the same manner as exceptions are provided to victims of domestic violence or related crimes; and

(4) demand for commercial sex with sex trafficking victims must be deterred through consistent enforcement of criminal laws against purchasing commercial sex.

SEC. 4. SEX TRAFFICKING BLOCK GRANTS.

(a) IN GENERAL.—Section 204 of the Trafficking Victims Protection Reauthorization Act of 2005 (42 U.S.C. 14044c) is amended to read as follows:

"SEC. 204. ENHANCING STATE AND LOCAL EFFORTS TO COMBAT TRAFFICKING IN PERSONS.

"(a) SEX TRAFFICKING BLOCK GRANTS.—

"(1) DEFINITIONS.—In this section—

"(A) the term 'Assistant Attorney General' means the Assistant Attorney General for the Office of Justice Programs of the Department of Justice;

"(B) the term 'eligible entity' means a State or unit of local government that—

"(i) has significant criminal activity involving sex trafficking of minors;

"(ii) has demonstrated cooperation between State, local, and, where applicable, tribal law enforcement agencies, prosecutors, and social service providers in addressing sex trafficking of minors;

"(iii) has developed a workable, multi-disciplinary plan to combat sex trafficking of minors, including—

"(I) the establishment of a shelter for minor victims of sex trafficking, through existing or new facilities;

"(II) the provision of rehabilitative care to minor victims of sex trafficking;

"(III) the provision of specialized training for law enforcement officers and social service providers for all forms of sex trafficking, with a focus on sex trafficking of minors;

"(IV) prevention, deterrence, and prosecution of offenses involving sex trafficking of minors;

"(V) cooperation or referral agreements with organizations providing outreach or other related services to runaway and homeless youth; and

"(VI) law enforcement protocols or procedures to screen all individuals arrested for prostitution, whether adult or minor, for victimization by sex trafficking and by other crimes, such as sexual assault and domestic violence; and

"(iv) provides an assurance that, under the plan under clause (iii), a minor victim of sex trafficking shall not be required to collaborate with law enforcement to have access to any shelter or services provided with a grant under this section;

"(C) the term 'minor victim of sex trafficking' means an individual who is—

"(i) under the age of 18 years old, and is a victim of an offense described in section 1591(a) of title 18, United States Code, or a comparable State law; or

"(ii) at least 18 years old but not more than 20 years old, and who, on the day before the individual attained 18 years of age, was described in clause (i) and was receiving shelter or services as a minor victim of sex trafficking;

"(D) the term 'qualified non-governmental organization' means an organization that—

"(i) is not a State or unit of local government, or an agency of a State or unit of local government;

"(ii) has demonstrated experience providing services to victims of sex trafficking or related populations (such as runaway and homeless youth), or employs staff specialized in the treatment of sex trafficking victims; and

"(iii) demonstrates a plan to sustain the provision of services beyond the period of a grant awarded under this section; and

"(E) the term 'sex trafficking of a minor' means an offense described in subsection (a) of section 1591 of title 18, United States Code, the victim of which is a minor.

"(2) GRANTS AUTHORIZED.—

"(A) IN GENERAL.—The Assistant Attorney General, in consultation with the Assistant Secretary for Children and Families of the Department of Health and Human Services, is authorized to award block grants to 6 eligible entities in different regions of the United States to combat sex trafficking, and not fewer than 1 of the block grants shall be awarded to an eligible entity with a State population of less than 5,000,000. Each eligible entity awarded a block grant under this subparagraph shall certify that Federal funds received under the block grant will be used to combat only interstate sex trafficking.

''(B) GRANT AMOUNT.—Subject to the availability of appropriations under subsection (g) to carry out this section, each grant awarded under this section shall be for an amount not less than $2,000,000 and not greater than $2,500,000.

''(C) DURATION.—

''(i) IN GENERAL.—A grant awarded under this section shall be for a period of 1 year.

''(ii) RENEWAL.—

''(I) IN GENERAL.—The Assistant Attorney General may renew a grant under this section for two 1-year periods.

''(II) PRIORITY.—In awarding grants in any fiscal year after the first fiscal year in which grants are awarded under this section, the Assistant Attorney General shall give priority to applicants that received a grant in the preceding fiscal year and are eligible for renewal under this subparagraph, taking into account any evaluation of such applicant conducted pursuant to paragraph (5), if available.

''(D) CONSULTATION.—In carrying out this section, consultation by the Assistant Attorney General with the Assistant Secretary for Children and Families of the Department of Health and Human Services shall include consultation with respect to grantee evaluations, the avoidance of unintentional duplication of grants, and any other areas of shared concern.

''(3) USE OF FUNDS.—

''(A) ALLOCATION.—For each grant awarded under paragraph (2)—

''(i) not less than 67 percent of the funds shall be used by the eligible entity to provide shelter and services (as described in clauses (i) through (iv) of subparagraph (B)) to minor victims of sex trafficking through qualified nongovernmental organizations; and

''(ii) not less than 10 percent of the funds shall be awarded by the eligible entity to one or more qualified nongovernmental organizations with annual revenues of less than $750,000, to provide services to minor victims of sex trafficking or training for service providers related to sex trafficking of minors.

''(B) AUTHORIZED ACTIVITIES.—Grants awarded pursuant to paragraph (2) may be used for—

''(i) providing shelter to minor victims of trafficking, including temporary or long-term placement as appropriate;

''(ii) providing 24-hour emergency social services response for minor victims of sex trafficking;

''(iii) providing minor victims of sex trafficking with clothing and other daily necessities needed to keep such victims from returning to living on the street;

''(iv) case management services for minor victims of sex trafficking;

''(v) mental health counseling for minor victims of sex trafficking, including specialized counseling and substance abuse treatment;

''(vi) legal services for minor victims of sex trafficking;

''(vii) specialized training for law enforcement personnel, social service providers, and public and private sector personnel likely to encounter sex trafficking victims on issues related to the sex trafficking of minors;

''(viii) funding salaries, in whole or in part, for law enforcement officers, including patrol officers, detectives, and investigators, except that the percentage of the salary of the law enforcement officer paid for by funds from a grant awarded under paragraph (2) shall not be more than the percentage of the officer's time on duty that is dedicated to working on cases involving sex trafficking of minors;

''(ix) funding salaries for State and local prosecutors, including assisting in paying trial expenses for prosecution of sex trafficking offenders;

''(x) investigation expenses for cases involving sex trafficking of minors, including—

''(I) wire taps;

''(II) consultants with expertise specific to cases involving sex trafficking of minors;

''(III) travel; and

''(IV) any other technical assistance expenditures;

''(xi) outreach and education programs to provide information about deterrence and prevention of sex trafficking of minors; and

''(xii) programs to provide treatment to individuals charged or cited with purchasing or attempting to purchase sex acts in cases where—

''(I) a treatment program can be mandated as a condition of a sentence, fine, suspended sentence, or probation, or is an appropriate alternative to criminal prosecution; and

''(II) the individual was not charged with purchasing or attempting to purchase sex acts with a minor.

''(4) APPLICATION.—

''(A) IN GENERAL.—Each eligible entity desiring a grant under this section shall submit an application to the Assistant Attorney General at such time, in such manner, and accompanied by such information as the Assistant Attorney General may reasonably require.

''(B) CONTENTS.—Each application submitted pursuant to subparagraph (A) shall—

''(i) describe the activities for which assistance under this section is sought; and

''(ii) provide such additional assurances as the Assistant Attorney General determines to be essential to ensure compliance with the requirements of this section.

''(5) EVALUATION.—The Assistant Attorney General shall enter into a contract with an academic or non-profit organization that has experience in issues related to sex trafficking of minors and evaluation of grant programs to conduct an annual evaluation of grants made under this section to determine the impact and effectiveness of programs funded with grants awarded under paragraph (2).

''(b) MANDATORY EXCLUSION.—Any grantee awarded funds under this section that is found to have utilized grant funds for any unauthorized expenditure or otherwise unallowable cost shall not be eligible for any grant funds awarded under the block grant for 2 fiscal years following the year in which the unauthorized expenditure or unallowable cost is reported.

''(c) COMPLIANCE REQUIREMENT.—A grantee shall not be eligible to receive a grant under this section if within the last 5 fiscal years, the grantee has been found to have violated the terms or conditions of a Government grant program by utilizing grant funds for unauthorized expenditures or otherwise unallowable costs.

''(d) ADMINISTRATIVE CAP.—The cost of administering the grants authorized by this section shall not exceed 3 percent of the total amount appropriated to carry out this section.

''(e) AUDIT REQUIREMENT.—For fiscal years 2012 and 2013, the Inspector General of the Department of Justice shall conduct an audit of all 6 grantees awarded block grants under this section.

''(f) MATCH REQUIREMENT.—A grantee of a grant under this section shall match at least 25 percent of a grant in the first year, 40 percent in the second year, and 50 percent inj the third year.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General to carry out this section $15,000,000 for each of the fiscal years 2012 through 2014.''.

(b) SUNSET PROVISION.—Effective 3 years after the date of enactment of this Act, section 204 of the Trafficking Victims Protection Reauthorization Act of 2005 (42 U.S.C. 14044c) is amended to read as it read on the day before the date of enactment of this Act.

(c) GAO EVALUATION.—Not later than 30 months after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study of and submit to Congress a report evaluating the impact of this Act and the amendments made by this Act in aiding minor victims of sex trafficking in the United States and increasing the ability of law enforcement agencies to prosecute sex trafficking offenders, which shall include recommendations, if any, regarding any legislative or administrative action the Comptroller General determines appropriate.

SEC. 5. REPORTING REQUIREMENTS.

(a) REPORTING REQUIREMENT FOR STATE CHILD WELFARE AGENCIES.—

(1) REQUIREMENT FOR STATE CHILD WELFARE AGENCIES TO REPORT CHILDREN MISSING OR ABDUCTED.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(A) in paragraph (32), by striking ''and'' after the semicolon;

(B) in paragraph (33), by striking the period and inserting ''; and''; and

(C) by inserting after paragraph (33) the following:

''(34) provides that the State has in effect procedures that require the State agency to promptly report information on missing or abducted children to the law enforcement authorities for entry into the National Crime Information Center (NCIC) database of the Federal Bureau of Investigation, established pursuant to section 534 of title 28, United States Code.''.

(2) REGULATIONS.—The Secretary of Health and Human Services shall promulgate regulations implementing the amendments made by paragraph (1). The regulations promulgated under this subsection shall include provisions to withhold Federal funds from any State that fails to substantially comply with the requirement imposed under the amendments made by paragraph (1).

(3) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date that is 6 months after the date of the enactment of this Act, without regard to whether final regulations required under paragraph (2) have been promulgated.

(b) ANNUAL STATISTICAL SUMMARY.—Section 3701(c) of the Crime Control Act of 1990 (42 U.S.C. 5779(c)) is amended by inserting '', which shall include the total number of reports received and the total number of entries made to the National Crime Information Center (NCIC) database of the Federal Bureau of Investigation, established pursuant to section 534 of title 28, United States Code.'' after ''this title''.

(c) STATE REPORTING.—Section 3702 of the Crime Control Act of 1990 (42 U.S.C. 5780) is amended in paragraph (4)—

(1) by striking ''(2)'' and inserting ''(3)'';

(2) in subparagraph (A), by inserting '', and a photograph taken within the previous 180 days'' after ''dental records'';

(3) in subparagraph (B), by striking ''and'' after the semicolon;

(4) by redesignating subparagraph (C) as subparagraph (D); and

(5) by inserting after subparagraph (B) the following:

''(C) notify the National Center for Missing and Exploited Children of each report received relating to a child reported missing from a foster care family home or childcare institution; and''.

SEC. 6. PROTECTION FOR CHILD TRAFFICKING VICTIMS AND SURVIVORS.

Section 225(b) of the Trafficking Victims Reauthorization Act of 2008 (22 U.S.C. 7101 note) is amended—

(1) in paragraph (1), by striking ''and'' at the end;

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following:

''(2) protects children exploited through prostitution by including safe harbor provisions that—

''(A) treat an individual under 18 years of age who has been arrested for offering to engage in or engaging in a sexual act with another person in exchange for monetary compensation as a victim of a severe form of trafficking in persons;

''(B) prohibit the charging or prosecution of an individual described in subparagraph (A) for a prostitution offense;

''(C) require the referral of an individual described in subparagraph (A) to comprehensive service or community-based programs that provide assistance to child victims of commercial sexual exploitation, to the extent that comprehensive service or community-based programs exist; and

''(D) provide that an individual described in subparagraph (A) shall not be required to prove fraud, force, or coercion in order to receive the protections described under this paragraph; and''.

SEC. 7. SUBPOENA AUTHORITY.

Section 566(e)(1) of title 28, United States Code, is amended—

(1) in subparagraph (A), by striking ''and'' at the end;

(2) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(C) issue administrative subpoenas in accordance with section 3486 of title 18, solely for the purpose of investigating unregistered sex offenders (as defined in such section 3486).''.

SEC. 8. PROTECTION OF CHILD WITNESSES.

Section 1514 of title 18, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by inserting ''or its own motion,'' after ''attorney for the Government''; and

(ii) by inserting ''or investigation'' after ''Federal criminal case'' each place it appears;

(B) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively;

(C) by inserting after paragraph (1) the following:

''(2) In the case of a minor witness or victim, the court shall issue a protective order prohibiting harassment or intimidation of the minor victim or witness if the court finds evidence that the conduct at issue is reasonably likely to adversely affect the willingness of the minor witness or victim to testify or otherwise participate in the Federal criminal case or investigation. Any hearing regarding a protective order under this paragraph shall be conducted in accordance with paragraphs (1) and (3), except that the court may issue an ex parte emergency protective order in advance of a hearing if exigent circumstances are present. If such an ex parte order is applied for or issued, the court shall hold a hearing not later than 14 days after the date such order was applied for or is issued.'';

(D) in paragraph (4), as so redesignated, by striking ''(and not by reference to the complaint or other document)''; and

(E) in paragraph (5), as so redesignated, in the second sentence, by inserting before the period at the end the following: '', except that in the case of a minor victim or witness, the court may order that such protective order expires on the later of 3 years after the date of issuance or the date of the eighteenth birthday of that minor victim or witness''; and

(2) by striking subsection (c) and inserting the following:

''(c) Whoever knowingly and intentionally violates or attempts to violate an order issued under this section shall be fined under this title, imprisoned not more than 5 years, or both.

''(d)(1) As used in this section—

''(A) the term 'course of conduct' means a series of acts over a period of time, however short, indicating a continuity of purpose;

''(B) the term 'harassment' means a serious act or course of conduct directed at a specific person that—

''(i) causes substantial emotional distress in such person; and

''(ii) serves no legitimate purpose;

''(C) the term 'immediate family member' has the meaning given that term in section 115 and includes grandchildren;

''(D) the term 'intimidation' means a serious act or course of conduct directed at a specific person that—

''(i) causes fear or apprehension in such person; and

''(ii) serves no legitimate purpose;

''(E) the term 'restricted personal information' has the meaning give that term in section 119;

''(F) the term 'serious act' means a single act of threatening, retaliatory, harassing, or violent conduct that is reasonably likely to influence the willingness of a victim or witness to testify or participate in a Federal criminal case or investigation; and

''(G) the term 'specific person' means a victim or witness in a Federal criminal case or investigation, and includes an immediate family member of such a victim or witness.

''(2) For purposes of subparagraphs (B)(ii) and (D)(ii) of paragraph (1), a court shall presume, subject to rebuttal by the person, that the distribution or publication using the Internet of a photograph of, or restricted personal information regarding, a specific person serves no legitimate purpose, unless that use is authorized by that specific person, is for news reporting purposes, is designed to locate that specific person (who has been reported to law enforcement as a missing person), or is part of a government-authorized effort to locate a fugitive or person of interest in a criminal, antiterrorism, or national security investigation.''.

SEC. 9. SENTENCING GUIDELINES.

Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and amend the Federal sentencing guidelines and policy statements to ensure—

(1) that the guidelines provide an additional penalty increase of up to 8 offense levels, if appropriate, above the sentence otherwise applicable in Part J of the Guidelines Manual if the defendant was convicted of a violation of section 1591 of title 18, United States Code, or chapters 109A, 109B, 110 or 117 of title 18, United States Code; and

(2) if the offense described in paragraph (1) involved causing or threatening to cause physical injury to a person under 18 years of age, in order to obstruct the administration of justice, an additional penalty increase of up to 12 levels, if appropriate, above the sentence otherwise applicable in Part J of the Guidelines Manual.

SEC. 10. MINIMUM PENALTIES FOR POSSESSION OF CHILD PORNOGRAPHY.

(a) CERTAIN ACTIVITIES RELATING TO MATERIAL INVOLVING THE SEXUAL EXPLOITATION OF MINORS.—Section 2252(b)(2) of title 18, United States Code, is amended by inserting after ''but if'' the following: ''any visual depiction involved in the offense involved a prepubescent minor or a minor who had not attained 12 years of age, such person shall be fined under this title and imprisoned for not less than 1 year nor more than 20 years, or if''.

(b) CERTAIN ACTIVITIES RELATING TO MATERIAL CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.—Section 2252A(b)(2) of title 18, United States Code, is amended by inserting after ''but, if'' the following: ''any image of child pornography involved in the offense involved a prepubescent minor or a minor who had not attained 12 years of age, such person shall be fined under this title and imprisoned for not less than 1 year nor more than 20 years, or if''.

SEC. 11. ADMINISTRATIVE SUBPOENAS.

(a) IN GENERAL.—Section 3486(a)(1) of title 18, United States Code, is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking ''or'' at the end;

(B) by redesignating clause (ii) as clause (iii); and

(C) by inserting after clause (i) the following:

''(ii) an unregistered sex offender conducted by the United States Marshals Service, the Director of the United States Marshals Service; or''; and

(2) in subparagraph (D)—

(A) by striking ''paragraph, the term'' and inserting the following: ''paragraph—

''(i) the term'';

(B) by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(ii) the term 'sex offender' means an individual required to register under the Sex Offender Registration and Notification Act (42 U.S.C. 16901 et seq.).''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 3486(a) of title 18, United States Code, is amended—

(1) in paragraph (6)(A), by striking ''United State'' and inserting ''United States'';

(2) in paragraph (9), by striking ''(1)(A)(ii)'' and inserting ''(1)(A)(iii)''; and

(3) in paragraph (10), by striking ''paragraph (1)(A)(ii)'' and inserting ''paragraph (1)(A)(iii)''.

SEC. 12. REDUCING UNNECESSARY PRINTING AND PUBLISHING COSTS OF GOVERNMENT DOCUMENTS.

Not later than 180 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall coordinate with the heads of Federal departments and independent agencies to—

(1) determine which Government publications could be available on Government websites and no longer printed and to devise a strategy to reduce overall Government printing costs beginning with fiscal year 2012, except that the Director shall ensure that essential printed documents prepared for Social Security recipients, Medicare beneficiaries, and other populations in areas with limited internet access or use continue to remain available;

(2) establish government-wide Federal guidelines on employee printing;

(3) issue on the Office of Management and Budget's public website the results of a cost-benefit analysis on implementing a digital signature system and on establishing employee printing identification systems, such as the use of individual employee cards or codes, to monitor the amount of printing done by Federal employees, except that the Director of the Office of Management and Budget shall ensure that Federal employee printing costs unrelated to national defense, homeland security, border security, national disasters, and other emergencies do not exceed $860,000,000 annually for fiscal years 2012 through 2014; and

(4) issue guidelines requiring every department, agency, commission or office to list at

a prominent place near the beginning of each publication distributed to the public and issued or paid for by the Federal Government the following:

(A) The name of the issuing agency, department, commission or office.

(B) The total number of copies of the document printed.

(C) The collective cost of producing and printing all of the copies of the document.

(D) The name of the firm publishing the document.

SEC. 13. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Mr. WYDEN. Mr. President, with the passage of S. 2925, the Senate is sending to the House the first ever all-out battle plan to defeat one of the fastest growing criminal enterprises in our country; that is, trafficking children for sex.

Senator CORNYN and I have worked together on this issue for many months on a bipartisan basis with tremendous help from Chairman LEAHY, from Senator SESSIONS, from Senator DURBIN, and Senator KYL, and before I begin my statement tonight, I wish to express my thanks to them. This is a textbook for how the Senate ought to work together on an important issue in a bipartisan way, and I am very grateful to my colleagues for their leadership.

When I first approached Senator CORNYN, he said in our very first conversation: This has nothing to do with Democrats and Republicans; this is about doing what is right for young people. So I am very grateful to my colleagues on both sides of the aisle for the support they have shown on this matter.

Each year, an estimated 100,000 children in America are trafficked for sex. They are recruited by violent criminals, and their average age is between 12 and 14. The fact is, sex trafficking in children is modern day slavery, pure and simple.

Tragically, my home State of Oregon has become a hub for those who would exploit women and young girls, and the tragedy is my State is not alone. What we have seen—and this was brought out in hearings—is that the reason this is such a fast-growing crime is it is so easy to perpetrate and there is such big money involved.

For example, experts in the field said for some time, you would see gangs zero in on drugs. The fact is, trafficking in children, according to many of the experts, is easier than trafficking in drugs, and today, with the Internet and the anonymity that the Internet provides these dangerous criminals who traffic in children, it is, as I say, one of the fastest growing crimes in American life.

I got a sense of what this was all about this summer when I had a chance to go out with Portland police officers in my hometown on 82nd Avenue. What I saw is something I will never forget: a heart-wrenching example of why this bipartisan legislation is so important. I saw a 15-year-old girl essentially out there with the tools of the trade. She had a cell phone so she could be in constant contact with her pimp, and all night long they were getting messages: Made $80, made $100 on a customer here or somewhere else. So she had her cell phone. She had a butcher knife because she knew she needed a butcher knife to protect herself, and she had a purse full of condoms, because she knew she was going to have a bunch more customers during the course of the evening. So what you have—and this is not primarily about statistics. If one young woman, whether it is in the State of West Virginia or Oregon or anywhere else, is prostituted this way, trafficked this way, that is one young woman too many.

What the Senate has done now with the passage of S. 2925 is draw a line in the sand and say, for the first time, that we are going to put in place a comprehensive strategy, bring together the law enforcement people and the human services people to deal with this in a way that is going to allow us to send a message on the streets of this country—and particularly the interstate highways which have become such a magnet for sex trafficking—that the odds are going to be different; that this time those who traffic in young women are going to face real prospects of a deterrent.

The reality is these young women don't end up working as prostitutes by accident. The growing army of pimps I mentioned—violent, ruthless criminals—see this group as an ideal group of young people to prey on. The fact is, a pimp can make $200,000 a year trafficking just one victim. Of course, many of those pimps traffic multiple victims on any particular occasion. Once a young girl is under the control of a pimp, it is very difficult for that youngster to escape. The pimps use violence to control girls, as well as traumatize them. They move the girls constantly from city to city, keeping them isolated from any source of support and preventing them from developing any kind of other more healthy relationships.

In talking to law enforcement officials, I learned that removing sex trafficking victims from the control of a pimp is very difficult. It is one that requires training, resources, and in effect a strategy, bringing together law enforcement people and social services people in order to break this degrading and often deadly spiral of sex trafficking in youngsters.

There are a variety of needs these young people have. One that Senator CORNYN and I learned about in the course of our work is the need for dedicated shelter for these youngsters who have been trafficked. Without shelter, for example, there is no place to keep trafficking victims safe from the pimps and to give them the counseling and services they need. If there is no safe place for the victims to stay, there is no way the law enforcement authorities can build a case against the pimp. So this is a perfect example of how the important work being done by our social service providers, in terms of the work in the shelters, is absolutely a prerequisite to tough, aggressive prosecution of the pimps because if you don't have a safe place for the young women, there is no place for them to get the health care and services and counseling they need.

In fact, the night when I was out in Portland and saw, in particular, that 15-year-old with what I call the tools of the trade, when the police picked her up—and Portland's professionals in the sex trafficking field are extraordinarily talented. I saw that firsthand, and officials from around the country tell me the same thing. One of the big questions they were faced with was, where would they send the young women they found that evening for the next couple of days in order to just work out a more permanent living arrangement? In Portland, we have been able to do it. But even in our city, which is now mobilizing all through the community, it has been very difficult.

At present, there are only about 70 shelter beds for sex trafficking victims in the whole country. So that is why I mentioned that pimps know their chances of getting prosecuted for forcing girls to engage in prostitution are very low. We have some laws on the books, but we also need a strategy bringing together shelters, training for law enforcement officials and other resources if we are going to have the strongest possible battle plan against sex trafficking.

Senator CORNYN and I got together to introduce this legislation. We would set up what amounts to model projects across the country to test out the best approaches for combating sex trafficking of children. We do make clear these approaches have to bring together law enforcement people and social services.

It makes me very proud. The Chair, having served as Governor of West Virginia, knows from time to time you see some debates between law enforcement people and social services folks. Law enforcement people believe prosecution is the way to go. The social services folks believe their model is more effective.

What Senator CORNYN and I found is that this is an area where the law enforcement people support the social services folks and vice versa because they know both elements—social services and law enforcement—are going to be necessary to fight this scourge.

I mentioned shelters. There would also be block grants available for mental and physical health care, treatment for substance abuse and sexual abuse, and also assistance with trauma care. There would be help for the victims

with food, clothing, and other necessities; and together it means the youngsters—primarily young women—who are going to be in these shelters will know from the time they get to the shelter that caring individuals want them to have a different life.

That is what drew me to this legislation. When you are talking about preying on young people, every Member of the Senate is concerned. What I think galvanized my attention was that a lot of these young women don't think anybody cares about them except their pimp. They have gotten to the point in life where they believe there isn't anybody in their corner.

Their pimp says: You know, sweetheart, I care about you. You are what's really important to me. Let's just make some money, and eventually you will be out on your own.

What you have with these shelters, and also the law enforcement people I saw in Portland, is young women saying for the first time that there is an adult, a role model, who wants them to have a different life, who wants them to have the prospect of a different future, where they are not degrading themselves, where they are not victimized, where they have a different set of possibilities for their lives.

The human services aspects of this legislation are extremely important, and they complement the help that law enforcement would get as well. I was particularly struck, as we got into the law enforcement aspect of this fight against sex trafficking, that there, again, had been some model approaches. The law enforcement official I was particularly impressed with was the Dallas, TX, police sergeant Byron Fassett. He explained to me that without the right training, law enforcement officers would not know how to spot the signs of sex trafficking and would not know how to handle the victims.

So Senator CORNYN and I thought, with the counsel of our colleagues on both sides of the aisle, it would be important to provide specialized training for police officers and prosecutors to help them understand how to handle sex trafficking cases. The fact is, Sergeant Fassett of Dallas, TX, can only be at one place at a time.

What this legislation is going to do is make it possible for other leaders in the law enforcement field to get the training out across the country, the state-of-the-art approaches about how to best fight the violent criminals who engaged in this activity, and I am very pleased that we were able to make possible part of the grant in this legislation assistance for the law enforcement community.

Finally, the bill would address another issue that is a major component of sex trafficking, and that is runaway children. One-third of runaway children are lured into prostitution within 48 hours of leaving their home. The evidence also shows that the children who have run away multiple times are at the greatest risk of being drawn into sex trafficking.

So what we are doing in this legislation is making it possible for law enforcement officials to, in effect, make priority the children at greatest risk; that is, these runaways. I am very pleased we were able to work out a bipartisan agreement for our approach in this area.

It would be hard to give appropriate thanks to all who participated in this effort—certainly, to do it without keeping you here until breakfast time. Let me name just a small number of the many groups and individuals who provided extremely valuable insight: the Polaris Project, Shared Hope International, National Center for Missing and Exploited Children, the FBI's Innocence Lost Project, and ECPAT-USA. I could go on with the list of many groups.

Mr. President, I will tell you I am especially grateful to the faith community for all of their efforts. Throughout this debate, Senator CORNYN and I have been contacted by religious leaders from all over the country, from all particular denominations, talking about how important this legislation is to them; and what they conveyed to us is that this is what they see in their congregations. This is what parents go to bed at night worrying about—the prospect of seeing one of their youngsters caught up in this vicious cycle of degradation, crime, and lost hope for the future.

We could not be here tonight if it wasn't for the faith community that, all across the country, contacted their Senators, contacted various civic groups, and made common cause with rallies and marches and petitions. This is what has made this night possible.

So I have tried to make sure the Senate knows that a whole host of colleagues on both sides of the aisle have worked on this. I will say my older daughter said the other night: Dad, I have figured it out. You are in the only profession on Earth where somebody your age is considered one of the young guys. I thought about that, because I have had the honor of serving in the Senate for some time—recently was reelected—and I can't recall a time when I felt prouder of the Senate coming together to deal with something that would make a real difference.

This one piece of legislation is not going to wipe out this reprehensible, heinous crime, where youngsters who are 12 and 13 and 14 are trafficked for sex. But with this legislation, from Portland, OR, to Portland, ME—and, frankly, this will have benefits internationally because a lot of these youngsters are also trafficked for sex far from the shores of the United States—tonight the Senate is making a difference. Tonight, the Senate is giving hope to parents who are concerned about their kids' future. For young women who are literally going to be hiding tonight near some of these interstates—Interstate 5, which goes all through the West—with the passage of this legislation and, hopefully, quick action by the House, this is a chance to make a difference for these young people.

This is what public service is supposed to be all about—making a difference for young people and families and doing it not on the basis of Democrats and Republicans but on the basis of what is right, what is moral, what is just. There are a lot of people who deserve credit here tonight, especially my friend and colleague, Senator CORNYN, but I am very hopeful the House will act on this legislation. I am going to put additional remarks into the RECORD, but Joel Shapiro, of my office, did yeoman's work on this legislation and deserves considerable credit tonight. I will leave my additional remarks for the CONGRESSIONAL RECORD, but tonight, through the good-faith efforts of lots of community and faith leaders, there is an opportunity to help reduce one of the fastest growing criminal enterprises in our country—certainly one of the most immoral—the trafficking of young people for sex.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AIRPORT AND AIRWAY EXTENSION ACT OF 2010—Resumed

Pending:

Reid motion to concur in the amendment of the House to the amendment of the Senate to the bill, with Reid amendment No. 4727 (to the House amendment to the Senate amendment), to change the enactment date.

Reid amendment No. 4728 (to amendment No. 4727), of a perfecting nature.

Reid motion to refer the message of the House on the bill to the Committee on Finance, with instructions, Reid amendment No. 4729, to provide for a study.

Reid amendment No. 4730 (the instructions) (to amendment No. 4729), of a perfecting nature.

Reid amendment No. 4731 (to amendment No. 4730), of a perfecting nature.

Mr. REID. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The pending business is the motion to concur——

Mr. REID. The message to accompany H.R. 4853.

Mr. President, I move to table my motion and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Alaska (Mr. BEGICH), the Senator from California (Mrs. BOXER), the Senator from Delaware (Mr.

COONS), the Senator from Connecticut (Mr. DODD), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from South Dakota (Mr. JOHNSON), the Senator from Florida (Mr. NELSON), the Senator from Montana (Mr. TESTER), the Senator from Virginia (Mr. WARNER), and the Senator from Virginia (Mr. WEBB) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Kentucky (Mr. BUNNING), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Texas (Mr. CORNYN), the Senator from Arizona (Mr. KYL), the Senator from Kansas (Mr. BROWNBACK), the Senator from Texas (Mrs. HUTCHISON), the Senator from Oklahoma (Mr. INHOFE), the Senator from North Carolina (Mr. BURR), the Senator from Idaho (Mr. CRAPO), the Senator from South Carolina (Mr. GRAHAM), the Senator from New Hampshire (Mr. GREGG), the Senator from Florida (Mr. LEMIEUX), and the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING) would have voted ''yea,'' the Senator from Tennessee (Mr. ALEXANDER) would have voted ''yea,'' and the Senator from Texas (Mr. CORNYN) would have voted ''yea.''

The result was announced—yeas 65, nays 11, as follows:

[Rollcall Vote No. 271 Leg.]

YEAS—65

Akaka	Franken	Mikulski
Barrasso	Gillibrand	Murkowski
Baucus	Grassley	Murray
Bennet	Hagan	Nelson (NE)
Bennett	Hatch	Pryor
Bingaman	Inouye	Reed
Bond	Isakson	Reid
Brown (MA)	Johanns	Risch
Cantwell	Kerry	Roberts
Cardin	Kirk	Rockefeller
Carper	Klobuchar	Schumer
Casey	Kohl	Sessions
Chambliss	Lautenberg	Shaheen
Coburn	Leahy	Shelby
Cochran	Levin	Snowe
Collins	Lieberman	Specter
Conrad	Lincoln	Stabenow
Corker	Lugar	Thune
Dorgan	Manchin	Whitehouse
Durbin	McCain	Wicker
Enzi	McCaskill	Wyden
Feinstein	McConnell	

NAYS—11

Brown (OH)	Landrieu	Udall (CO)
DeMint	Menendez	Udall (NM)
Ensign	Merkley	Voinovich
Harkin	Sanders	

NOT VOTING—24

Alexander	Cornyn	Johnson
Bayh	Crapo	Kyl
Begich	Dodd	LeMieux
Boxer	Feingold	Nelson (FL)
Brownback	Graham	Tester
Bunning	Gregg	Vitter
Burr	Hutchison	Warner
Coons	Inhofe	Webb

The motion was agreed to.

Mr. REID. Mr. President, I ask unanimous consent to withdraw my motion to concur in the House amendment to the Senate amendment to H.R. 4853 with the Reid for Baucus amendment No. 4727.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The majority leader.

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

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

MOTION TO CONCUR WITH AMENDMENT NO. 4753

Mr. REID. Mr. President, I move to concur in the House amendment to the Senate amendment to H.R. 4853 with the Reid-McConnell amendment No. 4753 and that the amendment be considered read.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to concur in the House amendment to the Senate amendment No. 4753 to H.R. 4853.

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4754 TO AMENDMENT NO. 4753

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4754 to amendment No. 4753.

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

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

The amendment is as follows:

At the end insert the following: ''The provisions of this Act shall become effective in 5 days upon enactment.''

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion at the desk.

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to concur in the House amendment to the Senate amendment to H.R. 4853, the Middle Class Tax Relief Act, with an amendment No. 4753.

Max Baucus, Joseph I. Lieberman, John D. Rockefeller IV, Byron L. Dorgan, John F. Kerry, Sheldon Whitehouse, Mark L. Pryor, Robert P. Casey, Jr., Richard J. Durbin, Mark R. Warner, Jeanne Shaheen, Ben Nelson, Evan Bayh, Christopher J. Dodd, Kent Conrad, Jim Webb, Bill Nelson, Amy Klobuchar.

MOTION TO REFER WITH AMENDMENT NO. 4755

Mr. REID. Mr. President, I move to refer the House message to the Finance Committee with instructions to report back forthwith, with the following amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to refer the House message to the Senate Committee on Finance with instructions to report back forthwith, with an amendment numbered 4755.

The amendment (No. 4755) is as follows:

At the end, add the following: ''The Senate Finance Committee is requested to study the impact of any delay in extending tax cuts to middle income Americans with incomes up to $250,000.''

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

The PRESIDING OFFICER. Is there sufficient second? There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4756

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4756 to the instructions to the motion to refer H.R. 4853.

The amendment is as follows:

At the end, insert the following: ''including specific information on the impact of the delay in extending the tax cuts.''

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

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4757 TO AMENDMENT NO. 4756

Mr. REID. I have a second-degree amendment to my instructions.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4757 to amendment No. 4756.

The amendment is as follows:

At the end, insert the following: ''and include statistics which reflect regional differences.''

Mr. REID. Mr. President, I ask unanimous consent that the cloture vote occur on Monday, December 13, at 3 p.m., with the mandatory quorum being waived.

Before the Chair rules on this, there are some people who need the ability—anyway, there is no need to go into detail, but for those people who can't get here on time, if people can't get back until 5:30, it would be our normal vote. We are not going to cut anyone off at an unreasonable time. There will be plenty of time for people to vote, within reason.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, as I think almost everyone knows, President Obama and the Republican leaders have reached an agreement on taxes. It is, in my view, a bad deal, and I think we can do a lot better. Tonight, I wish to speak briefly, and I think I will have some other Senators join me. Tomorrow, I intend to be back to speak a lot longer about this issue because I think this is an issue the American people want serious discussion about.

I can tell my colleagues that representing the small State of Vermont, we have received in the last 3 days thousands—thousands—of phone calls from my State and from other States, and what I will tell my colleagues is that 99 percent of those calls were against this agreement. What I wish to do tonight, briefly, and at greater length tomorrow, is to tell my colleagues why I vigorously oppose the deal that has been cut and how we have to move in a very different way if we are going to save the disappearing middle class of our country.

In my view, the American people are against this agreement. They want to hear Members of the Senate speak out against this agreement, and that is what I will do this evening.

Let me explain, very briefly, why I am opposing the agreement reached by the Republican leadership and President Obama. First, at a time when our country has a recordbreaking $13.8 trillion national debt and a collapsing middle class, it is unconscionable to me that we could support an agreement that drives up our national debt because we have given huge tax breaks to millionaires and billionaires who don't need it. Here is an interesting irony: In many cases, they are telling us they don't even want it. Two of the richest people in the world, Bill Gates and Warren Buffett, have said: Thank you. We don't need this tax break.

This country has serious problems. Use the money on those problems, not giving billionaires a tax break.

In my own State, the founder of Ben & Jerry's ice cream, Ben Cohen, said: Yes, I would like a tax break, but I don't need it. You know what.

There are millionaires all over this country who are saying the same thing.

We have been told that the extension of the tax breaks for the rich will go on for only 2 years. The Bush tax breaks for the rich will go on for 2 years. Maybe that is the case, but I personally don't believe that. I believe that given the political reality that exists in Washington, my guess is that 2 years from now, when this same debate happens again, these tax breaks for the rich will once again be extended. Our Republican colleagues have been very clear they wanted a 10-year extension. It is hard for me to believe that 2 years from now they are going to say: Oh, 2 years, that is fine. That is enough. We give up. I don't think so.

The difficulty is, we have a President who campaigned vigorously against extending these tax breaks for the rich, but those tax breaks for the rich are in this agreement. So my fear is that if the President is the Democratic nominee 2 years from now and he says: Trust me, we are going to stop these tax breaks for the rich, I think his credibility might not be too high.

So my fear is, in fact, if these Bush tax cuts for the top 2 percent, many of whom are millionaires and billionaires, are extended over a 10-year period, we are looking at a $700 billion increase in the national debt.

Secondly, extending income tax breaks for the top 2 percent is not the only unfair tax proposal in this agreement. This agreement struck by the President and the Republican leadership continues the Bush-era 15-percent tax rate on capital gains and dividends, meaning that those people who make their living off their investments will continue to pay a substantially lower tax rate than the vast majority of the people in the middle class—people such as firemen, teachers, and nurses.

On top of all that, this agreement includes a horrendous proposal regarding the estate tax, a Teddy Roosevelt initiative which was enacted in 1916. It will be celebrating its 100th birthday in a few years. Under the agreement we will be debating here, the estate tax rate, which was 55 percent under President Clinton, will decline to 35 percent under this agreement, with an exemption on the first $5 million of an individual's estate, $10 million for couples.

I suspect there are people who are watching this evening and they are saying: Oh, my goodness. I don't want to pay a 55-percent estate tax. So let me be very clear in saying this, in telling you something the Republicans do not tell you: that the estate tax applies only to the top three-tenths of 1 percent, so 99.7 percent of American families do not pay 5 cents in the estate tax. So this is not just a tax for the rich; this is a tax for the very rich.

I know many of my Republican colleagues would like to abolish, repeal the estate tax altogether, and that would cost us $1 trillion over 10 years to our national debt, but they are making significant progress by lowering the rate to 35 percent.

Does my colleague from Ohio wish to respond?

Mr. BROWN of Ohio. Mr. President, I thank the Senator for yielding. I hear what the Senator says about the tax burden in this country; that it falls predominantly on the middle class. When I hear him talk about the estate tax, couples pay no estate tax on the first $10 million of their assets after they both die. Considering they shelter a good bit beyond that, then the tax rate only on the dollars above $10 million were lowered significantly in this proposal—and then what has happened with extending the tax cuts.

I was intrigued, I guess it was yesterday, when the Senator offered a motion on the floor. In light of the fact that a relatively small group of people are getting huge tax cuts—millionaires and billionaires—whether it is the estate tax upon their death that their heirs enjoy this huge tax break or whether it is when earning $1 million or $2 million or $5 million a year and getting a huge tax cut, the motion yesterday simply said, if I recall, that every Social Security beneficiary—and that is tens of millions—

Mr. SANDERS. Over 50 million.

Mr. BROWN of Ohio. Fifty million people would get a check for $250 from the government, because, I believe, about $13 billion for 1 year, it wouldn't have been a long-term deficit issue; it would have been a one-time cost for people who didn't get a cost-of-living adjustment this year. So we know the average Social Security beneficiary gets about $14,000 a year. We know an awful lot of Social Security beneficiaries live mostly on their Social Security. Most people have a little bit more than that, but an awful lot have only a little bit more or nothing more so that is what they live on. They have no cost-of-living adjustment this year because of this sort of complicated formula.

But what was pretty amazing to me is how at the same time, every Republican signed a letter, 42 Republican Senators signed a letter saying they will do nothing else until they get their tax cuts for the rich. It is almost like a work stoppage. It is almost like the Republican Senators are on strike, saying: We are not going to vote or we are not going to do anything around here. We are not going to work or vote yes on anything around here until you give my people a tax cut, my wealthy friends and contributors in my States.

So the contrast of their saying we will not do anything for anybody else except millionaires and billionaires, we will not—even a $250 check, since there was no cost-of-living adjustment to seniors who are making about $14,000 a year from Social Security.

What that check would mean to them is—I think that contrast made was so important to understand. Give us some more about what that contrast means with those Social Security beneficiaries.

Mr. SANDERS. I thank the Senator for his very strong ethics in trying to get that $250 emergency check out to senior citizens on Social Security and disabled vets—over 15 million people.

Mr. BROWN from Ohio. One more point. A majority of Senators voted for it.

Mr. SANDERS. Yes, 53.

Mr. BROWN of Ohio. It was filibustered again, blocked by a minority of Senators, right?

Mr. SANDERS. Absolutely. We won 53 to 45, but around here the majority does not rule. The Republicans filibustered, as they almost always do on anything of substance, and we could not get the 60 votes because we did not get one Republican vote.

The point the Senator was making gets to the heart of this entire issue, which is that our friends over there are fighting vigorously for $700 billion in tax breaks for the top 2 percent—$70 billion a year for the richest people in this country. And when we say to them that senior citizens and disabled vets who are living on $14,000 or $15,000 a year need a check of $250, oh, we can't afford that. But we can afford to give a billionaire a $1 million tax break.

Mr. BROWN of Ohio. That $750 billion is $75 billion a year for 10 years for millionaires and billionaires versus $13 billion once for senior citizens. In essence, that $750 billion—without getting too much into the weeds on numbers—in essence, we are borrowing that money from China, charging it to our children and grandchildren, putting it on their credit cards. They will pay it off who knows when. Then we are giving that $750 billion to people who are fabulously wealthy already, right? But they are unwilling to move forward on unemployment benefits or on your proposal to help a senior with $250 because they really are on strike.

They say: We are not doing anything until you give tax cuts to the rich, to my people.

Mr. SANDERS. That is right. Most of us—I am sure Senator BROWN has received a lot of calls from people in Ohio—I know seniors who are hanging on by their fingernails, trying to pay their bills, heat their homes, pay prescription drug costs, and take care of their health care needs. And $250 will not profoundly impact people's lives, but it will help a little bit. These guys say: Sorry, we can't afford a $250 check for a senior or a disabled vet because that would cost $13 billion or $14 billion a year. But we can afford $70 billion a year to go to the top 2 percent.

Frankly, I think that is what this whole debate is about. That is what it is about.

What I want to do is continue for a moment on some of the other objections. Senator BROWN made an excellent point in contrasting the priorities we are seeing in the Senate, especially from our Republican friends. We didn't get one vote—not one—for a $250 check for seniors or disabled vets. I want to continue with some of the problems that I see in this agreement struck by the President and the Republican leadership.

Some folks may have heard a bit about the so-called payroll tax holiday. What that would do is cut about $120 billion in Social Security payroll taxes for workers.

On the surface, this sounds like a great idea. Instead of paying 6.2 percent, they will be paying 4.2 percent. They might think: Hey, that is great. I am paying less in taxes. My paycheck is a bit bigger. It is a great idea.

Well, let's stop for a minute and ask: Where did this idea originally come from? Well, the truth is this payroll tax holiday originated from conservative Republicans whose ultimate goal is the destruction of Social Security.

What does that mean? Well, it is not very hard to figure out. If you are substantially cutting the amount of money that goes into Social Security by cutting back on the payroll tax, that makes Social Security less financially viable. Today, Social Security can pay out every benefit owed to every eligible American for the next 29 years. Those of us who believe strongly in Social Security—that it has worked extraordinarily well for the last 75 years—and want to see it work well for the next 75 years, we want to strengthen it.

I know the occupant of the Chair, the Senator from Oregon, has ideas about putting increased revenue into the Social Security trust funds. Those are the ideas we should be looking at, not cutting funding that goes into that trust fund. Furthermore, while this payroll tax holiday is a 1-year provision, and this agreement says the money will be covered, for the very first time, by Federal dollars from the Treasury going into the Social Security trust fund, which historically has gotten all of its money from the payroll tax—while the proponents of this agreement say don't worry about it, it is a 1-year agreement, I make the same argument on this point that I made on the other. A year from now, people will be discussing whether we extend that payroll tax holiday. While those of us will say Social Security needs that money and you can't expend it, our Republican friends will say you are raising taxes on workers, and you can't do that. Then what we would be talking about over a period of years is less money going into Social Security, making it less financially solvent, which is exactly what many Republicans want to do. I think that is a bad idea.

I will tell you, the National Committee to Preserve Social Security and Medicare, which is led by a woman named Barbara Kennelly, who used to be in the House—I know Barbara very well—says this about that provision:

> Even though Social Security contributed nothing to the current economic crisis, it has been bartered in a deal that provides deficit busting tax cuts for the wealthy. Diverting $120 billion in Social Security contributions for a so-called ''tax holiday'' may sound like a good idea for workers now, but it is bad business for the program that a majority of middle-class seniors will rely upon in the future.
>
> Conservatives have long dreamed of a payroll tax holiday because it fulfills two ideological goals, lower taxes and weakening Social Security finances. The White House claims the 2 percent payroll tax cut won't impact Social Security; however, we disagree.
>
> There's no such thing as a ''temporary'' tax cut.

And the fear right here is that cut will, in fact, go on indefinitely.

Mr. President, I talked about the payroll tax for a moment. Let me talk about another aspect of the agreement the President signed with Republicans; that is, while some of the business tax cuts in this agreement may work well to create jobs and some may not, economists on both ends of the political spectrum believe the better way to spur the economy and create jobs is to spend money rebuilding our crumbling infrastructure.

With corporate America already sitting on close to $2 trillion in cash on hand, the problem we are seeing in our economy today is not that large corporations are taxed too highly, it is that the middle class doesn't have enough money to purchase their goods. Creating decent-paying jobs and rebuilding our infrastructure could seriously address that problem.

What we have right now, as I think you know, Mr. President, is an infrastructure that is crumbling. There are very credible estimates out there that we need to invest, in the next 5 years, several trillion dollars in rebuilding our roads, bridges, water systems, wastewater plants, our mass transportation, our railroads. China is exploding with high-speed rail. We do not have any significant high-speed rail in this country. If we are serious about creating jobs, in my view, the most effective way to do that is to rebuild our crumbling infrastructure, which makes our entire country stronger, more competitive and, at the same time, short term it gives us the best bang we can get for the buck in terms of job creation. That is another issue.

Tax breaks for businesses may work; maybe they won't. But I don't think that type of investment is anywhere near as effective in terms of job creation as investing in the infrastructure.

The fifth point I want to make on why I think this agreement is not a good one: One of the positive aspects of the agreement—one that I certainly support, and I know you do, Mr. President—is the need to extend unemployment benefits for millions of workers today who face the possibility that within a few weeks those extended unemployment benefits may end. These are workers who are experiencing extraordinarily difficult times through no fault of their own, often caught up in the Wall Street crisis, but they have lost their jobs.

In various parts of this country it is awfully hard to get a job. More and more people are applying for jobs, and the jobs are not there. We have the moral responsibility to extend unemployment benefits and allow those working families the opportunity to pay their bills and give them at least a modicum of security.

Here is the point I want to make. I strongly, absolutely believe any agreement has to have an extension of unemployment benefits for at least 13 months, maybe longer. But when folks who support this agreement say we want a great compromise, we managed to get an extension of unemployment benefits there, what I would say is that for the past 40 years, under both Democratic and Republican administrations, whenever the unemployment rate has been above 7.2 percent—now we are

looking at 9.8 percent—unemployment insurance has always been extended.

So this great compromise is simply doing what we have already been doing as a matter of costs for the last 40 years, when Republicans ran the Senate and when Democrats ran the Senate, with Republican Presidents and Democratic Presidents. There was a consensus that we cannot leave fellow Americans high and dry when unemployment is high. Well, unemployment today is very high. In my view, this is not a great compromise. This is simply doing what this country has done under both Democrats and Republicans for 40 years.

Mr. President, I have been mentioning my concerns about this agreement, but let me also say, absolutely, there are positive elements to this agreement. I don't want to suggest for a moment there are not. Extending middle-class tax cuts for 98 percent of Americans is something that must be done, absolutely.

As you know, during the Bush years, median family income declined by over $2,000. What we are seeing in many parts of this country is that wages are actually going down, not up. People are working longer hours for lower wages.

Does the middle class of this country need to continue to have that tax break? Of course they do. I will fight as hard as I can to make sure they do. So this proposal is, in fact, an important proposal. There are other good proposals in it. The earned-income tax credit for working Americans is very important. The child and college tax credits are also very important. These proposals will keep millions of Americans from slipping out of the middle class and into poverty, and they will allow millions more to send their kids to college.

But when we look at the overall package, we must put it in a broader context. What will the message of this legislation mean for the future of our country? And I think one point that has to be made is that if we pass this agreement as written, it says we are going to continue the Bush policy of trickle-down economics for at least 2 more years. To my mind, that is absurd. This is a policy—based on all of the evidence—that grotesquely failed. After 8 years of Bush-style economics, with all of these tax breaks for the rich, we ended up losing 500,000 private sector jobs—not a very impressive record. In fact, it is about the worst record in job creation in modern history.

Here is another concern that I have that I think folks are not talking about enough. This is what I believe will happen right after this agreement is passed. And I am going to do everything I can to see that it is not passed, and I hope very much that it is not passed, but if it is passed, no one should have any illusions that our Republican friends will not be back in a month or two saying the following: Gee, our national debt is getting close to $14 trillion, we have a $1.4 trillion deficit, and, you know what, we are going to have to cut. We are going to have to cut and cut and cut. Nobody should have any illusion that in 2 months there will not be ferocious debates on the floor of the Senate on the part of people who want to cut Social Security, who want to cut Medicare, who want to cut Medicaid, who want to cut childcare and education in general and environmental protection. Tax breaks for billionaires is good, but cutting back on Social Security, Medicare, and Medicaid is also what they want to do.

I think Senator SHERROD BROWN, a moment ago, just crystallized that. That is what it is about. We can afford to give $70 billion a year to the top 2 percent, the wealthiest people, but we can't afford to spend $14 billion a year to make sure senior citizens and disabled vets get a $250 check. That is what this whole thing is going to be about—tax breaks for the rich and cutbacks on all of the programs the middle-class and working families of this country desperately need.

Mr. President, I will be back tomorrow because there is a lot more that has to be said on this issue, but let me conclude by saying I will give credit to my Republican colleagues in that they have been pretty honest and straightforward about what they intend to do. There is nothing mysterious about it. What they want to do is to take this country back to the 1920s. They want to take us back to the days where, when you were old, there was no Social Security and you had to fend for yourself in the waning years of your life when you couldn't work. They want to ultimately destroy Medicare.

I would suggest to all of the senior citizens in this country—the people who are 70, 75, 80; people who are maybe struggling with one illness or another—good luck in going to a private insurance company to get help when you are low-income and sick. It ain't gonna happen. They are not going to be there because they can't make any money off of you.

Those people are going to be out there on the street all alone because they are not going to be able to get the help they need if Medicare is destroyed, and the same thing with Medicaid.

You know, Mr. President, you and I heard in this Chamber the great debate over the death panels, the famous death panels that were included, supposedly, in the health care reform bill we passed. Well, it turns out that death panels are, in fact, now arising in America but not because of the health care reform passed here in Washington.

In Arizona, right now the Governor there apparently is deciding they do not have the money in their Medicaid Program to provide transplants to people who, without those transplants, will die. That is called a death panel. If you are poor and you need a transplant and you are living in Arizona, good luck to you.

Let me conclude by simply saying that I believe very strongly that we can forge a much better agreement than the current one before us. I believe, in my State of Vermont and all over this country, that the vast majority of people do not think it makes any sense at all to give hundreds of billions of dollars in tax breaks to the wealthiest people in this country so that we can drive up the national debt and have our kids and grandchildren pay higher taxes in order to pay off that debt. That doesn't make sense to progressives like me, and it doesn't make sense to conservatives out there.

So I think the American people are on our side—at least the side that opposes this agreement. Our job here—I know it is a shocking idea—is to represent the middle-class and working families, not just millionaires and billionaires.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. MERKLEY. Mr. President, I rise tonight to share some of my concerns about the package that has been negotiated between the President and the Republicans and has now been presented here on the floor of the Senate.

First, I wish to emphasize the size of the decision that is going to be made in the next couple of days. This deficit spending stimulus package is a $1 trillion package. Let's turn the clock back to the debate over the stimulus package we had in 2009. That stimulus was about $800 billion—only 80 percent of the size of this package. That stimulus had in it direct construction jobs across America. Every community, every county benefited from an increase in production. It also had the making work pay tax deduction. It had a host of small business tax deductions, and it had direct assistance to our States to enable them to meet some of the crises they were experiencing in health care and in education, so we could keep our schools across America open during this great Bush recession.

I have listened over the last year and a half to tremendous attacks on that stimulus package. Yet this is a much larger decision. This is a $1 trillion decision, and it is a package that much less thought has gone into. We have this package here on the floor, but we haven't actually gotten the paper in our hands as to what is in it. We have to rely on newspaper accounts as to what is going to be in it.

Tonight, in offices across this Nation, folks are trying to get it off the Internet, and they are going to be trying to analyze it and understand it. We

know the basic outlines, and the basic outlines raise a significant number of concerns. I encourage our citizens to look at this package over the weekend and to share their concerns with their Congressmen and Congresswomen and certainly with their Senators.

This is a $1 trillion deficit. There has been a lot of talk on the floor not only about the stimulus last year but about the size of our national debt. This is a $1 trillion increase in our national debt. I would think that is something we would be tearing apart and looking at every part of it and asking if each dollar is being spent to the maximum effect. We should have amendments that say: Hey, we can create a lot more jobs if we spend these few million dollars over here rather than here, so that every dollar makes a maximum impact in putting America back to work. But not a single amendment is going to be allowed on this bill, as far as we are aware tonight. I believe that in a decision of this magnitude, there should be amendments that compare the effect of spending money here versus there and about what is going to have the greatest impact in a favorable way for America.

My good colleague from Vermont pointed out that this reduces the flow of resources into Social Security. I think we should have an extensive debate about coming to rely on the general fund, which is what the administration wants to do. They are going to substitute payroll revenue for general fund revenue. I think we should have a substantial debate about depending upon general revenue to supply funds to the Social Security fund.

Let me explain this. The approximately $120 billion that will flow into Social Security from the general fund under this program comes from borrowed funds. Those borrowed funds come primarily from China. So Social Security—a program for Americans in which we save our own money and invest that money so there can be a very modest steady income in the retirement years—now is going to rely upon borrowed funds from China. That is the American retirement plan? We should be debating that on the floor of the Senate, and it should be an extensive debate, not a debate in which cloture is going to be rushed on Monday and then have 30 hours split among 100 Members, because we are spending $1 trillion of deficit money under this plan.

My first main concern is that we are taking a step to greatly increase the national debt with this plan. My second concern is this plan 100 percent endorses the Bush tax structure that has so deeply damaged our Nation. Many of you will recall that when the economy grew under President Bush II, the living wages of working Americans actually failed to increase. The economy grew but the wages didn't grow for working Americans. In addition, we doubled our national debt.

That is what happens when we say we are going to create a plan that gives away our national treasure to the most affluent. We are going to do so in a manner that doesn't create living wage jobs, doesn't reward the productivity of American workers.

I am going to tell you that we made a major decision in about 1974, about the year I graduated from high school, and that was to adopt strategies, which failed, to link the productivity of American workers to their compensation. Up until that point in the postwar era, as our productivity as a nation grew, the financial success of our working families grew along with that increase in productivity. But since 1974, the tremendous, spectacular increase in the productivity and national wealth of our Nation has not been shared with the workers of our Nation. Is that the type of America we want, where many work to make this Nation a success and do not share in the reward? The Bush tax cut structure is the ultimate embodiment of that philosophy of carving off the national treasure for the very few.

I do not think our success as a nation should be measured by the success of our wealthiest families. I applaud them for their entrepreneurship. I applaud them when the strategies to create companies succeed. But it is up to us to create a structure that says, as the work product increases we are going to enable all families to thrive—not for a few to thrive spectacularly while everyone else stays on a level plain.

Back in my home community, the community in which I grew up, a working class community of three-bedroom ranch houses, so many children now consider it a success if they can simply afford to purchase their parents' home because it is only their parents' home, with the assistance from their parents, that they can afford on a working American family's salary because while the worker's share of the national income has not increased with productivity, housing prices have gone up enormously, making it harder and harder for a working family to afford a home.

Embodied in these Bush breaks that have so deeply damaged our Nation we have a very interesting feature, and that is that under this plan President Obama has proposed with the Republicans—it says we are going to extend breaks not just so the wealthiest can enjoy the same breaks on their first $1 million that others receive for the money they are earning up to $1 million, but bonus breaks on top of that.

Let me give you a sense of that. The amount of the tax break that is given to everyone who earns their first $1 million is about $43,000. Let's round it off: $40,000. Under this plan, those families earning over $1 million receive an average of an additional bonus of $100,000 per taxpayer, a $100,000 bonus to the most successful families in the country. That is pretty generous. That is enormously generous. Are we going to be generous with our working families? Unfortunately, no. Under this plan a family earning in the vicinity of $40,000 to $50,000 gets about $1,700. A family that earns $40,000 or less gets somewhere in the nature of $1,000. So $1,000 for a working family versus $43,000 plus a $100,000 bonus for our wealthiest families in America.

Let's see, $1,000; $143,000. There is very little to those who are building the success and wealth of our Nation through the productivity of our workmanship, and a whole lot to those who are spectacularly wealthy already.

The structure of the capital gains tax under this proposal and the structure of the estate tax add to the impact of the income tax brackets I was just describing. If you add it all up, and if you have been spectacularly successful through this recession, then you can count on a whole lot of help, generous gifts from Uncle Sam. If you have been struggling and you are earning near minimum wage, or maybe you are working 60 hours a week, three jobs, each 20 hours earning a minimum wage, you get about $1,000 under this plan. That sort of reinforcement of the fundamental disparity between working families and those who are best off is not healthy for America. That does not build the financial foundation so families can afford to give their children substantial opportunities.

The America in which I grew up, the vision of my father and mother's generation was that we would have an America with opportunity for every family. We are leaving that vision behind with this bill.

Let me turn to my next main concern. The $1 trillion package is designed to be a stimulus. But has it been designed well, to spend every tax dollar in a smart way? There are many folks in this Chamber who say they are fiscal conservatives. I am a fiscal conservative because I believe every dollar needs to be spent in a smart way. Let's test this.

Parts of this package get an A, and parts of this package get an F. The part that gets an A is unemployment insurance. This is important and fundamental to our families. We have always had the philosophy that when there are no jobs to be had, when people cannot get a job through no fault of their own, we are going to extend unemployment benefits to help families through that rough time. We have always done it, Democrats and Republicans, until this year when our Republicans have turned their backs on working families and said: Not now. We will not support extending support unless we take it away from some other important part of the budget. But, they said, we will support $100,000 bonuses without taking anything away from anyone else.

That unity of support for our working families during hard times disappeared this year. That is too bad. That is a tragedy.

The fundamental premise has been, by my colleagues across the aisle: We are going to hold those families hostage to get a $100,000 bonus on top of a

very generous basic tax break for the wealthiest, hold working families hostage for a lot of help for the very few at the very top. Those bonus tax breaks are rated dead last by the Congressional Budget Office in creating jobs in this Nation. Unemployment assistance is rated at the top, the most effective way of creating jobs in this Nation—and it should be in any package. It should be extended and has been extended in a bipartisan manner in the past until this year when, unfortunately, it seems that my colleagues across the aisle became all about the few and not about helping families when there are no jobs.

There is great irony in this because we don't have jobs in this Nation because of the great Bush recession created by my friends across the aisle. First of all, they deregulated the retail mortgages, and they allowed predatory loans. Those predatory loans meant, according to the Wall Street Journal, 60 percent of the families in America who qualified for a basic, amortizing, inexpensive, prime mortgage were steered into subprime mortgages. Then my good friends said: Let's let Wall Street do whatever it wants in packaging these mortgages. Let's end the oversight and let's end the caps on leverage. So they created securities; that is, packages of mortgages. And they sold the rights to those packages. Those securities were doomed to blow up when the predatory features of the mortgages kicked in after 2 years and interest rates jumped from 4.5 percent to 9 percent.

We have been dealing, since I came into office in the Senate, with the tremendous economic bomb produced by the Bush policies, the great Bush recession that created the unemployment so that people cannot get jobs. Now the same folks who created that disaster are saying: We are not going to help those who are being hurt by the disaster we created. It is like setting your house on fire and then cutting off the water to the fire hose.

If my Republican friends are so determined to adopt the very worst job-creating strategy, we should take it out of this bill, or at least have a debate on this floor of the Senate about whether we put it in the worst strategy or move those funds over here to the best strategy or to some other good job-creating strategy. Maybe all the features don't need to be As or A-pluses. But we have the Republican F plan because it is the worst as rated by the CBO. We have the Democratic A plan, support for the uninsured—it should be in here.

What about some of the other things? One of the very best ways to get our country going is low-cost loans to create energy-saving renovations in homes and buildings. It creates a tremendous number of jobs for dollars spent because it is a low-cost jobs program, not a grant program. It is ranked very high in the number of jobs it creates. We have a construction industry in this country that would love to go to work, and we have three bills sitting here before the Senate.

We have the HOME Star bill for families to do energy saving renovations to their home. We have the Building Star bill to allow commercial buildings, office suites, industrial site buildings to be improved in energy renovation. The loans are paid back through the energy savings. So it creates a long-term positive in terms of the energy strategy of this Nation. It works very well for the families, very well for the businesses, and puts the construction industry back to work. That is the type of program we should be weighing against the F plan—that is from A to F, F for last, F for failure, F in CBO's analysis for the worst job-creating plan, which is what the Republicans have forced into this package.

Without amendments to this package, we cannot have that debate. There is a tradition of saying the Senate is the world's greatest deliberative body. Don't we have to have amendments to do that? Don't we have to have a debate on where to put different pieces of this puzzle to do that? I have been advocating for a guaranteed way to make sure the minority and the majority get to have amendments on this floor.

I happen to be a member of the majority right now, but I will be a member of the minority down the road—if I am here long enough, and I guess that is a big if—because the pendulum swings back and forth. But to be accountable before the people of this Nation, amendments have to be offered and debate has to be held and votes have to be taken and that is not being done on this bill as far as we know.

I know there is a possibility. I praise leaders of both sides in advance if they work out a deal that everyone can offer their amendments, or even a modest number of amendments on both sides.

Because that is the way it should be on the floor. That is what I have been advocating, that we have regular order that allows amendments. But I am afraid that Monday will come, that a deal will not get worked out, and we will not have the ability to have that debate, will not have the ability to be transparent before the American people in where we stand.

My good colleague from Vermont has shared a concern I also share; that is, the payroll tax being cut off, snuffed out as a supply of Social Security, that our retirement plan that we pay for ourselves is being changed to a retirement plan financed by China.

So the national debt, $1 trillion—that is a concern. The structure of the Bush tax breaks that so deeply damaged our Nation over the last decade being extended into the next decade is a major concern, as is the poor design of the stimulus where every dollar has not been tested against its ability to create jobs at a time we desperately need jobs, and the change in our funding of Social Security, and it is dependent upon Chinese funds. Those items need to be debated. They are profound concerns. Maybe there are answers that make sense. I look forward to hearing such answers, if they exist. I would like to see those answers tested through amendments offered on this floor.

I have an amendment I would like to see offered on the floor. I have an amendment that says: Take the $100,000 bonus breaks for the wealthiest 2 percent and instead dedicate that to Social Security. Let's make sure our seniors who need basic support in their retirement are well-secured before handing out $100,000 bonus breaks to the very few. Well, I do not know if that would pass on this floor. I do not know where people would stand. But I know people should have to declare where they stand so the voters can decide if they like it or not, so the voters can call and say: We would encourage you to vote this way or that way.

The other thing I like about that particular approach is it says: If we are going to reduce the payroll tax in the short term to create jobs, we are going to do something else to make sure our Social Security does not depend on funds from China. I would like to see that debate.

I would like to see the energy tax credits debated. They are not in this package as of now, as far as we know. Energy tax credits pay us back in a number of ways. The first is that currently we import a tremendous amount of oil from the Middle East and from Venezuela, from Nigeria, from places that do not necessarily share our national outlook. A lot of that money ends up in the hands of terrorist organizations.

Military security analysts now say this is the first set of wars we are in right now—the first wars in which we are funding both sides. And how are we doing that? Through our energy policies which send funds to countries that then pass on funds to terrorists. That is not smart. It makes more sense to free our energy here at home.

I will tell you something else. In addition to increasing our national security and spending those dollars here at home on energy we create ourselves, red, white, and blue American energy, that keeps those dollars here in our communities, and when those dollars stay in our communities, they create jobs in our communities. It means families get jobs, and they spend the money from those jobs in these communities. So it cycles through into the retail stores, into the grocery markets, keeping those dollars here creating jobs rather than shipping them overseas for oil.

It does another thing as well; that is, it reduces our energy consumption from abroad, which largely means shifting from oil to clean sources. And those clean sources will put less carbon dioxide in the air. That means we do a much better job being good stewards of our planet.

So energy tax credits encourage clean energy, keep jobs here, improving our national security and being

good stewards of the planet. Why don't we have that debate on the floor of this Senate before we send this bill back to the House?

Another colleague has amendments that say: OK, we are going to vote on a trillion-dollar stimulus package that creates a trillion-dollar debt. Shouldn't we tie it to some kind of trigger for fiscal responsibility that will kick in maybe 24 months out so we do not head recklessly down a path into extraordinary debt that deeply damages our Nation even further?

So fiscal responsibility—tie some fiscal responsibility measures to this package. That is a good idea. I applaud my colleague from Oregon who has raised that idea, Senator WYDEN, who has done a lot of work on how we can create fiscal responsibility tied to a package going through now. It will say something to the international financiers that this short-term deficit spending is going to be marked by substantial fiscal discipline, and that in itself may serve other things, such as keeping the interest rate low that we pay, so fewer of our dollars go out in interest.

These ideas, these amendments deserve a debate on this major decision facing this body over the next few days.

I will close by saying that I am deeply concerned—deeply concerned—about the deficit and the debt. I am deeply concerned about the Bush tax breaks that have done so much damage and are being extended into the next decade. I am deeply concerned about the poor design of the stimulus, deeply concerned about Social Security being made dependent upon borrowing from China, deeply concerned that this package is being put together and may not have the opportunity to have the debate over elements that should be debated because if they do not stand up on the floor of the Senate in debate, they do not belong in this package.

So with that, I say to our friends across the Nation, you have a few days only to weigh in. Please do weigh in. Let us hear your voice. Let us consider your views. And let us fully deliberate on this package before we pass it.

TRIBUTES TO RETIRING SENATORS

BYRON L. DORGAN

Mr. DURBIN. Mr. President, I join my colleagues in honoring the service of Senator BYRON DORGAN. Over his nearly 30 years in Congress, Senator DORGAN has been a strong and dedicated advocate for the people of the State of North Dakota.

Senator DORGAN's long career in public service began in 1969 when he was appointed North Dakota State Tax Commissioner. Assuming this position at the age of only 26, Senator DORGAN became the youngest constitutional officer in North Dakota's history.

Since 1980, Senator DORGAN has been a voice for the people of North Dakota in Washington, DC. After serving six terms in the House of Representatives, he was first elected to the Senate in 1992.

It is clear that Senator DORGAN's upbringing in the small town of Regent, ND, has shaped his tenure in Congress. Throughout his years in Congress, Senator DORGAN has been a formidable advocate for rural America and the family farmers of his state. He led the effort to make permanent the disaster aid program, which provides an essential safety-net for farmers and ranchers affected by severe weather, in the 2008 farm bill.

Senator DORGAN also has been a great advocate for North Dakota's energy sector. As the country moves toward renewable and domestic energy sources, he has worked to put his state at the forefront of the industry.

After so many years of public service for the people of North Dakota, Senator DORGAN's time in the Senate is coming to a close. I am proud to have served with him, and I thank him for his service in the Senate. I wish Senator DORGAN and his family the best in the next chapters in their lives.

ROBERT F. BENNETT

Mr. President, I also join my colleagues in recognizing Senator ROBERT BENNETT of Utah.

I have had the privilege of working with Senator BENNETT since I entered the Senate in 1997, four years after Senator BENNETT began his Senate service. I have admired his enthusiasm and dedication to serving the people of Utah ever since.

It was clear that public service was in his blood. From his election as student body president at the University of Utah, to his time in the Utah Army National Guard, Senator BENNETT's priority for his entire adult life has been serving the people of his home State.

His first taste of real politics came in the 1960s when he helped his father Wallace Bennett win re-election to this very Chamber. And while he did not seek office himself until almost 20 years following his father's retirement, he worked in the private sector in Utah, deepening his ties to the State and his devotion to the people of Utah.

I have had the privilege of working side-by-side with Senator BENNETT on the Appropriations Committee for many years. I have seen his passion for service, his respect for the Senate, and above all else, his love of Utah.

He has managed to stay true to the fiscal principles that he gained as a businessman and CEO, while understanding the need for compromise when it was required of him for the sake of his State and the rest of America.

During his tenure here, Utah has become a premiere destination of the West—he has worked for quality education for Utah's children, fought to preserve its natural landscapes, and paved the way for the development of 21st century infrastructure back home.

Senator BENNETT also made America proud in 2002 when he helped the Salt Lake City Winter Olympics become one of the most successful and safe Olympic games in recent memory.

Of course, Senator BENNETT and I have not always seen eye-to-eye on many issues. But my respect for his beliefs has always been deep. And in 2008, when America was on the brink of financial collapse, I was moved by his eagerness to reach across the aisle to do what was right for Utah and Illinois, alike. This has always been his character, and the Senate will miss him for it.

Senator BENNETT leaves us this month in the same way that he has served here for almost 20 years: with dignity and conviction. I am proud to call him a friend, and wish him and his family all the best in the future.

REMEMBERING CHARLES WHEELER

Mr. MCCONNELL. Mr. President, I rise today in solemn remembrance of a dear friend of mine from Ashland, KY, who passed away peacefully at his home this Veterans Day. Mr. Charles Wheeler was a consummate small businessman, local official, and advocate for higher education. I knew Charles for over 30 years, and I can tell you that the love he felt for his community in the Commonwealth was surpassed only by his affection for his beloved wife of 60 years, Mary Kathryn Wheeler.

Born in Paintsville, KY, Charles owned and operated a local hardware store in Boyd County for nearly 40 years—helping to build his community and assist all who met him, literally and figuratively. It is no wonder then, that Charles's friendly manner and smart tact got him elected as an Ashland city commissioner by the age of 28. Before long, his friends and neighbors elected him to represent them in the Kentucky General Assembly, where he served for 8 years.

My friend continued to serve his community by serving on the Morehead State University Board of Regents for a decade during a period when that institution saw great growth. His pursuit of excellence in higher education undoubtedly changed the lives of countless students.

I could surely continue to draw to mind the instances when Charles helped meet the need of his community, and this Senator, but I would simply ask that my colleagues join me in remembering the life of a humble man who showed incredible character throughout his entire life. And I would further ask that they join me in expressing my sincerest condolences to Charles's beloved wife, children, grandchildren, great-grandchildren, siblings and other family members.

The Ashland Daily Independent recently published an editorial that highlights some of Charles Wheeler's accomplishments, and I ask unanimous consent that it be printed in the RECORD following my remarks.

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

[From the Ashland Daily Independent, Nov. 17, 2010]

CHARLES WHEELER: HE WAS A LEADER IN BUSINESS, POLITICS AND EDUCATION IN AREA

ASHLAND.—Charles Dona Wheeler spent most of his adult life as a business, political and education leader in this region. He died quietly at his residence on Veterans Day. He was 81.

As a business leader, he owned and operated Wheeler-Williams Hardware in Boyd County from 1962 until he closed the business in 2000. He also was a developer of Southern Hills Estates, a beautiful, upscale subdivision off Boy Scout Road.

Wheeler's political career began early in life when he was elected to the Ashland Board of City Commissioners at the age of 28. He went on to serve for eight years—or four terms—as the representative from the 100th District in Kentucky. After leaving office, he remained a leader of the Republican Party in Boyd County and in Kentucky for many years.

Although he never earned a college degree, Wheeler helped open the doors to a college education for thousands of young people in this region by serving on the Morehead State University Board of Regents. His decade of service on the MSU governing body during a time of great growth for the university continues to benefit this region by the many students the university has helped train who continue to play important roles in this area's business, educational, cultural and social life.

To his wife of 60 years, Mary Kathryn Wheeler, and his large extended family, Charles Wheeler was a loving husband, father, grandfather, great-grandfather, brother and uncle. To others in this community, Charles Wheeler was a leader who made a difference through his many years of quietly working for the betterment of this community and this region.

NATIONAL ALZHEIMER'S PROJECT ACT

Ms. COLLINS. Mr. President, Alzheimer's is a devastating disease that takes a tremendous personal and economic toll on both the individual and the family. Today, an estimated 5.3 million Americans—including more than 25,000 Mainers—are living with Alzheimer's disease, more than double the number in 1980. If nothing is done to change the current trajectory, 13.5 million Americans over the age of 65 will have Alzheimer's disease by 2050.

In addition to the suffering it causes, Alzheimer's costs the United States $172 billion a year, primarily in nursing home and other long-term care costs. This figure will only increase exponentially as the baby boom generation ages. If nothing is done to slow or stop the disease, Alzheimer's will cost the United States $20 trillion over the next 40 years.

At a time of mounting deficits, the increasing number of Alzheimer's cases has dire implications for our Federal budget as well. The average annual Medicare payment for an individual with Alzheimer's is three times higher than for those without the condition. For Medicaid, average payments are nine times higher. Failure to achieve progress in the fight against the disease will result in Alzheimer's costs to Medicare skyrocketing more than 600 percent and costs to Medicaid growing more than 400 percent by 2050.

Despite these alarming projections, to date there is no national strategy to defeat Alzheimer's, and our efforts to combat the disease have lacked coordination and focus. That is why I am so pleased that the Senate last night passed the National Alzheimer's Project Act, which I introduced with Senator BAYH, to create a coordinated strategic national plan for combating Alzheimer's disease.

The National Alzheimer's Project Act, which is based on a key recommendation of the nonpartisan Alzheimer's Study Group led by former House Speaker Newt Gingrich and former Senator Bob Kerrey of Nebraska, will launch a campaign within the Federal Government to overcome Alzheimer's disease. First, it directs the Secretary of Health and Human Services to create a coordinated National Alzheimer's Disease Plan to combat Alzheimer's disease. This plan will be updated annually and a report will be submitted to Congress assessing the Nation's progress in preparing for the growing burden of Alzheimer's disease.

The legislation also establishes an Interagency Advisory Council to advise the Secretary of Health and Human Services on the plan, which is also to include implementation steps and recommendations for priority actions. The advisory council is also charged with coordinating all Federal efforts on Alzheimer's research, care, institutional services, and home and community-based programs.

Funding for these activities will come from existing funding appropriated for the Department of Health and Human Services. No new funding is authorized. The coordinated effort called for in the legislation will simply ensure that our existing resources are maximized and leveraged to combat Alzheimer's disease.

Our legislation has broad, bipartisan support. It was passed out of the Senate HELP Committee unanimously, and it has now been approved unanimously by the full Senate, clearing it for action by the House of Representatives.

TRIBUTE TO MAJOR LANCE BURNETT

Mr. SPECTER. Mr. President, I wish to recognize MAJ Lance Burnett's service to his country and as an Air Force fellow on my staff. Major Burnett joined my office through the Congressional Fellows Program. Over the past year, he has been an invaluable addition to my staff. He has demonstrated an expertise with military policy issues and built close relationships both within the office and on Capitol Hill.

As a member of my staff, Major Burnett has been closely involved in a number of policy areas. He has assisted with the defense appropriations process, liaised with the Veterans Affairs Committee, and coordinated congressional delegations. He has served as an adviser on issues relating to the armed services to me and my staff, adding invaluable perspective. He has exemplified the Air Force values of ''Integrity First, Service before Self, and Excellence in All We Do'' through his work. The Air Force has recognized his service through his selection for promotion to the rank of lieutenant colonel on August 26, 2010.

Major Burnett hails from Cameron, TX. He received his bachelor of science degree from Texas A&M University and his commission from the Air Force Officer and Training School. Since earning his flight wings in 1998, Major Burnett has become a senior navigator, completing over 2,800 flight hours of with 613 hours of them in combat.

Major Burnett has served as an instructor and evaluator navigator in both the Air Mobility Command and the Air Force Special Operations Command, flying support missions for Operations Southern Watch, Joint Forge, Joint Endeavor, Enduring Freedom, Iraqi Freedom, as well as numerous counternarcotics missions in South America.

Prior to being accepted into the Congressional Fellows Program, Major Burnett was the MC–130E/H standardization and evaluation branch chief at Headquarters Air Force Special Operations Command where he was responsible for all 30 MC–130E Combat Talon and MC–130H Combat Talon II aircraft in the USAF inventory and their associated 390 aircrew members. He has been honored with the Meritorious Service Medal, the Air Medal with six Oak Leaf Clusters, the Air Force Commendation Medal, the Air Force Combat Action Medal, and the 2006 General P.K. Carlton Award for Valor. Major Burnett and his wife Andrea have two children, Peyton and Andrew.

I would like to pay a special tribute to Major Burnett's tremendous public service and recognize his work on behalf of Pennsylvanians.

TAKE A VETERAN TO SCHOOL

Ms. SNOWE. Mr. President, I rise today to express my profound appreciation for the Take a Veteran to School Day program in my home State of Maine with ceremonies that took place on November 9 and 10 of this year, appropriately right before Veterans Day on November 11. And it is especially fitting that we recognize these events this week as we paused this past Tuesday, on December 7, to remember those who perished 69 years ago at Pearl Harbor, a day that President Franklin Roosevelt declared ''will live in infamy.''

First and foremost, I want to extend my enormous gratitude to the Maine

National Guard, and especially MG John Libby, Maine's Adjutant General, who not only reached out to our veterans to encourage their engagement in the program, but who also participated in the Rockland District Middle School ceremony. In addition, joining with the Guard in bringing the History Channel's national award-winning program to fruition in Maine was Time Warner Cable, which sponsored the program and should be commended for its example and dedication to this outstanding endeavor.

Together, leaders of our military and our media have combined efforts in the noble undertaking of saluting our veterans through the Take a Veteran to School Day initiative, which brings veterans into our schools to share their personal stories of service and sacrifice for the Nation with students and educators. It has become an invaluable opportunity for students to learn what Veterans Day and serving our Nation in uniform truly means—and it provides a unique chance to express a heartfelt and well-earned ''thank you'' to the brave men and women who from generation to generation have woven the fabric of America's greatness.

And I couldn't be more pleased that more than 650 students and educators, 200 local community members, and 100 veterans from every military conflict since World War II made Maine's inaugural Take a Veteran to School Day program a resounding success. This year, in my State of Maine, three schools—York Middle School, Biddeford High School, and Rockland District Middle School—shared in paying tribute to our veterans in our first ever program.

I cannot thank the sponsors and supporters of this program enough for recognizing how vital it is that young Americans are able to hear the personal stories of service in the military, and to remember the sacrifices made by Maine veterans for our country. In fact, Time Warner Cable recorded 20 veterans' stories for the Library of Congress's Veterans' History Project, which will be added to its archives so that future generations will have an opportunity to hear veterans speak about their service to the Nation, bringing a personal perspective to military history that students otherwise would only learn about through books.

As The York Weekly reported, York Middle School Principal Steve Bishop introduced the veterans in attendance by saying, ''my hope is that you gain a sense that the opportunities you have today are made possible by the veterans behind me.'' As you can imagine, I am looking forward to next year's program, and I hope that States and school districts around the Nation will follow suit in shining a spotlight on our veterans through this wonderful enterprise. Make no mistake, it is because of our veterans that America is the greatest Nation on Earth, and the Take a Veteran to School Day program is a shining testament to that immutable truth.

When we pay homage to our courageous veterans, we are demonstrating that we always reserve our deepest respect and praise for those who have summoned the courage to place themselves in harm's way on our behalf. That they have done so in order to ensure the blessings of liberty makes us grateful beyond words.

ADDITIONAL STATEMENTS

AIRBORNE

• Ms. MURKOWSKI. Mr. President, for the past 2 years I have had the honor and the privilege of joining with my colleague from Rhode Island, Mr. REED, and other colleagues, in bringing before the Senate a resolution honoring those who are serving and have served in Airborne units of our armed services on the occasion of National Airborne Day. Albert Caswell, an employee of the Capitol Guide Service, has penned a poem in honor of a member of the 82nd Airborne Division, SGT Jared Lemon who is recovering from injuries suffered from the detonation of an Improvised Explosive Device while deployed to Afghanistan. I ask that this poem be printed in the RECORD.

The material follows:

AIRBORNE

Airborne!
Men of Honor, who wear that uniform. . . .
Strength In Honor, who march on!
An Alaskan son. . . a Freedom Fighter, Jared this one
Who marched off to war, to do what must be done!
All there, walking through the valley of death. . . .
Where courage crests!
As upon a battlefield of honor, lie dying. . . .
With his Brother in Arms Joseph, heroically dead beside him. . . .
As with tears he would find then!
As on the morning he awoke. . . .
As to him his fine heart so spoke. . . .
So spoke to him. . . .
About living for his fallen brother, whose blood that binds them!
As his new battle had begun!
To rebuild, as to new heights his great Alaskan heart would run!
And even though he had lost an arm, to heights he has flown!
For he's Airborne!
With a heart so bold, so warm!
For no mountain is too big to climb!
For there are new frontiers, in his heart which appears. . . .
Bringing us all to such tears!
For he's Airborne!
As yes Jared you so march on!
The 82nd, lock and load. . . .
As a man who so lives, so lives by such a most heroic code!
One of such selfless, as have all of those!
America's men and women in uniform!
Who are Airborne. . . .
As where the face of courage is worn!
And if I ever had a son. . . .
I but wish, that he could but be as heroic you Jared, the one!
For Jared, you will Teach Us, Reach Us and so Beseech Us!
For you are Airborne!•

REMEMBERING SENATOR TED STEVENS

• Ms. MURKOWSKI. Mr. President, the loss of our dear friend, Senator Ted Stevens of Alaska, last August touched everyone in this body and a great many Members of the Senate's extended family here in the Capitol complex. Albert Caswell, a member of the Capitol Guide Service, has penned a poem in honor and remembrance of this great American, patriot, husband, father and public servant. I ask that Mr. Caswell's poem be printed in the RECORD.

The material follows:

A GLACIER

America.
Our Country Tis of Thee . . .
Was but built, but by such most patriotic men as he . . .
Brave hearts of strength, pioneers of courage and liberty . . .
A trail blazer, as Ted was he . . .
A Giant . . .
A Glacier . . .
A mountain of a man . . .
A mirror of this great frontier . . . of this great land!
A magnificent Alaskan, who to greatness he ran . . .
Ted Stevens, is but an Icon of this great land . . .
A Founding Father, who helped this 49th State stand . . .
One of The Greatest Generation, who helped Save The World . . . as was this man . . .
The longest serving Republican Senator, in history . . .
'Oh what A Tour 'De Force, as upon the Senate floor was he . . .
Uncle Ted, was but the very height to which a public servant can be!
Don't get even, Get Stevens . . . to succeed!
Tough on the outside, but inside such a gentle heart would beat . . .
Words like, God, Family, Country, Alaska, Military, Courage, leadership, in his heart we see!
A Glacier died this day, as we cried this day . . .
Mountains may break apart, and fall to the sea . . .
But Glaciers like Ted, your memory will never . . . so be lost in history . . .
And all of those giants you walked with like, Dole, Byrd, Inouye, Simpson and Kennedy . . .
As your fine life of public service, will upon this floor forever speak!
Rise up now to Heaven our fine son, Alaska's and America's great friend . . .
For Angel's with Distinguished Flying Crosses, our Lord so needs them . . .•

RECOGNIZING FIBER MATERIALS, INC.

• Ms. SNOWE. Mr. President, America has maintained its role as the world's most innovative and predominant economy in large part due to its 27.5 million small businesses. And many of these companies partake in significant Federal contracting and subcontracting opportunities, affording these businesses with the ability to participate in the development of new and cutting-edge technologies and products. I rise today to recognize one Maine company that has taken part in the Federal procurement process and

contributed tremendously to a number of highly advanced projects.

Fiber Materials was established in the southern Maine town of Biddeford in 1969 and has become a global leader in the design, manufacture, and testing of a variety of advanced composites in its 40 years of operation. The company produces a wide range of materials, from carbon/carbon composites used in the construction of heatshields and missile nosetips, to quartz products designed for printed circuit boards or electrical and thermal insulation. Fiber Materials now employs roughly 180 employees at its facilities in Biddeford and Presque Isle, and its Space Technology Division in Columbus, OH.

Fiber Materials has earned a number of financial awards to fund the development of critical projects through the Small Business Innovation Research, or SBIR, program at the National Aeronautics and Space Administration, NASA. The SBIR program provides funding to small businesses with innovative, early stage ideas that align with the research and development goals of 11 different Federal agencies, including NASA, the Department of Defense, and the National Institutes of Health. One of the most recent systems that Fiber Materials contributed to under NASA's purview is ORION Launch Abort System, which will allow the crew to escape the spacecraft in the case of an emergency. The system was successfully tested in May 2010.

In recognition of Fiber Materials' dedicated efforts to NASA, the Johnson Space Center recently recognized the company with its 2010 Small Business Subcontractor of the Year Award. According to NASA's Office of Small Business Programs, the award acknowledges '' successful and innovative practices that promote small business participation in the initiatives that NASA undertakes.'' Fiber Materials has been an invaluable resource to the Federal government from the beginning, and I commend the company for playing such an integral part in some of NASA's most critical initiatives.

Small businesses that are versatile and multifaceted such as Fiber Materials will be critical as the United States seeks to continue in its role as a world leader. Undoubtedly, participating in programs like SBIR will provide the company with countless additional opportunities to simultaneously contribute to NASA's mission and create jobs in Maine. I thank everyone at Fiber Materials for their strong work ethic, ingenuity, and dedication, and I wish them continued success in the years to come.●

TRIBUTE TO CAPTAIN GEORGE M. VUJNOVICH

● Mr. VOINOVICH. Mr. President, I wish to honor an outstanding Serbian-American, Captain (Ret.) George M. Vujnovich, who was recently awarded the Bronze Star Medal, for his heroic actions during World War II.

The Bronze Star is awarded to military service personnel for bravery, acts of merit or meritorious service. When awarded for bravery, it is the fourth-highest combat award of the U.S. Armed Forces. Captain Vujnovich's determination to rescue and save the trapped airmen and subsequent participation in the planning and execution of Operation Halyard—resulted in one of the most successful air force rescue missions in history; and an operation so secret that the records were only declassified in 1997.

I was made aware of the Halyard Mission as a boy in 1946. I was in attendance at a social event in my parents' home to honor Captain Nick Lalich as one of the leaders who was part of the military team that parachuted into Serbia to execute and carry out Captain Vujnovich's plan to rescue and evacuate the airmen.

Captain Vujnovich served with the Office of Strategic Services; the predecessor of the modern Central Intelligence Agency, CIA, and the wartime organization charged with coordinating activities behind enemy lines for the branches of the U.S. military. Operation Halyard evolved in wake of the Allied bombing campaign to destroy Nazi Germany's vast network of petroleum resources in occupied Eastern Europe. The most vital target of bombing was the facilities located in Ploesti, Romania, which supplied 35 percent of Germany's wartime petroleum. Beginning in April 1944, bombers of the Fifteenth Allied Air Force began a relentless campaign to blast the heavily guarded facilities in Ploesti in an attempt to halt petroleum production altogether. By August, Ploesti was virtually destroyed—but at the cost of 350 bombers lost, with their crews either killed, captured, or missing in action.

The assault on Ploesti forced hundreds of Allied airmen to bail out over Nazi-occupied eastern Serbia, an area patrolled by the Allied-friendly Chetnik guerrilla army. When the Chetnik commander, General Draza Mihailovich, realized that Allied airmen were parachuting into his territory, he ordered his troops, as well as the local peasantry, to aid the aviators by taking them to Chetnik headquarters in Pranjani, Serbia for evacuation.

General Mihailovich's attempts to alert American authorities to the situation regrettably initially failed to produce action. Fortunately, fate would have it that when Mirjana Vujnovich, a Serb employee of the Yugoslav embassy in Washington, DC, heard of the trapped airmen, and immediately wrote to her husband, Captain Vujnovich, stationed in Bari, Italy. As an American, descending from Serb parents, Vujnovich knew the region intimately and also knew how to escape from Nazi-occupied territory: he had been a medical student in Belgrade when Yugoslavia fell to the Axis powers in 1941, and he and his wife spent months sneaking through minefields and begging for visas before they finally escaped from Nazi-occupied Europe.

I was excited that someone with a name like mine was such a hero and was the genesis of my interest in Yugoslavia. In fact it left such an impression on me that my first paper in undergrad school was titled ''How the U.S. sold out Yugoslavia at Yalta and Tehran''.

Captain Vujnovich made it his personal crusade to get the airmen home. From the outset though, Operation Halyard encountered opposition from Allied leaders—from the U.S. State Department, from communist sympathizers in the British Special Operations Executive, SOE, even from British Prime Minister Winston Churchill himself. It was an operation that seemed condemned from the start, but Captain Vujnovich persevered rather than let the mission die. His persistence paid off. Even thought the operation endured from August 9, 1944, through December 27, 1944, within only the first 2 days, Operation Halyard successfully retrieved 241 American and Allied airmen. By the time the Operation was officially ended, Vujnovich's team had airlifted 512 downed Allied airmen to safety without the loss of a single life or aircraft—a truly impressive accomplishment.

Captain George Vujnovich's recognition as a hero and valued asset to this country and the U.S. Air Force is long over due. Frankly, had the records of the operation not remained sealed until 1997, I feel certain Captain Vujnovich would have received this honor years ago. Nevertheless, the decades do not and cannot diminish the valor and patriotism of this extraordinary man. I ask all my colleagues to join me now to honor this Serbian-American hero, to thank him for his dedicated service to our country and to congratulate him for winning the Bronze Star. Captain Vujnovich, I salute you.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Health, Education, Labor, and Pensions.

(The nomination received today is printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 9:33 a.m., a message from the House of Representatives, delivered by

Mrs. Cole, one of its reading clerks, announced that the House agreed to the amendment of the Senate to the bill (H.R. 3082) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, with an amendment.

ENROLLED BILLS SIGNED

At 10:47 a.m., a message from the House of Representatives, delivered by Mr. Novotny, announced that the Speaker has signed the following enrolled bills:

S. 3789. An act to limit access to Social Security account numbers.

S. 3987. An act to amend the Fair Credit Reporting Act with respect to the applicability of identity theft guidelines to creditors.

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

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. 3353. An act to provide for American Samoa and the Commonwealth of the Northern Marianas to be treated as States for certain criminal justice programs.

H.R. 4501. An act to require certain return policies from businesses that purchase precious metals from consumers and solicit such transactions through an Internet website.

H.R. 5012. An act to amend the Richard B. Russell National School Lunch Act to establish a weekend and holiday feeding program to provide nutritious food to at-risk school children on weekends and during extended school holidays during the school year.

H.R. 5470. An act to exclude an external power supply for certain security or life safety alarms and surveillance system components from the application of certain energy efficiency standards under the Energy Policy and Conservation Act.

The message also announced that the House agree to the amendments numbered 1 and 2 of the Senate to the bill (H.R. 5281) to amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, and for other purposes; and, further, that the House agree to the amendment numbered 3 of the Senate to the aforementioned bill, with an amendment.

The message further announced that the House agreed to the bill (S. 3998) to extend the Child Safety Pilot Program, without amendment.

At 4:17 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 6412. An act to amend title 28, United States Code, to require the Attorney General to share criminal records with State sentencing commissions, and for other purposes.

The message also announced that the House has agreed to the amendments of the Senate to the bill (H.R. 4994) to amend the Internal Revenue Code of 1986 to reduce taxpayer burdens and enhance taxpayer protections, and for other purposes.

MEASURES REFERRED

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

H.R. 3353. An act to provide for American Samoa and the Commonwealth of the Northern Marianas to be treated as States for certain criminal justice programs; to the Committee on the Judiciary.

H.R. 4501. An act to require certain return policies from businesses that purchase precious metals from consumers and solicit such transactions through an Internet website; to the Committee on Commerce, Science, and Transportation.

H.R. 5012. An act to amend the Richard B. Russell National School Lunch to establish a weekend and holiday feeding program to provide nutritious food to at-risk school children on weekends and during extended school holidays during the school year; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 6412. An act to amend title 28, United States Code, to require the Attorney General to share criminal records with State sentencing commissions, and for other purposes; to the Committee on the Judiciary.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, December 9, 2010, she had presented to the President of the United States the following enrolled bill:

S. 3789. An act to limit access to Social Security account numbers.

S. 3987. An act to amend the Fair Credit Reporting Act with respect to applicability of identity theft guidelines to creditors.

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–8399. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Atlantic Surfclam and Ocean Quahog Fisheries; Suspension of Minimum Atlantic Surfclam Size Limit for Fishing Year 2011'' (RIN0648–XZ16) received in the Office of the President of the Senate on December 7, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8400. A communication from the Acting Director of the Office 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 Cod in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XA038) received in the Office of the President of the Senate on December 7, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8401. A communication from the Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Section 90.617 Frequencies in the 809.750–824.750.750–869 MHz Bands Available for Trunked, Conventional or Cellular System Use in Non-border Areas; Section 90.677 Reconfiguration of the 806–824/851–869 Band in Order to Separate Cellular Systems From Non-cellular Systems'' ((DA10–695)(WT Docket No. 02–55)) received in the Office of the President of the Senate on December 7, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8402. A communication from the Deputy Assistant General Counsel for Regulations, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, a rule entitled ''Relocation of Standard Time Zone Boundary in the State of North Dakota: Mercer County'' (RIN2105–AD98) received in the Office of the President of the Senate on December 7, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8403. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (25); Amdt. 3398'' (RIN2120–AA65) received in the Office of the President of the Senate on December 7, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8404. A communication from the Policy Advisor/Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amateur Service Rules'' (FCC 10–189) received in the Office of the President of the Senate on December 7, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8405. A communication from the Chief of the Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Unlicensed Operation in the TV Broadcast Bands; ET Docket No. 04–186; Additional Spectrum for Unlicensed Devices Below 900 MHz and in the 3 GHz Band; ET Docket No. 02–380'' (FCC 10–174) received in the Office of the President of the Senate on December 7, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8406. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 10–429, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DORGAN, from the Committee on Indian Affairs, without amendment:

H.R. 5811. A bill to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to allow the Ysleta del Sur Pueblo Tribe to determine blood quantum requirement for membership in that tribe (Rept. No. 111–359).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 2782. A bill to provide personal jurisdiction in causes of action against contractors

of the United States performing contracts abroad with respect to members of the Armed Forces, civilian employees of the United States, and United States citizen employees of companies performing work for the United States in connection with contractor activities, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. CASEY:

S. 4018. A bill to amend the Internal Revenue Code of 1986 to provide incentives for life sciences research; to the Committee on Finance.

By Mr. CASEY:

S. 4019. A bill to clarify the applicability of the Buy American Act to products purchased for the use of the legislative branch, to prohibit the application of any of the exceptions to the requirements of such Act to products bearing an official Congressional insignia, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. WICKER (for himself and Mr. BARRASSO):

S. 4020. A bill to protect 10th Amendment rights by providing special standing for State government officials to challenge proposed regulations, and for other purposes; to the Committee on the Judiciary.

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

S. 4021. A bill to reduce the ability of terrorists, spies, criminals , and other malicious actors to compromise, disrupt, damage, and destroy computer networks, critical infrastructure, and key resources, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. UDALL of Colorado, and Mrs. GILLIBRAND):

S. 4022. A bill to provide for the repeal of the Department of Defense policy concerning homosexuality in the Armed Forces known as ''Don't Ask, Don't Tell''; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mrs. SHAHEEN (for herself and Mr. GRAHAM):

S. Res. 698. A resolution expressing the sense of the Senate with respect to the territorial integrity of Georgia and the situation within Georgia's internationally recognized borders; to the Committee on Foreign Relations.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 699. A resolution to authorize testimony and legal representation in City of St. Paul v. Irene Victoria Andrews, Bruce Jerome Berry, John Joseph Braun, David Eugene Luce, and Elizabeth Ann McKenzie; considered and agreed to.

ADDITIONAL COSPONSORS

S. 602

At the request of Mr. BROWN of Ohio, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 602, a bill to direct the Secretary of Homeland Security to conduct a survey to determine the level of compliance with national voluntary consensus standards and any barriers to achieving compliance with such standards, and for other purposes.

S. 738

At the request of Ms. LANDRIEU, the name of the Senator from Florida (Mr. LEMIEUX) was added as a cosponsor of S. 738, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. 1221

At the request of Mr. SPECTER, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 1221, a bill to amend title XVIII of the Social Security Act to ensure more appropriate payment amounts for drugs and biologicals under part B of the Medicare Program by excluding customary prompt pay discounts extended to wholesalers from the manufacturer's average sales price.

S. 2885

At the request of Ms. LANDRIEU, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 2885, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide adequate benefits for public safety officers injured or killed in the line of duty, and for other purposes.

S. 3424

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

S. 3447

At the request of Mr. AKAKA, the names of the Senator from Colorado (Mr. UDALL) and the Senator from Delaware (Mr. COONS) were added as cosponsors of S. 3447, a bill to amend title 38, United States Code, to improve educational assistance for veterans who served in the Armed Forces after September 11, 2001, and for other purposes.

S. 3739

At the request of Mr. CASEY, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 3739, a bill to amend the Safe and Drug-Free Schools and Communities Act to include bullying and harassment prevention programs.

S. 3925

At the request of Mr. BINGAMAN, the names of the Senator from Arkansas (Mr. PRYOR) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 3925, a bill to amend the Energy Policy and Conservation Act to improve the energy efficiency of, and standards applicable to, certain appliances and equipment, and for other purposes.

S. RES. 694

At the request of Mr. BROWNBACK, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. Res. 694, a resolution condemning the Government of Iran for its state-sponsored persecution of religious minorities in Iran and its continued violation of the International Covenant on Human Rights.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

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

S. 4021. A bill to reduce the ability of terrorists, spies, criminals, and other malicious actors to compromise, disrupt, damage, and destroy computer networks, critical infrastructure, and key resources, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. CARDIN. Mr. President, the Internet has had a profound impact on the daily lives of millions of Americans by enhancing communications, commerce, education, and socialization between and among persons regardless of their location. However, computers and other devices that connect to the Internet may be used, exploited, and compromised by terrorists, criminals, spies, and other malicious actors. As a result, they pose a risk to computer networks, critical infrastructure, and key resources in the United States. Users of computers and other devices that connect to the Internet are generally unaware that these devices can be easily used, exploited and compromised by others with spam, viruses, and other malicious software and agents. Internet and cybersecurity safety has therefore become an urgent homeland security issue that needs to be addressed by internet service providers, technology companies, other entities that enable devices to connect to the Internet, and by individuals.

I have been focusing on cybersecurity issues for quite some time. More than a year ago, as chairman of the Terrorism and Homeland Security Subcommittee of the Judiciary Committee, I chaired a Subcommittee hearing titled ''Cybersecurity: Preventing Terrorist Attacks and Protecting Privacy in Cyberspace.'' The hearing included witnesses from key Federal agencies responsible for cybersecurity, as well as representatives of the private sector. We reviewed governmental and private sector efforts to prevent a terrorist cyber attack that could cripple large sectors of our government, economy, and essential services. It was both illuminating and frightening.

The expertise that I have developed in regard to cybersecurity has convinced me that the Government and the private sector need to work together to develop and enforce minimum Internet and cybersecurity safety standards for users of computers and

other devices that connect to the Internet. In the same way that automobiles cannot and should not be sold or operated on public highways unless they meet certain minimum safety standards, minimum Internet and cybersecurity safety standards are essential for the nation's information superhighway.

As a result, today I am introducing the Internet and Cybersecurity Safety Standards Act, ICSSA. My bill will require the Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of Commerce, to conduct an analysis to determine the costs and benefits of requiring internet service providers and others to develop and enforce minimum Internet and cybersecurity safety standards. The Secretary will be required to consider all relevant factors in this analysis, including the effect that the development and enforcement of minimum Internet and cybersecurity safety standards would have on homeland security, the global economy, innovation, individual liberty, and privacy. My bill will also require the Secretary of Homeland Security, the Attorney General and the Secretary of Commerce to consult with relevant stakeholders in the Government and, most importantly, the private sector, including the academic community and groups or institutions that have scientific and technical expertise related to standards for computer networks, critical infrastructure, or key resources. The private sector must be a partner in the efforts to secure the nation's information superhighway. Under my bill, the Secretary of Homeland Security will be required to report to Congress within one year with specific recommendations for minimum voluntary or mandatory Internet and cybersecurity standards for computers and other devices that connect to the Internet, so that we can prevent them from being used, exploited, and compromised by terrorists, criminals, spies, and other malicious actors.

In December of 2009, I praised the appointment of Howard Schmidt as the new White House Cybersecurity Coordinator to make sure that agencies are all working together on this critical challenge. In April of this year, I also stressed with Secretary Napolitano, at a Senate Judiciary Committee oversight hearing for the Department of Homeland Security, the need to continue to make cybersecurity a top priority. But we can and must do more. My bill will help secure our nation's digital future.

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. 4021

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 ''Internet and Cybersecurity Safety Standards Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) COMPUTERS.—Except as otherwise specifically provided, the term ''computers'' means computers and other devices that connect to the Internet.

(2) PROVIDERS.—The term ''providers'' means Internet service providers, communications service providers, electronic messaging providers, electronic mail providers, and other persons who provide a service or capability to enable computers to connect to the Internet.

(3) SECRETARY.—Except as otherwise specifically provided, the term ''Secretary'' means the Secretary of Homeland Security.

SEC. 3. FINDINGS.

Congress finds the following:

(1) While the Internet has had a profound impact on the daily lives of the people of the United States by enhancing communications, commerce, education, and socialization between and among persons regardless of their location, computers may be used, exploited, and compromised by terrorists, criminals, spies, and other malicious actors, and, therefore, computers pose a risk to computer networks, critical infrastructure, and key resources in the United States. Indeed, users of computers are generally unaware that their computers may be used, exploited, and compromised by others with spam, viruses, and other malicious software and agents.

(2) Since computer networks, critical infrastructure, and key resources of the United States are at risk of being compromised, disrupted, damaged, or destroyed by terrorists, criminals, spies, and other malicious actors who use computers, Internet and cybersecurity safety is an urgent homeland security issue that needs to be addressed by providers, technology companies, and persons who use computers.

(3) The Government and the private sector need to work together to develop and enforce minimum Internet and cybersecurity safety standards for users of computers to prevent terrorists, criminals, spies, and other malicious actors from compromising, disrupting, damaging, or destroying the computer networks, critical infrastructure, and key resources of the United States.

SEC. 4. COST-BENEFIT ANALYSIS.

(a) REQUIREMENT FOR ANALYSIS.—The Secretary, in consultation with the Attorney General and the Secretary of Commerce, shall conduct an analysis to determine the costs and benefits of requiring providers to develop and enforce minimum Internet and cybersecurity safety standards for users of computers to prevent terrorists, criminals, spies, and other malicious actors from compromising, disrupting, damaging, or destroying computer networks, critical infrastructure, and key resources.

(b) FACTORS.—In conducting the analysis required by subsection (a), the Secretary shall consider all relevant factors, including the effect that the development and enforcement of minimum Internet and cybersecurity safety standards may have on homeland security, the global economy, innovation, individual liberty, and privacy.

SEC. 5. CONSULTATION.

In conducting the analysis required by section 4, the Secretary, in consultation with the Attorney General and the Secretary of Commerce, shall consult with relevant stakeholders in the Government and the private sector, including the academic community, groups, or other institutions, that have scientific and technical expertise related to standards for computer networks, critical infrastructure, or key resources.

SEC. 6. REPORT.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a final report on the results of the analysis required by section 4. Such report shall include the consensus recommendations, if any, for minimum voluntary or mandatory Internet and cybersecurity safety standards that should be developed and enforced for users of computers to prevent terrorists, criminals, spies, and other malicious actors from compromising, disrupting, damaging, or destroying computer networks, critical infrastructure, and key resources.

(b) APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Commerce, Science, and Transportation, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate; and

(2) the Committee on Energy and Commerce, the Committee on Homeland Security, the Committee on the Judiciary, and the Committee on Oversight and Government Reform of the House of Representatives.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 698—EXPRESSING THE SENSE OF THE SENATE WITH RESPECT TO THE TERRITORIAL INTEGRITY OF GEORGIA AND THE SITUATION WITHIN GEORGIA'S INTERNATIONALLY RECOGNIZED BORDERS

Mrs. SHAHEEN (for herself and Mr. GRAHAM) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 698

Whereas, since 1993, the territorial integrity of Georgia has been reaffirmed by the international community and 36 United Nations Security Council resolutions;

Whereas the Helsinki Final Act resulting from the Conference on Security and Cooperation in Europe in 1975 states that parties ''shall regard as inviolable all one another's frontiers'' and that ''participating States will likewise refrain from making each other's territory the object of military occupation'';

Whereas the United States-Georgia Strategic Charter, signed on January 9, 2009, underscores that ''support for each other's sovereignty, independence, territorial integrity and inviolability of borders constitutes the foundation of our bilateral relations'';

Whereas, in October 2010, at the meeting of the United States-Georgia Charter on Strategic Partnership, Secretary of State Clinton stated, ''The United States will not waiver in its support for Georgia's sovereignty and territorial integrity'';

Whereas the White House released a fact sheet on July 24, 2010, calling for ''Russia to end its occupation of the Georgian territories of Abkhazia and South Ossetia'' and for ''a return of international observers to the two occupied regions of Georgia'';

Whereas Vice President Joseph Biden stated in Tbilisi in July 2009 that the United States ''will not recognize Abkhazia and South Ossetia as independent states'' and went on to ''urge the world not to recognize [Abkhazia and South Ossetia] as independent states'';

Whereas the August 2008 conflict between the Governments of Russia and Georgia resulted in civilian and military causalities, the violation of the sovereignty and territorial integrity of Georgia, and large numbers of internally-displaced persons;

Whereas the August 12, 2008, ceasefire agreement, agreed to by the Governments of Russia and Georgia, provides that all Russian troops shall be withdrawn to pre-conflict positions;

Whereas the August 12, 2008, ceasefire agreement provides that free access shall be granted to organizations providing humanitarian assistance in regions affected by violence in August 2008;

Whereas the International Crisis Group concluded in its June 7, 2010, report on South Ossetia that ''Moscow has not kept important ceasefire commitments, and some 20,000 ethnic Georgians from the region remain forcibly displaced'';

Whereas Human Rights Watch concluded in its World Report 2010 that ''Russia continued to exercise effective control over South Ossetia and . . . Abkhazia, preventing international observers' access and vetoing international missions working there'';

Whereas, in October 2010, Russian troops withdrew from the small Georgian village of Perevi;

Whereas the withdrawal of Russian troops from Perevi is a positive step, but it does not constitute compliance with the terms of the August 2008 Russia-Georgia ceasefire agreement;

Whereas, on November 23, 2010, before the European Parliament, Georgian President Saakashvili committed Georgia to not use force to restore control over the Georgian territories of Abkhazia and South Ossetia;

Whereas Secretary of State Clinton stated in Tbilisi on July 5, 2010, ''We continue to call for Russia to abide by the August 2008 cease-fire commitment . . . including ending the occupation and withdrawing Russian troops from South Ossetia and Abkhazia to their pre-conflict positions.'';

Whereas the Russian Federation vetoed the extension of the Organization for Security and Co-operation in Europe (OSCE) Mission to Georgia and the United Nations Observer Mission in Georgia, forcing the missions to withdraw from the regions of South Ossetia and Abkhazia;

Whereas Russian troops stationed in the regions of Abkhazia and South Ossetia continue to be present without a mandate from the United Nations or other multilateral organizations;

Whereas the Senate supports United States efforts to develop a productive relationship with the Russian Federation in areas of mutual interest, including non-proliferation and arms control, cooperation concerning the failure of the Government of Iran to meet its international obligations with regard to its nuclear programs, counter-terrorism, Afghanistan, anti-piracy, economics and trade, and others; and

Whereas the Senate agrees that these efforts must not compromise longstanding United States policy, principles of the Helsinki Final Act, and United States support for United States allies and partners worldwide: Now, therefore, be it

Resolved, That the Senate—

(1) affirms that it is the policy of the United States to support the sovereignty, independence, and territorial integrity of Georgia and the inviolability of its borders and to recognize the areas of Abkhazia and South Ossetia as regions of Georgia occupied by the Russian Federation;

(2) calls upon the Government of Russia to take steps to fulfill all the terms and conditions of the 2008 ceasefire agreements, including returning military forces to pre-war positions and ensuring access to international humanitarian aid to all those affected by the conflict;

(3) urges the Government of Russia and the de facto authorities in the regions of South Ossetia and Abkhazia to allow for the full and dignified return of internally-displaced persons and international observer missions to the territories of Abkhazia and South Ossetia;

(4) supports constructive engagement and confidence-building measures between the Government of Georgia and the de facto authorities in the regions of South Ossetia and Abkhazia; and

(5) affirms that the path to lasting stability in this region is through peaceful means and long-term diplomatic and political dialogue.

SENATE RESOLUTION 699—TO AUTHORIZE TESTIMONY AND LEGAL REPRESENTATION IN CITY OF ST. PAUL V. IRENE VICTORIA ANDREWS, BRUCE JEROME BERRY, JOHN JOSEPH BRAUN, DAVID EUGENE LUCE, AND ELIZABETH ANN McKENZIE

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

S. RES. 699

Whereas, in the case of *City of St. Paul v. Irene Victoria Andrews, Bruce Jerome Berry, John Joseph Braun, David Eugene Luce, and Elizabeth Ann McKenzie*, Case No. 10–071–634, pending in Ramsey County District Court in St. Paul, Minnesota, the prosecution has sought testimony from Shelly Schafer, an employee of Senator Al Franken;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Shelly Schafer is authorized to testify in the case of *City of St. Paul v. Irene Victoria Andrews, Bruce Jerome Berry, John Joseph Braun, David Eugene Luce, and Elizabeth Ann McKenzie*, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Shelly Schafer, and any other employee from whom evidence may be sought, in connection with the testimony authorized in section one of this resolution.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4746. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 4747. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3454, supra; which was ordered to lie on the table.

SA 4748. Mr. LIEBERMAN (for himself, Mr. BROWN of Massachusetts, Mr. LEAHY, and Mr. BOND) submitted an amendment intended to be proposed by him to the bill S. 3454, supra; which was ordered to lie on the table.

SA 4749. Mr. SESSIONS (for himself and Mr. SHELBY) submitted an amendment intended to be proposed by him to the bill S. 3454, supra; which was ordered to lie on the table.

SA 4750. Mr. WYDEN (for Mr. KERRY) proposed an amendment to the bill S. 841, to direct the Secretary of Transportation to study and establish a motor vehicle safety standard that provides for a means of alerting blind and other pedestrians of motor vehicle operation.

SA 4751. Mr. WYDEN proposed an amendment to the bill S. 2925, to establish a grant program to benefit victims of sex trafficking, and for other purposes.

SA 4752. Mr. WYDEN proposed an amendment to the bill S. 2925, supra.

SA 4753. Mr. REID (for himself and Mr. McCONNELL) proposed an amendment to the bill H.R. 4853, 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 authorizations for the airport improvement program, and for other purposes.

SA 4754. Mr. REID proposed an amendment to amendment SA 4753 proposed by Mr. REID (for himself and Mr. McCONNELL) to the bill H.R. 4853, supra.

SA 4755. Mr. REID proposed an amendment to the bill H.R. 4853, supra.

SA 4756. Mr. REID proposed an amendment to amendment SA 4755 proposed by Mr. REID to the bill H.R. 4853, supra.

SA 4757. Mr. REID proposed an amendment to amendment SA 4756 proposed by Mr. REID to the amendment SA 4755 proposed by Mr. REID to the bill H.R. 4853, supra.

SA 4758. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 4753 proposed by Mr. REID (for himself and Mr. McCONNELL) to the bill H.R. 4853, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4756. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate end of subtitle B of title X, add the following:

SEC. 1012. REPLACEMENT COMBAT LOGISTICS FORCE UNDERWAY REPLENISHMENT SHIP CAPABILITIES FOR THE NAVY ON A COMMERCIAL FEE-FOR-SERVICE BASIS.

(a) IN GENERAL.—

(1) PROGRAM REQUIRED.—The Secretary of the Navy shall carry out a program, in response to Naval Surface Warfare Center Carderock Division Combat Logistics Force Energy Saving Program, BAA N000167–09–

BAA–01, to obtain replacement combat logistics force underway replenishment ship capabilities for the Navy on a commercial fee-for-service basis.

(2) DETERMINATION OF REPLACEMENT SHIPS REQUIRED.—As part of the program required by this section, the Secretary—

(A) shall determine an initial number of fleet oiler ships to be constructed, leased, or both under the program to meet anticipated demands of the Navy for combat logistics force underway replenishment ships; and

(B) may from time to time determine an additional number of fleet oiler ships to be constructed, leased, or both for such purpose.

(3) AVAILABILITY OF FUNDS.—Of the amount authorized to be appropriated for research, development, test, and evaluation by section 201 and available for the Navy as specified in the funding table in section 4201, $20,000,000 shall be available for contractor activities for phase 1 (detailed combat logistics force fee-for-service performance requirements specification and detailed feasibility study reflecting such performance requirements) and phase 2 (completion of adequate development work to support contractor delivery of a fixed-price multi-year fee-for service proposal, consistent with this section and with sufficient detail and cost definition support to meet government contracting requirements) of the program required by this section. Such funds shall be available for that purpose without fiscal year limitation.

(4) BUDGETING.—The budget of the President for each fiscal year after fiscal year 2011 (as submitted to Congress pursuant to section 1105(a) of title 31, United States Code) shall specify the funds to be required in such fiscal year for the program required by this section, including amounts to be required for the following:

(A) The capital costs to be incurred in such fiscal year in connection with national defense features or modifications of fleet oiler ships constructed or leased under phase 3 of the program.

(B) The costs of executing multi-year contracts authorized by subsection (b) during such fiscal year.

(b) MULTIYEAR CONTRACTS TO OBTAIN REPLENISHMENT SUPPORT USING SHIPS CONSTRUCTED UNDER PROGRAM.—

(1) IN GENERAL.—In carrying out the program required by this section, the Secretary of the Navy may not enter into one or more multiyear contracts for the purpose of obtaining combat logistics force underway replenishment support for the Navy using ships constructed or leased under the program on a commercial fee-for-service basis unless an appropriation is provided in advance specifically for all obligations to be made under the contract, including any obligations for payments to be made in years after the year in which the contract is entered into, any obligations for payments for early cancellation of the contract, and any obligations for payments for the exercise of contract options.

(2) ELEMENTS.—Each contract under this subsection shall provide for payment by the United States of the following:

(A) The operational cost of combat logistics force underway replenishment support provided the Navy by the ship or ships covered by the contract.

(B) The costs of any national defense features or modifications on the ship or ships covered by the contract, which costs shall be paid in full through equal monthly installments under the contract over a number of months (not to exceed 60 months) beginning on or after the date on which the Navy certifies that the ship or ships covered by the contract are qualified and meet Navy standards to provide combat logistics force underway replenishment support for the Navy.

(3) COMPLIANCE WITH LAW APPLICABLE TO MULTIYEAR CONTRACTS.—Any contract entered into under this subsection shall be entered into in accordance with the provisions of section 2306c of title 10, United States Code, except that—

(A) notwithstanding subsection (b) of such section, the combat logistics force underway replenishment support for the Navy to be obtained under the contract shall be treated as services to which the authority in subsection (a) of such section applies;

(B) the term of the contract may not be more than eight years; and

(C) notwithstanding subsections (d) and (e) of such section—

(i) the contract may not be entered into unless amounts necessary to cover all costs of cancellation of the contract are appropriated before the contract is entered into; and

(ii) funds appropriated in advance for performance of the contract shall be the only funds available for costs of cancellation of the contract.

(4) COMPLIANCE WITH LAW APPLICABLE TO SERVICE CONTRACTS.—A contract entered into under this subsection shall be entered into in accordance with the provisions of section 2401 of title 10, United States Code, except that—

(A) the Secretary shall not be required to certify to the congressional defense committees that the contract is the most cost-effective means of obtaining combat logistics force underway replenishment support for the Navy; and

(B) the Secretary shall not be required to certify to the congressional defense committees that there is no alternative for meeting urgent operational requirements other than making the contract.

(5) LIMITATION ON AMOUNT.—The amount of any contract (including any options) under this subsection may not exceed $999,999,999.

(c) PREFERENCE FOR FINANCING UNDER FEDERAL SHIP FINANCING PROGRAM.—A contractor seeking financing for a ship whose principal service will be the provision of combat logistics force underway replenishment support for the Navy under a contract under subsection (b) shall be given approval preference by the Secretary of Transportation for the Federal Ship Financing Program under chapter 537 of title 46, United States Code.

(d) GOVERNMENT WAR RISK INSURANCE.—A contractor with the Navy under subsection (b) shall be eligible for Government-provided war risk insurance for the ship or ships covered by the contract in accordance with chapter 539 of title 46, United States Code, with the following exceptions:

(1) With regard to section 53902(a) of such title, the Secretary of the Navy may act for the Secretary of Transportation in approving the issuance of such insurance.

(2) While an insured ship is completely dedicated to the provision of combat logistics force underway replenishment support for the Navy, the insurance may be issued as agency insurance in accordance with section 53905 of such title.

(3) The authority to waive the premium under section 53905(b) of such title does not apply to war-risk insurance issued pursuant to this subsection.

SA 4747. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, add the following:

SEC. 126. ADDITIONAL COMBAT SHIP MATTERS.

(a) MODIFICATIONS TO LITTORAL COMBAT SHIP PROGRAM AUTHORITY.—Section 121 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2211) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''ten Littoral Combat Ships and 15 Littoral Combat Ship ship control and weapon systems'' and inserting ''20 Littoral Combat Ships (LCS), including ship control and weapon systems,''; and

(ii) by striking ''a contract'' and inserting ''one or more contracts''; and

(B) in paragraph (2)—

(i) by striking ''A contract'' and inserting ''Any contract''; and

(ii) by striking ''liability to'' and inserting ''liability of'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''a procurement'' and inserting ''any contract''; and

(B) in paragraph (2)—

(i) by striking ''a Littoral'' and inserting ''any Littoral''; and

(ii) in subparagraph (A), by striking ''a second shipyard, as soon as practicable'' and inserting ''another shipyard to build to a design specification for that Littoral Combat Ship''; and

(3) in subsection (c)(1), by striking ''awarded to a contractor selected as part of a procurement'' and inserting ''under any contract''.

(b) REPLACEMENT COMBAT LOGISTICS FORCE UNDERWAY REPLENISHMENT SHIP CAPABILITIES FOR THE NAVY ON A COMMERCIAL FEE-FOR-SERVICE BASIS.—

(1) PROGRAM REQUIRED.—The Secretary of the Navy shall carry out a program, in response to Naval Surface Warfare Center Carderock Division Combat Logistics Force Energy Saving Program, BAA N000167–09–BAA–01, to obtain replacement combat logistics force underway replenishment ship capabilities for the Navy on a commercial fee-for-service basis.

(2) DETERMINATION OF REPLACEMENT SHIPS REQUIRED.—As part of the program required by this subsection, the Secretary—

(A) shall determine an initial number of fleet oiler ships to be constructed, leased, or both under the program to meet anticipated demands of the Navy for combat logistics force underway replenishment ships; and

(B) may from time to time determine an additional number of fleet oiler ships to be constructed, leased, or both for such purpose.

(3) AVAILABILITY OF FUNDS.—Of the amount authorized to be appropriated for research, development, test, and evaluation by section 201 and available for the Navy as specified in the funding table in section 4201, $20,000,000 shall be available for contractor activities for phase 1 (detailed combat logistics force fee-for-service performance requirements specification and detailed feasibility study reflecting such performance requirements) and phase 2 (completion of adequate development work to support contractor delivery of a fixed-price multi-year fee-for service proposal, consistent with this section and with sufficient detail and cost definition support to meet government contracting requirements) of the program required by this section. Such funds shall be available for that purpose without fiscal year limitation.

(4) BUDGETING.—The budget of the President for each fiscal year after fiscal year 2011 (as submitted to Congress pursuant to section 1105(a) of title 31, United States Code)

shall specify the funds to be required in such fiscal year for the program required by this section, including amounts to be required for the following:

(A) The capital costs to be incurred in such fiscal year in connection with national defense features or modifications of fleet oiler ships constructed or leased under phase 3 of the program.

(B) The costs of executing multi-year contracts authorized by subsection (c) during such fiscal year.

(c) MULTIYEAR CONTRACTS TO OBTAIN REPLENISHMENT SUPPORT USING SHIPS CONSTRUCTED UNDER PROGRAM.—

(1) IN GENERAL.—In carrying out the program required by this section, the Secretary of the Navy may not enter into one or more multiyear contracts for the purpose of obtaining combat logistics force underway replenishment support for the Navy using ships constructed or leased under the program on a commercial fee-for-service basis unless an appropriation is provided in advance specifically for all obligations to be made under the contract, including any obligations for payments to be made in years after the year in which the contract is entered into, any obligations for payments for early cancellation of the contract, and any obligations for payments for the exercise of contract options.

(2) ELEMENTS.—Each contract under this subsection shall provide for payment by the United States of the following:

(A) The operational cost of combat logistics force underway replenishment support provided the Navy by the ship or ships covered by the contract.

(B) The costs of any national defense features or modifications on the ship or ships covered by the contract, which costs shall be paid in full through equal monthly installments under the contract over a number of months (not to exceed 60 months) beginning on or after the date on which the Navy certifies that the ship or ships covered by the contract are qualified and meet Navy standards to provide combat logistics force underway replenishment support for the Navy.

(3) COMPLIANCE WITH LAW APPLICABLE TO MULTIYEAR CONTRACTS.—Any contract entered into under this subsection shall be entered into in accordance with the provisions of section 2306c of title 10, United States Code, except that—

(A) notwithstanding subsection (b) of such section, the combat logistics force underway replenishment support for the Navy to be obtained under the contract shall be treated as services to which the authority in subsection (a) of such section applies;

(B) the term of the contract may not be more than eight years; and

(C) notwithstanding subsections (d) and (e) of such section—

(i) the contract may not be entered into unless amounts necessary to cover all costs of cancellation of the contract are appropriated before the contract is entered into; and

(ii) funds appropriated in advance for performance of the contract shall be the only funds available for costs of cancellation of the contract.

(4) COMPLIANCE WITH LAW APPLICABLE TO SERVICE CONTRACTS.—A contract entered into under this subsection shall be entered into in accordance with the provisions of section 2401 of title 10, United States Code, except that—

(A) the Secretary shall not be required to certify to the congressional defense committees that the contract is the most cost-effective means of obtaining combat logistics force underway replenishment support for the Navy; and

(B) the Secretary shall not be required to certify to the congressional defense committees that there is no alternative for meeting urgent operational requirements other than making the contract.

(5) LIMITATION ON AMOUNT.—The amount of any contract (including any options) under this subsection may not exceed $999,999,999.

(d) PREFERENCE FOR FINANCING UNDER FEDERAL SHIP FINANCING PROGRAM.—A contractor seeking financing for a ship whose principal service will be the provision of combat logistics force underway replenishment support for the Navy under a contract under subsection (c) shall be given approval preference by the Secretary of Transportation for the Federal Ship Financing Program under chapter 537 of title 46, United States Code.

(e) GOVERNMENT WAR RISK INSURANCE.—A contractor with the Navy under subsection (c) shall be eligible for Government-provided war risk insurance for the ship or ships covered by the contract in accordance with chapter 539 of title 46, United States Code, with the following exceptions:

(1) With regard to section 53902(a) of such title, the Secretary of the Navy may act for the Secretary of Transportation in approving the issuance of such insurance.

(2) While an insured ship is completely dedicated to the provision of combat logistics force underway replenishment support for the Navy, the insurance may be issued as agency insurance in accordance with section 53905 of such title.

(3) The authority to waive the premium under section 53905(b) of such title does not apply to war-risk insurance issued pursuant to this subsection.

SA 4748. Mr. LIEBERMAN (for himself, Mr. BROWN of Massachusetts, Mr. LEAHY, and Mr. BOND) submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 414 and insert the following:

SEC. 414. FISCAL YEAR 2011 LIMITATION ON NUMBER OF NON-DUAL STATUS TECHNICIANS.

(a) LIMITATIONS.—

(1) NATIONAL GUARD.—Within the limitation provided in section 10217(c)(2) of title 10, United States Code, the number of non-dual status technicians employed by the National Guard as of September 30, 2011, may not exceed the following:

(A) For the Army National Guard of the United States, 2,520.

(B) For the Air National Guard of the United States, 350.

(2) ARMY RESERVE.—The number of non-dual status technicians employed by the Army Reserve as of September 30, 2011, may not exceed 595.

(3) AIR FORCE RESERVE.—The number of non-dual status technicians employed by the Air Force Reserve as of September 30, 2011, may not exceed 90.

(b) PERMANENT INCREASE IN LIMITATION ON ARMY NATIONAL GUARD DUAL-STATUS TECHNICIANS.—Effective as of October 1, 2010, section 10217(c)(2) of title 10, United States Code, is amended by striking ''1,950'' and inserting ''2,870''.

(c) NON-DUAL STATUS TECHNICIANS DEFINED.—In this section, the term ''non-dual status technician'' has the meaning given that term in section 10217(a) of title 10, United States Code.

SA 4749. Mr. SESSIONS (for himself and Mr. SHELBY) submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, add the following:

SEC. 126. LITTORAL COMBAT SHIP PROGRAM.

(a) CONTRACT AUTHORITY.—Subsection (a) of section 121 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2211) is amended—

(1) in paragraph (1)—

(A) by striking ''ten Littoral Combat Ships and 15 Littoral Combat Ship ship control and weapon systems'' and inserting ''20 Littoral Combat Ships, including any ship control and weapon systems the Secretary determines necessary for such ships,''; and

(B) by striking ''a contract'' and inserting ''one or more contracts''; and

(2) in paragraph (2), by striking ''liability to'' and inserting ''liability of''.

(b) TECHNICAL DATA PACKAGE.—Subsection (b)(2)(A) of such section is amended by striking ''a second shipyard, as soon as practicable'' and inserting ''another shipyard to build to a design specification for that Littoral Combat Ship''.

(c) LIMITATION OF COSTS.—Subsection (c)(1) of such section is amended by striking ''awarded to a contractor selected as part of a procurement'' and inserting ''under a contract''.

SA 4750. Mr. WYDEN (for Mr. KERRY) proposed an amendment to the bill S. 841, to direct the Secretary of Transportation to study and establish a motor vehicle safety standard that provides for a means of alerting blind and other pedestrians of motor vehicle operation; as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Pedestrian Safety Enhancement Act of 2010'.

SEC. 2. DEFINITIONS.

As used in this Act—

(1) the term ''Secretary'' means the Secretary of Transportation;

(2) the term ''alert sound'' (herein referred to as the ''sound'') means a vehicle-emitted sound to enable pedestrians to discern vehicle presence, direction, location, and operation;

(3) the term ''cross-over speed'' means the speed at which tire noise, wind resistance, or other factors eliminate the need for a separate alert sound as determined by the Secretary;

(4) the term ''motor vehicle'' has the meaning given such term in section 30102(a)(6) of title 49, United States Code, except that such term shall not include a trailer (as such term is defined in section 571.3 of title 49, Code of Federal Regulations);

(5) the term ''conventional motor vehicle'' means a motor vehicle powered by a gasoline, diesel, or alternative fueled internal combustion engine as its sole means of propulsion;

(6) the term ''manufacturer'' has the meaning given such term in section 30102(a)(5) of title 49, United States Code;

(7) the term ''dealer'' has the meaning given such term in section 30102(a)(1) of title 49, United States Code;

(8) the term ''defect'' has the meaning given such term in section 30102(a)(2) of title 49, United States Code;

(9) the term ''hybrid vehicle'' means a motor vehicle which has more than one means of propulsion; and

(10) the term ''electric vehicle'' means a motor vehicle with an electric motor as its sole means of propulsion.

SEC. 3. MINIMUM SOUND REQUIREMENT FOR MOTOR VEHICLES.

(a) RULEMAKING REQUIRED.—Not later than 18 months after the date of enactment of this Act the Secretary shall initiate rulemaking, under section 30111 of title 49, United States Code, to promulgate a motor vehicle safety standard—

(1) establishing performance requirements for an alert sound that allows blind and other pedestrians to reasonably detect a nearby electric or hybrid vehicle operating below the cross-over speed, if any; and

(2) requiring new electric or hybrid vehicles to provide an alert sound conforming to the requirements of the motor vehicle safety standard established under this subsection.

The motor vehicle safety standard established under this subsection shall not require either driver or pedestrian activation of the alert sound and shall allow the pedestrian to reasonably detect a nearby electric or hybrid vehicle in critical operating scenarios including, but not limited to, constant speed, accelerating, or decelerating. The Secretary shall allow manufacturers to provide each vehicle with one or more sounds that comply with the motor vehicle safety standard at the time of manufacture. Further, the Secretary shall require manufacturers to provide, within reasonable manufacturing tolerances, the same sound or set of sounds for all vehicles of the same make and model and shall prohibit manufacturers from providing any mechanism for anyone other than the manufacturer or the dealer to disable, alter, replace, or modify the sound or set of sounds, except that the manufacturer or dealer may alter, replace, or modify the sound or set of sounds in order to remedy a defect or noncompliance with the motor vehicle safety standard. The Secretary shall promulgate the required motor vehicle safety standard pursuant to this subsection not later than 36 months after the date of enactment of this Act.

(b) CONSIDERATION.—When conducting the required rulemaking, the Secretary shall—

(1) determine the minimum level of sound emitted from a motor vehicle that is necessary to provide blind and other pedestrians with the information needed to reasonably detect a nearby electric or hybrid vehicle operating at or below the cross-over speed, if any;

(2) determine the performance requirements for an alert sound that is recognizable to a pedestrian as a motor vehicle in operation; and

(3) consider the overall community noise impact.

(c) PHASE-IN REQUIRED.—The motor vehicle safety standard prescribed pursuant to subsection (a) of this section shall establish a phase-in period for compliance, as determined by the Secretary, and shall require full compliance with the required motor vehicle safety standard for motor vehicles manufactured on or after September 1st of the calendar year that begins 3 years after the date on which the final rule is issued.

(d) REQUIRED CONSULTATION.—When conducting the required study and rulemaking, the Secretary shall—

(1) consult with the Environmental Protection Agency to assure that the motor vehicle safety standard is consistent with existing noise requirements overseen by the Agency;

(2) consult consumer groups representing individuals who are blind;

(3) consult with automobile manufacturers and professional organizations representing them;

(4) consult technical standardization organizations responsible for measurement methods such as the Society of Automotive Engineers, the International Organization for Standardization, and the United Nations Economic Commission for Europe, World Forum for Harmonization of Vehicle Regulations.

(e) REQUIRED STUDY AND REPORT TO CONGRESS.—Not later than 48 months after the date of enactment of this Act, the Secretary shall complete a study and report to Congress as to whether there exists a safety need to apply the motor vehicle safety standard required by subsection (a) to conventional motor vehicles. In the event that the Secretary determines there exists a safety need, the Secretary shall initiate rulemaking under section 30111 of title 49, United States Code, to extend the standard to conventional motor vehicles.

SEC. 4. FUNDING.

Notwithstanding any other provision of law, $2,000,000 of any amounts made available to the Secretary of Transportation under under section 406 of title 23, United States Code, shall be made available to the Administrator of the National Highway Transportation Safety Administration for carrying out section 3 of this Act.

SA 4751. Mr. WYDEN proposed an amendment to the bill S. 2925, to establish a grant program to benefit victims of sex trafficking, and for other purposes; as follows:

Strike section 5 and insert the following:

SEC. 5. REPORTING REQUIREMENTS.

(a) REPORTING REQUIREMENT FOR STATE CHILD WELFARE AGENCIES.—

(1) REQUIREMENT FOR STATE CHILD WELFARE AGENCIES TO REPORT CHILDREN MISSING OR ABDUCTED.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(A) in paragraph (32), by striking ''and'' after the semicolon;

(B) in paragraph (33), by striking the period and inserting ''; and''; and

(C) by inserting after paragraph (33) the following:

''(34) provides that the State has in effect procedures that require the State agency to promptly report information on missing or abducted children to the law enforcement authorities for entry into the National Crime Information Center (NCIC) database of the Federal Bureau of Investigation, established pursuant to section 534 of title 28, United States Code.''.

(2) REGULATIONS.—The Secretary of Health and Human Services shall promulgate regulations implementing the amendments made by paragraph (1). The regulations promulgated under this subsection shall include provisions to withhold Federal funds from any State that fails to substantially comply with the requirement imposed under the amendments made by paragraph (1).

(3) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date that is 6 months after the date of the enactment of this Act, without regard to whether final regulations required under paragraph (2) have been promulgated.

(b) ANNUAL STATISTICAL SUMMARY.—Section 3701(c) of the Crime Control Act of 1990 (42 U.S.C. 5779(c)) is amended by inserting '', which shall include the total number of reports received and the total number of entries made to the National Crime Information Center (NCIC) database of the Federal Bureau of Investigation, established pursuant to section 534 of title 28, United States Code.'' after ''this title''.

(c) STATE REPORTING.—Section 3702 of the Crime Control Act of 1990 (42 U.S.C. 5780) is amended in paragraph (4)—

(1) by striking ''(2)'' and inserting ''(3)'';

(2) in subparagraph (A), by inserting '', and a photograph taken within the previous 180 days'' after ''dental records'';

(3) in subparagraph (B), by striking ''and'' after the semicolon;

(4) by redesignating subparagraph (C) as subparagraph (D); and

(5) by inserting after subparagraph (B) the following:

''(C) notify the National Center for Missing and Exploited Children of each report received relating to a child reported missing from a foster care family home or childcare institution; and''.

SA 4752. Mr. WYDEN proposed an amendment to the bill S. 2925, to establish a grant program to benefit victims of sex trafficking, and for other purposes; as follows:

On page 23, line 2, insert ''(a) IN GENERAL.—'' before ''Section 204''.

On page 26, line 22, after the period add: ''Each eligible entity awarded a block grant under this subparagraph shall certify that Federal funds received under the block grant will be used to combat only interstate sex trafficking.''.

On page 28, line 9, strike ''50 percent'' and insert ''67 percent''.

On page 33, between lines 20 and 21, insert the following:

(b) SUNSET PROVISION.—Effective 3 years after the date of enactment of this Act, section 204 of the Trafficking Victims Protection Reauthorization Act of 2005 (42 U.S.C. 14044c) is amended to read as it read on the day before the date of enactment of this Act.

(c) GAO EVALUATION.—Not later than 30 months after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study of and submit to Congress a report evaluating the impact of this Act and the amendments made by this Act in aiding minor victims of sex trafficking in the United States and increasing the ability of law enforcement agencies to prosecute sex trafficking offenders, which shall include recommendations, if any, regarding any legislative or administrative action the Comptroller General determines appropriate.

On page 36, line 14, insert ''(as defined in such section 3486)'' after ''sex offenders''.

On page 41, line 21, insert ''(a) IN GENERAL.—'' before ''Section 3486(a)(1)''.

On page 41, strike line 23 and all that follows through page 42, line 4, and insert the following:

(1) in subparagraph (A)—

(A) in clause (i), by striking ''or'' at the end;

(B) by redesignating clause (ii) as clause (iii); and

(C) by inserting after clause (i) the following:

''(ii) an unregistered sex offender conducted by the United States Marshals Service, the Director of the United States Marshals Service; or''; and

On page 42, strike line 9.

On page 42, line 10, strike ''(C)'' and insert ''(B)''.

On page 42, line 12, strike ''(D)'' and insert ''(C)''.

On page 42, after line 15, add the following:

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 3486(a) of title 18, United States Code, is amended—

(1) in paragraph (6)(A), by striking ''United State'' and inserting ''United States'';

(2) in paragraph (9), by striking ''(1)(A)(ii)'' and inserting ''(1)(A)(iii)''; and

(3) in paragraph (10), by striking ''paragraph (1)(A)(ii)'' and inserting ''paragraph (1)(A)(iii)''.

SEC. 12. REDUCING UNNECESSARY PRINTING AND PUBLISHING COSTS OF GOVERNMENT DOCUMENTS.

Not later than 180 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall coordinate with the heads of Federal departments and independent agencies to—

(1) determine which Government publications could be available on Government websites and no longer printed and to devise a strategy to reduce overall Government printing costs beginning with fiscal year 2012, except that the Director shall ensure that essential printed documents prepared for Social Security recipients, Medicare beneficiaries, and other populations in areas with limited internet access or use continue to remain available;

(2) establish government-wide Federal guidelines on employee printing;

(3) issue on the Office of Management and Budget's public website the results of a cost-benefit analysis on implementing a digital signature system and on establishing employee printing identification systems, such as the use of individual employee cards or codes, to monitor the amount of printing done by Federal employees, except that the Director of the Office of Management and Budget shall ensure that Federal employee printing costs unrelated to national defense, homeland security, border security, national disasters, and other emergencies do not exceed $860,000,000 annually for fiscal years 2012 through 2014; and

(4) issue guidelines requiring every department, agency, commission or office to list at a prominent place near the beginning of each publication distributed to the public and issued or paid for by the Federal Government the following:

(A) The name of the issuing agency, department, commission or office.

(B) The total number of copies of the document printed.

(C) The collective cost of producing and printing all of the copies of the document.

(D) The name of the firm publishing the document.

SEC. 13. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SA 4753. Mr. REID (for himself and Mr. MCCONNELL) proposed an amendment to the bill H.R. 4853, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway I rust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes; as follows:

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

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the ''Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; etc.

TITLE I—TEMPORARY EXTENSION OF TAX RELIEF

Sec. 101. Temporary extension of 2001 tax relief.
Sec. 102. Temporary extension of 2003 tax relief.
Sec. 103. Temporary extension of 2009 tax relief.

TITLE II—TEMPORARY EXTENSION OF INDIVIDUAL AMT RELIEF

Sec. 201. Temporary extension of increased alternative minimum tax exemption amount.
Sec. 202. Temporary extension of alternative minimum tax relief for nonrefundable personal credits.

TITLE III—TEMPORARY ESTATE TAX RELIEF

Sec. 301. Reinstatement of estate tax; repeal of carryover basis.
Sec. 302. Modifications to estate, gift, and generation-skipping transfer taxes.
Sec. 303. Applicable exclusion amount increased by unused exclusion amount of deceased spouse.
Sec. 304. Application of EGTRRA sunset to this title.

TITLE IV—TEMPORARY EXTENSION OF INVESTMENT INCENTIVES

Sec. 401. Extension of bonus depreciation; temporary 100 percent expensing for certain business assets.
Sec. 402. Temporary extension of increased small business expensing.

TITLE V—TEMPORARY EXTENSION OF UNEMPLOYMENT INSURANCE AND RELATED MATTERS

Sec. 501. Temporary extension of unemployment insurance provisions.
Sec. 502. Temporary modification of indicators under the extended benefit program.
Sec. 503. Technical amendment relating to collection of unemployment compensation debts.
Sec. 504. Technical correction relating to repeal of continued dumping and subsidy offset.
Sec. 505. Additional extended unemployment benefits under the Railroad Unemployment Insurance Act.

TITLE VI—TEMPORARY EMPLOYEE PAYROLL TAX CUT

Sec. 601. Temporary employee payroll tax cut.

TITLE VII—TEMPORARY EXTENSION OF CERTAIN EXPIRING PROVISIONS

Subtitle A—Energy

Sec. 701. Incentives for biodiesel and renewable diesel.
Sec. 702. Credit for refined coal facilities.
Sec. 703. New energy efficient home credit.
Sec. 704. Excise tax credits and outlay payments for alternative fuel and alternative fuel mixtures.
Sec. 705. Special rule for sales or dispositions to implement FERC or State electric restructuring policy for qualified electric utilities.
Sec. 706. Suspension of limitation on percentage depletion for oil and gas from marginal wells.
Sec. 707. Extension of grants for specified energy property in lieu of tax credits.
Sec. 708. Extension of provisions related to alcohol used as fuel.
Sec. 709. Energy efficient appliance credit.
Sec. 710. Credit for nonbusiness energy property.
Sec. 711. Alternative fuel vehicle refueling property.

Subtitle B—Individual Tax Relief

Sec. 721. Deduction for certain expenses of elementary and secondary school teachers.
Sec. 722. Deduction of State and local sales taxes.
Sec. 723. Contributions of capital gain real property made for conservation purposes.
Sec. 724. Above-the-line deduction for qualified tuition and related expenses.
Sec. 725. Tax-free distributions from individual retirement plans for charitable purposes.
Sec. 726. Look-thru of certain regulated investment company stock in determining gross estate of nonresidents.
Sec. 727. Parity for exclusion from income for employer-provided mass transit and parking benefits.
Sec. 728. Refunds disregarded in the administration of Federal programs and federally assisted programs.

Subtitle C—Business Tax Relief

Sec. 731. Research credit.
Sec. 732. Indian employment tax credit.
Sec. 733. New markets tax credit.
Sec. 734. Railroad track maintenance credit.
Sec. 735. Mine rescue team training credit.
Sec. 736. Employer wage credit for employees who are active duty members of the uniformed services.
Sec. 737. 15-year straight-line cost recovery for qualified leasehold improvements, qualified restaurant buildings and improvements, and qualified retail improvements.
Sec. 738. 7-year recovery period for motorsports entertainment complexes.
Sec. 739. Accelerated depreciation for business property on an Indian reservation.
Sec. 740. Enhanced charitable deduction for contributions of food inventory.
Sec. 741. Enhanced charitable deduction for contributions of book inventories to public schools.
Sec. 742. Enhanced charitable deduction for corporate contributions of computer inventory for educational purposes.
Sec. 743. Election to expense mine safety equipment.
Sec. 744. Special expensing rules for certain film and television productions.
Sec. 745. Expensing of environmental remediation costs.
Sec. 746. Deduction allowable with respect to income attributable to domestic production activities in Puerto Rico.
Sec. 747. Modification of tax treatment of certain payments to controlling exempt organizations.
Sec. 748. Treatment of certain dividends of regulated investment companies.
Sec. 749. RIC qualified investment entity treatment under FIRPTA.
Sec. 750. Exceptions for active financing income.

Sec. 751. Look-thru treatment of payments between related controlled foreign corporations under foreign personal holding company rules.
Sec. 752. Basis adjustment to stock of S corps making charitable contributions of property.
Sec. 753. Empowerment zone tax incentives.
Sec. 754. Tax incentives for investment in the District of Columbia.
Sec. 755. Temporary increase in limit on cover over of rum excise taxes to Puerto Rico and the Virgin Islands.
Sec. 756. American Samoa economic development credit.
Sec. 757. Work opportunity credit.
Sec. 758. Qualified zone academy bonds.
Sec. 759. Mortgage insurance premiums.
Sec. 760. Temporary exclusion of 100 percent of gain on certain small business stock.

Subtitle D—Temporary Disaster Relief Provisions

SUBPART A—NEW YORK LIBERTY ZONE

Sec. 761. Tax-exempt bond financing.

SUBPART B—GO ZONE

Sec. 762. Increase in rehabilitation credit.
Sec. 763. Low-income housing credit rules for buildings in GO zones.
Sec. 764. Tax-exempt bond financing.
Sec. 765. Bonus depreciation deduction applicable to the GO Zone.

TITLE VIII—BUDGETARY PROVISIONS

Sec. 801. Determination of budgetary effects.
Sec. 802. Emergency designations.

TITLE I—TEMPORARY EXTENSION OF TAX RELIEF

SEC. 101. TEMPORARY EXTENSION OF 2001 TAX RELIEF.

(a) TEMPORARY EXTENSION.—

(1) IN GENERAL.—Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by striking ''December 31, 2010'' both places it appears and inserting ''December 31, 2012''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if included in the enactment of the Economic Growth and Tax Relief Reconciliation Act of 2001.

(b) SEPARATE SUNSET FOR EXPANSION OF ADOPTION BENEFITS UNDER THE PATIENT PROTECTION AND AFFORDABLE CARE ACT.—

(1) IN GENERAL.—Subsection (c) of section 10909 of the Patient Protection and Affordable Care Act is amended to read as follows:

''(c) SUNSET PROVISION.—Each provision of law amended by this section is amended to read as such provision would read if this section had never been enacted. The amendments made by the preceding sentence shall apply to taxable years beginning after December 31, 2011.''.

(2) CONFORMING AMENDMENT.—Subsection (d) of section 10909 of such Act is amended by striking ''The amendments'' and inserting ''Except as provided in subsection (c), the amendments''.

SEC. 102. TEMPORARY EXTENSION OF 2003 TAX RELIEF.

(a) IN GENERAL.—Section 303 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 is amended by striking ''December 31, 2010'' and inserting ''December 31, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of the Jobs and Growth Tax Relief Reconciliation Act of 2003.

SEC. 103. TEMPORARY EXTENSION OF 2009 TAX RELIEF.

(a) AMERICAN OPPORTUNITY TAX CREDIT.—

(1) IN GENERAL.—Section 25A(i) is amended by striking ''or 2010'' and inserting '', 2010, 2011, or 2012''.

(2) TREATMENT OF POSSESSIONS.—Section 1004(c)(1) of the American Recovery and Reinvestment Tax Act of 2009 is amended by striking ''and 2010'' each place it appears and inserting '', 2010, 2011, and 2012''.

(b) CHILD TAX CREDIT.—Section 24(d)(4) is amended—

(1) by striking ''2009 AND 2010'' in the heading and inserting ''2009, 2010, 2011, AND 2012'', and

(2) by striking ''or 2010'' and inserting '', 2010, 2011, or 2012''.

(c) EARNED INCOME TAX CREDIT.—Section 32(b)(3) is amended—

(1) by striking ''2009 AND 2010'' in the heading and inserting ''2009, 2010, 2011, AND 2012'', and

(2) by striking ''or 2010'' and inserting '', 2010, 2011, or 2012''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

TITLE II—TEMPORARY EXTENSION OF INDIVIDUAL AMT RELIEF

SEC. 201. TEMPORARY EXTENSION OF INCREASED ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.

(a) IN GENERAL.—Paragraph (1) of section 55(d) is amended—

(1) by striking ''$70,950'' and all that follows through ''2009'' in subparagraph (A) and inserting ''$72,450 in the case of taxable years beginning in 2010 and $74,450 in the case of taxable years beginning in 2011'', and

(2) by striking ''$46,700'' and all that follows through ''2009'' in subparagraph (B) and inserting ''$47,450 in the case of taxable years beginning in 2010 and $48,450 in the case of taxable years beginning in 2011''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

(c) REPEAL OF EGTRRA SUNSET.—Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to title VII of such Act (relating to alternative minimum tax).

SEC. 202. TEMPORARY EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.

(a) IN GENERAL.—Paragraph (2) of section 26(a) is amended—

(1) by striking ''or 2009'' and inserting ''2009, 2010, or 2011'', and

(2) by striking ''2009'' in the heading thereof and inserting ''2011''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

TITLE III—TEMPORARY ESTATE TAX RELIEF

SEC. 301. REINSTATEMENT OF ESTATE TAX; REPEAL OF CARRYOVER BASIS.

(a) IN GENERAL.—Each provision of law amended by subtitle A or E of title V of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended to read as such provision would read if such subtitle had never been enacted.

(b) CONFORMING AMENDMENT.—On and after January 1, 2011, paragraph (1) of section 2505(a) of the Internal Revenue Code of 1986 is amended to read as such paragraph would read if section 521(b)(2) of the Economic Growth and Tax Relief Reconciliation Act of 2001 had never been enacted.

(c) SPECIAL ELECTION WITH RESPECT TO ESTATES OF DECEDENTS DYING IN 2010.—Notwithstanding subsection (a), in the case of an estate of a decedent dying after December 31, 2009, and before January 1, 2011, the executor (within the meaning of section 2203 of the Internal Revenue Code of 1986) may elect to apply such Code as though the amendments made by subsection (a) do not apply with respect to chapter 11 of such Code and with respect to property acquired or passing from such decedent (within the meaning of section 1014(b) of such Code). Such election shall be made at such time and in such manner as the Secretary of the Treasury or the Secretary's delegate shall provide. Such an election once made shall be revocable only with the consent of the Secretary of the Treasury or the Secretary's delegate. For purposes of section 2652(a)(1) of such Code, the determination of whether any property is subject to the tax imposed by such chapter 11 shall be made without regard to any election made under this subsection.

(d) EXTENSION OF TIME FOR PERFORMING CERTAIN ACTS.—

(1) ESTATE TAX.—In the case of the estate of a decedent dying after December 31, 2009, and before the date of the enactment of this Act, the due date for—

(A) filing any return under section 6018 of the Internal Revenue Code of 1986 (including any election required to be made on such a return) as such section is in effect after the date of the enactment of this Act without regard to any election under subsection (c),

(B) making any payment of tax under chapter 11 of such Code, and

(C) making any disclaimer described in section 2518(b) of such Code of an interest in property passing by reason of the death of such decedent,

shall not be earlier than the date which is 9 months after the date of the enactment of this Act.

(2) GENERATION-SKIPPING TAX.—In the case of any generation-skipping transfer made after December 31, 2009, and before the date of the enactment of this Act, the due date for filing any return under section 2662 of the Internal Revenue Code of 1986 (including any election required to be made on such a return) shall not be earlier than the date which is 9 months after the date of the enactment of this Act.

(e) EFFECTIVE DATE.—Except as otherwise provided in this section, the amendments made by this section shall apply to estates of decedents dying, and transfers made, after December 31, 2009.

SEC. 302. MODIFICATIONS TO ESTATE, GIFT, AND GENERATION-SKIPPING TRANSFER TAXES.

(a) MODIFICATIONS TO ESTATE TAX.—

(1) $5,000,000 APPLICABLE EXCLUSION AMOUNT.—Subsection (c) of section 2010 is amended to read as follows:

''(c) APPLICABLE CREDIT AMOUNT.—

''(1) IN GENERAL.—For purposes of this section, the applicable credit amount is the amount of the tentative tax which would be determined under section 2001(c) if the amount with respect to which such tentative tax is to be computed were equal to the applicable exclusion amount.

''(2) APPLICABLE EXCLUSION AMOUNT.—

''(A) IN GENERAL.—For purposes of this subsection, the applicable exclusion amount is $5,000,000.

''(B) INFLATION ADJUSTMENT.—In the case of any decedent dying in a calendar year after 2011, the dollar amount in subparagraph (A) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting 'calendar year 2010' for 'calendar year 1992' in subparagraph (B) thereof.

If any amount as adjusted under the preceding sentence is not a multiple of $10,000, such amount shall be rounded to the nearest multiple of $10,000.''.

(2) MAXIMUM ESTATE TAX RATE EQUAL TO 35 PERCENT.—Subsection (c) of section 2001 is amended—

(A) by striking ''Over $500,000'' and all that follows in the table contained in paragraph (1) and inserting the following:

''Over $500,000	$155,800, plus 35 percent of the excess of such amount over $500,000.'',

(B) by striking ''(1) IN GENERAL.—'', and

(C) by striking paragraph (2).

(b) MODIFICATIONS TO GIFT TAX.—

(1) RESTORATION OF UNIFIED CREDIT AGAINST GIFT TAX.—

(A) IN GENERAL.—Paragraph (1) of section 2505(a), after the application of section 301(b), is amended by striking ''(determined as if the applicable exclusion amount were $1,000,000)''.

(B) EFFECTIVE DATE.—The amendment made by this paragraph shall apply to gifts made after December 31, 2010.

(2) MODIFICATION OF GIFT TAX RATE.—On and after January 1, 2011, subsection (a) of section 2502 is amended to read as such subsection would read if section 511(d) of the Economic Growth and Tax Relief Reconciliation Act of 2001 had never been enacted.

(c) MODIFICATION OF GENERATION-SKIPPING TRANSFER TAX.—In the case of any generation-skipping transfer made after December 31, 2009, and before January 1, 2011, the applicable rate determined under section 2641(a) of the Internal Revenue Code of 1986 shall be zero.

(d) MODIFICATIONS OF ESTATE AND GIFT TAXES TO REFLECT DIFFERENCES IN CREDIT RESULTING FROM DIFFERENT TAX RATES.—

(1) ESTATE TAX.—

(A) IN GENERAL.—Section 2001(b)(2) is amended by striking ''if the provisions of subsection (c) (as in effect at the decedent's death)'' and inserting ''if the modifications described in subsection (g)''.

(B) MODIFICATIONS.—Section 2001 is amended by adding at the end the following new subsection:

''(g) MODIFICATIONS TO GIFT TAX PAYABLE TO REFLECT DIFFERENT TAX RATES.—For purposes of applying subsection (b)(2) with respect to 1 or more gifts, the rates of tax under subsection (c) in effect at the decedent's death shall, in lieu of the rates of tax in effect at the time of such gifts, be used both to compute—

''(1) the tax imposed by chapter 12 with respect to such gifts, and

''(2) the credit allowed against such tax under section 2505, including in computing—

''(A) the applicable credit amount under section 2505(a)(1), and

''(B) the sum of the amounts allowed as a credit for all preceding periods under section 2505(a)(2).''.

(2) GIFT TAX.—Section 2505(a) is amended by adding at the end the following new flush sentence:

''For purposes of applying paragraph (2) for any calendar year, the rates of tax in effect under section 2502(a)(2) for such calendar year shall, in lieu of the rates of tax in effect for preceding calendar periods, be used in determining the amounts allowable as a credit under this section for all preceding calendar periods.''.

(e) CONFORMING AMENDMENT.—Section 2511 is amended by striking subsection (c).

(f) EFFECTIVE DATE.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to estates of decedents dying, generation-skipping transfers, and gifts made, after December 31, 2009.

SEC. 303. APPLICABLE EXCLUSION AMOUNT INCREASED BY UNUSED EXCLUSION AMOUNT OF DECEASED SPOUSE.

(a) IN GENERAL.—Section 2010(c), as amended by section 302(a), is amended by striking paragraph (2) and inserting the following new paragraphs:

''(2) APPLICABLE EXCLUSION AMOUNT.—For purposes of this subsection, the applicable exclusion amount is the sum of—

''(A) the basic exclusion amount, and

''(B) in the case of a surviving spouse, the deceased spousal unused exclusion amount.

''(3) BASIC EXCLUSION AMOUNT.—

''(A) IN GENERAL.—For purposes of this subsection, the basic exclusion amount is $5,000,000.

''(B) INFLATION ADJUSTMENT.—In the case of any decedent dying in a calendar year after 2011, the dollar amount in subparagraph (A) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting 'calendar year 2010' for 'calendar year 1992' in subparagraph (B) thereof.

If any amount as adjusted under the preceding sentence is not a multiple of $10,000, such amount shall be rounded to the nearest multiple of $10,000.

''(4) DECEASED SPOUSAL UNUSED EXCLUSION AMOUNT.—For purposes of this subsection, with respect to a surviving spouse of a deceased spouse dying after December 31, 2010, the term 'deceased spousal unused exclusion amount' means the lesser of—

''(A) the basic exclusion amount, or

''(B) the excess of—

''(i) the basic exclusion amount of the last such deceased spouse of such surviving spouse, over

''(ii) the amount with respect to which the tentative tax is determined under section 2001(b)(1) on the estate of such deceased spouse.

''(5) SPECIAL RULES.—

''(A) ELECTION REQUIRED.—A deceased spousal unused exclusion amount may not be taken into account by a surviving spouse under paragraph (2) unless the executor of the estate of the deceased spouse files an estate tax return on which such amount is computed and makes an election on such return that such amount may be so taken into account. Such election, once made, shall be irrevocable. No election may be made under this subparagraph if such return is filed after the time prescribed by law (including extensions) for filing such return.

''(B) EXAMINATION OF PRIOR RETURNS AFTER EXPIRATION OF PERIOD OF LIMITATIONS WITH RESPECT TO DECEASED SPOUSAL UNUSED EXCLUSION AMOUNT.—Notwithstanding any period of limitation in section 6501, after the time has expired under section 6501 within which a tax may be assessed under chapter 11 or 12 with respect to a deceased spousal unused exclusion amount, the Secretary may examine a return of the deceased spouse to make determinations with respect to such amount for purposes of carrying out this subsection.

''(6) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out this subsection.''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 2505(a), as amended by section 302(b)(1), is amended to read as follows:

''(1) the applicable credit amount in effect under section 2010(c) which would apply if the donor died as of the end of the calendar year, reduced by''.

(2) Section 2631(c) is amended by striking ''the applicable exclusion amount'' and inserting ''the basic exclusion amount''.

(3) Section 6018(a)(1) is amended by striking ''applicable exclusion amount'' and inserting ''basic exclusion amount''.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to estates of decedents dying and gifts made after December 31, 2010.

(2) CONFORMING AMENDMENT RELATING TO GENERATION-SKIPPING TRANSFERS.—The amendment made by subsection (b)(2) shall apply to generation-skipping transfers after December 31, 2010.

SEC. 304. APPLICATION OF EGTRRA SUNSET TO THIS TITLE.

Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall apply to the amendments made by this section.

TITLE IV—TEMPORARY EXTENSION OF INVESTMENT INCENTIVES

SEC. 401. EXTENSION OF BONUS DEPRECIATION; TEMPORARY 100 PERCENT EXPENSING FOR CERTAIN BUSINESS ASSETS.

(a) IN GENERAL.—Paragraph (2) of section 168(k) is amended—

(1) by striking ''January 1, 2012'' in subparagraph (A)(iv) and inserting ''January 1, 2014'', and

(2) by striking ''January 1, 2011'' each place it appears and inserting ''January 1, 2013''.

(b) TEMPORARY 100 PERCENT EXPENSING.—Subsection (k) of section 168 is amended by adding at the end the following new paragraph:

''(5) SPECIAL RULE FOR PROPERTY ACQUIRED DURING CERTAIN PRE-2012 PERIODS.—In the case of qualified property acquired by the taxpayer (under rules similar to the rules of clauses (ii) and (iii) of paragraph (2)(A)) after September 8, 2010, and before January 1, 2012, and which is placed in service by the taxpayer before January 1, 2012 (January 1, 2013, in the case of property described in subparagraph (2)(B) or (2)(C)), paragraph (1)(A) shall be applied by substituting '100 percent' for '50 percent'.''.

(c) EXTENSION OF ELECTION TO ACCELERATE THE AMT CREDIT IN LIEU OF BONUS DEPRECIATION.—

(1) EXTENSION.—Clause (iii) of section 168(k)(4)(D) is amended by striking ''or production'' and all that follows and inserting ''or production—

''(I) after March 31, 2008, and before January 1, 2010, and

''(II) after December 31, 2010, and before January 1, 2013,

shall be taken into account under subparagraph (B)(ii) thereof,''.

(2) RULES FOR ROUND 2 EXTENSION PROPERTY.—Paragraph (4) of section 168(k) is amended by adding at the end the following new subparagraph:

''(I) SPECIAL RULES FOR ROUND 2 EXTENSION PROPERTY.—

''(i) IN GENERAL.—In the case of round 2 extension property, this paragraph shall be applied without regard to—

''(I) the limitation described in subparagraph (B)(i) thereof, and

''(II) the business credit increase amount under subparagraph (E)(iii) thereof.

''(ii) TAXPAYERS PREVIOUSLY ELECTING ACCELERATION.—In the case of a taxpayer who made the election under subparagraph (A) for its first taxable year ending after March 31, 2008, or a taxpayer who made the election under subparagraph (H)(ii) for its first taxable year ending after December 31, 2008—

''(I) the taxpayer may elect not to have this paragraph apply to round 2 extension property, but

''(II) if the taxpayer does not make the election under subclause (I), in applying this paragraph to the taxpayer the bonus depreciation amount, maximum amount, and maximum increase amount shall be computed and applied to eligible qualified property which is round 2 extension property.

The amounts described in subclause (II) shall be computed separately from any amounts computed with respect to eligible qualified property which is not round 2 extension property.

''(iii) TAXPAYERS NOT PREVIOUSLY ELECTING ACCELERATION.—In the case of a taxpayer who neither made the election under subparagraph (A) for its first taxable year ending after March 31, 2008, nor made the election under subparagraph (H)(ii) for its first taxable year ending after December 31, 2008—

''(I) the taxpayer may elect to have this paragraph apply to its first taxable year ending after December 31, 2010, and each subsequent taxable year, and

''(II) if the taxpayer makes the election under subclause (I), this paragraph shall only apply to eligible qualified property which is round 2 extension property.

''(iv) ROUND 2 EXTENSION PROPERTY.—For purposes of this subparagraph, the term 'round 2 extension property' means property which is eligible qualified property solely by reason of the extension of the application of the special allowance under paragraph (1) pursuant to the amendments made by section 401(a) of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (and the application of such extension to this paragraph pursuant to the amendment made by section 401(c)(1) of such Act).''.

(d) CONFORMING AMENDMENTS.—

(1) The heading for subsection (k) of section 168 is amended by striking ''JANUARY 1, 2011'' and inserting ''JANUARY 1, 2013''.

(2) The heading for clause (ii) of section 168(k)(2)(B) is amended by striking ''PRE-JANUARY 1, 2011'' and inserting ''PRE-JANUARY 1, 2013''.

(3) Subparagraph (D) of section 168(k)(4) is amended—

(A) by striking clauses (iv) and (v),

(B) by inserting ''and'' at the end of clause (ii), and

(C) by striking the comma at the end of clause (iii) and inserting a period.

(4) Paragraph (5) of section 168(l) is amended—

(A) by inserting ''and'' at the end of subparagraph (A),

(B) by striking subparagraph (B), and

(C) by redesignating subparagraph (C) as subparagraph (B).

(5) Subparagraph (C) of section 168(n)(2) is amended by striking ''January 1, 2011'' and inserting ''January 1, 2013''.

(6) Subparagraph (D) of section 1400L(b)(2) is amended by striking ''January 1, 2011'' and inserting ''January 1, 2013''.

(7) Subparagraph (B) of section 1400N(d)(3) is amended by striking ''January 1, 2011'' and inserting ''January 1, 2013''.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to property placed in service after December 31, 2010, in taxable years ending after such date.

(2) TEMPORARY 100 PERCENT EXPENSING.—The amendment made by subsection (b) shall apply to property placed in service after September 8, 2010, in taxable years ending after such date.

SEC. 402. TEMPORARY EXTENSION OF INCREASED SMALL BUSINESS EXPENSING.

(a) DOLLAR LIMITATION.—Section 179(b)(1) is amended by striking ''and'' at the end of subparagraph (B) and by striking subparagraph (C) and inserting the following new subparagraphs:

''(C) $125,000 in the case of taxable years beginning in 2012, and

''(D) $25,000 in the case of taxable years beginning after 2012.''.

(b) REDUCTION IN LIMITATION.—Section 179(b)(2) is amended by striking ''and'' at the end of subparagraph (B) and by striking subparagraph (C) and inserting the following new subparagraphs:

''(C) $500,000 in the case of taxable years beginning in 2012, and

''(D) $200,000 in the case of taxable years beginning after 2012.''.

(c) INFLATION ADJUSTMENT.—Subsection (b) of section 179 is amended by adding at the end the following new paragraph:

''(6) INFLATION ADJUSTMENT.—

''(A) IN GENERAL.—In the case of any taxable year beginning in calendar year 2012, the $125,000 and $500,000 amounts in paragraphs (1)(C) and (2)(C) shall each be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 2006' for 'calendar year 1992' in subparagraph (B) thereof.

''(B) ROUNDING.—

''(i) DOLLAR LIMITATION.—If the amount in paragraph (1) as increased under subparagraph (A) is not a multiple of $1,000, such amount shall be rounded to the nearest multiple of $1,000.

''(ii) PHASEOUT AMOUNT.—If the amount in paragraph (2) as increased under subparagraph (A) is not a multiple of $10,000, such amount shall be rounded to the nearest multiple of $10,000.''.

(d) COMPUTER SOFTWARE.—Section 179(d)(1)(A)(ii) is amended by striking ''2012'' and inserting ''2013''.

(e) CONFORMING AMENDMENT.—Section 179(c)(2) is amended by striking ''2012'' and inserting ''2013''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2011.

TITLE V—TEMPORARY EXTENSION OF UNEMPLOYMENT INSURANCE AND RELATED MATTERS

SEC. 501. TEMPORARY EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.

(a) IN GENERAL.—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(A) by striking ''November 30, 2010'' each place it appears and inserting ''January 3, 2012'';

(B) in the heading for subsection (b)(2), by striking ''NOVEMBER 30, 2010'' and inserting ''JANUARY 3, 2012''; and

(C) in subsection (b)(3), by striking ''April 30, 2011'' and inserting ''June 9, 2012''.

(2) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking ''December 1, 2010'' each place it appears and inserting ''January 4, 2012''; and

(B) in subsection (c), by striking ''May 1, 2011'' and inserting ''June 11, 2012''.

(3) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110–449; 26 U.S.C. 3304 note) is amended by striking ''April 30, 2011'' and inserting ''June 10, 2012''.

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (E), by striking ''and'' at the end; and

(2) by inserting after subparagraph (F) the following:

''(G) the amendments made by section 501(a)(1) of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010; and''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Unemployment Compensation Extension Act of 2010 (Public Law 111–205).

SEC. 502. TEMPORARY MODIFICATION OF INDICATORS UNDER THE EXTENDED BENEFIT PROGRAM.

(a) INDICATOR.—Section 203(d) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) is amended, in the flush matter following paragraph (2), by inserting after the first sentence the following sentence: ''Effective with respect to compensation for weeks of unemployment beginning after the date of enactment of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (or, if later, the date established pursuant to State law), and ending on or before December 31, 2011, the State may by law provide that the determination of whether there has been a state 'on' or 'off' indicator beginning or ending any extended benefit period shall be made under this subsection as if the word 'two' were 'three' in subparagraph (1)(A).''.

(b) ALTERNATIVE TRIGGER.—Section 203(f) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph:

''(2) Effective with respect to compensation for weeks of unemployment beginning after the date of enactment of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (or, if later, the date established pursuant to State law), and ending on or before December 31, 2011, the State may by law provide that the determination of whether there has been a state 'on' or 'off' indicator beginning or ending any extended benefit period shall be made under this subsection as if the word 'either' were 'any', the word ''both'' were 'all', and the figure '2' were '3' in clause (1)(A)(ii).''.

SEC. 503. TECHNICAL AMENDMENT RELATING TO COLLECTION OF UNEMPLOYMENT COMPENSATION DEBTS.

(a) IN GENERAL.—Section 6402(f)(3)(C), as amended by section 801 of the Claims Resolution Act of 2010, is amended by striking ''is not a covered unemployment compensation debt'' and inserting ''is a covered unemployment compensation debt''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in section 801 of the Claims Resolution Act of 2010.

SEC. 504. TECHNICAL CORRECTION RELATING TO REPEAL OF CONTINUED DUMPING AND SUBSIDY OFFSET.

(a) IN GENERAL.—Section 822(2)(A) of the Claims Resolution Act of 2010 is amended by striking ''or'' and inserting ''and''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the provisions of the Claims Resolution Act of 2010.

SEC. 505. ADDITIONAL EXTENDED UNEMPLOYMENT BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.

(a) EXTENSION.—Section 2(c)(2)(D)(iii) of the Railroad Unemployment Insurance Act, as added by section 2006 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) and as amended by section 9 of the Worker, Homeownership, and Business Assistance Act of 2009 (Public Law 111–92), is amended—

(1) by striking ''June 30, 2010'' and inserting ''June 30, 2011''; and

(2) by striking ''December 31, 2010'' and inserting ''December 31, 2011''.

(b) CLARIFICATION ON AUTHORITY TO USE FUNDS.—Funds appropriated under either the first or second sentence of clause (iv) of section 2(c)(2)(D) of the Railroad Unemployment Insurance Act shall be available to cover the cost of additional extended unemployment benefits provided under such section 2(c)(2)(D) by reason of the amendments made by subsection (a) as well as to cover the cost of such benefits provided under such section 2(c)(2)(D), as in effect on the day before the date of the enactment of this Act.

TITLE VI—TEMPORARY EMPLOYEE PAYROLL TAX CUT

SEC. 601. TEMPORARY EMPLOYEE PAYROLL TAX CUT.

(a) IN GENERAL.—Notwithstanding any other provision of law, —

(1) with respect to any taxable year which begins in the payroll tax holiday period, the rate of tax under section 1401(a) of the Internal Revenue Code of 1986 shall be 10.40 percent, and

(2) with respect to remuneration received during the payroll tax holiday period, the rate of tax under 3101(a) of such Code shall be 4.2 percent (including for purposes of determining the applicable percentage under sections 3201(a) and 3211(a)(1) of such Code).

(b) COORDINATION WITH DEDUCTIONS FOR EMPLOYMENT TAXES.—

(1) DEDUCTION IN COMPUTING NET EARNINGS FROM SELF-EMPLOYMENT.—For purposes of applying section 1402(a)(12) of the Internal Revenue Code of 1986, the rate of tax imposed by subsection 1401(a) of such Code shall be determined without regard to the reduction in such rate under this section.

(2) INDIVIDUAL DEDUCTION.—In the case of the taxes imposed by section 1401 of such Code for any taxable year which begins in the payroll tax holiday period, the deduction under section 164(f) with respect to such taxes shall be equal to the sum of—

(A) 59.6 percent of the portion of such taxes attributable to the tax imposed by section 1401(a) (determined after the application of this section), plus

(B) one-half of the portion of such taxes attributable to the tax imposed by section 1401(b).

(c) PAYROLL TAX HOLIDAY PERIOD.—The term ''payroll tax holiday period'' means calendar year 2011.

(d) EMPLOYER NOTIFICATION.—The Secretary of the Treasury shall notify employers of the payroll tax holiday period in any manner the Secretary deems appropriate.

(e) TRANSFERS OF FUNDS.—

(1) TRANSFERS TO FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND.—There are hereby appropriated to the Federal Old-Age and Survivors Trust Fund and the Federal Disability Insurance Trust Fund established under section 201 of the Social Security Act (42 U.S.C. 401) amounts equal to the reduction in revenues to the Treasury by reason of the application of subsection (a). Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Trust Fund had such amendments not been enacted.

(2) TRANSFERS TO SOCIAL SECURITY EQUIVALENT BENEFIT ACCOUNT.—There are hereby appropriated to the Social Security Equivalent Benefit Account established under section 15A(a) of the Railroad Retirement Act of 1974 (45 U.S.C. 231n–1(a)) amounts equal to the reduction in revenues to the Treasury by reason of the application of subsection (a)(2). Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Account had such amendments not been enacted.

(3) COORDINATION WITH OTHER FEDERAL LAWS.—For purposes of applying any provision of Federal law other than the provisions of the Internal Revenue Code of 1986, the rate of tax in effect under section 3101(a) of such Code shall be determined without regard to the reduction in such rate under this section.

TITLE VII—TEMPORARY EXTENSION OF CERTAIN EXPIRING PROVISIONS

Subtitle A—Energy

SEC. 701. INCENTIVES FOR BIODIESEL AND RENEWABLE DIESEL.

(a) CREDITS FOR BIODIESEL AND RENEWABLE DIESEL USED AS FUEL.—Subsection (g) of section 40A is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EXCISE TAX CREDITS AND OUTLAY PAYMENTS FOR BIODIESEL AND RENEWABLE DIESEL FUEL MIXTURES.—

(1) Paragraph (6) of section 6426(c) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(2) Subparagraph (B) of section 6427(e)(6) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(c) SPECIAL RULE FOR 2010.—Notwithstanding any other provision of law, in the case of any biodiesel mixture credit properly determined under section 6426(c) of the Internal Revenue Code of 1986 for periods during 2010, such credit shall be allowed, and any refund or payment attributable to such credit (including any payment under section 6427(e) of such Code) shall be made, only in such manner as the Secretary of the Treasury (or the Secretary's delegate) shall provide. Such Secretary shall issue guidance within 30 days after the date of the enactment of this Act providing for a one-time submission of claims covering periods during 2010. Such guidance shall provide for a 180-day period for the submission of such claims (in such manner as prescribed by such Secretary) to begin not later than 30 days after such guidance is issued. Such claims shall be paid by such Secretary not later than 60 days after receipt. If such Secretary has not paid pursuant to a claim filed under this subsection within 60 days after the date of the filing of such claim, the claim shall be paid with interest from such date determined by using the overpayment rate and method under section 6621 of such Code.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2009.

SEC. 702. CREDIT FOR REFINED COAL FACILITIES.

(a) IN GENERAL.—Subparagraph (B) of section 45(d)(8) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to facilities placed in service after December 31, 2009.

SEC. 703. NEW ENERGY EFFICIENT HOME CREDIT.

(a) IN GENERAL.—Subsection (g) of section 45L is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to homes acquired after December 31, 2009.

SEC. 704. EXCISE TAX CREDITS AND OUTLAY PAYMENTS FOR ALTERNATIVE FUEL AND ALTERNATIVE FUEL MIXTURES.

(a) IN GENERAL.—Sections 6426(d)(5), 6426(e)(3), and 6427(e)(6)(C) are each amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EXCLUSION OF BLACK LIQUOR FROM CREDIT ELIGIBILITY.—The last sentence of section 6426(d)(2) is amended by striking ''or biodiesel'' and inserting ''biodiesel, or any fuel (including lignin, wood residues, or spent pulping liquors) derived from the production of paper or pulp''.

(c) SPECIAL RULE FOR 2010.—Notwithstanding any other provision of law, in the case of any alternative fuel credit or any alternative fuel mixture credit properly determined under subsection (d) or (e) of section 6426 of the Internal Revenue Code of 1986 for periods during 2010, such credit shall be allowed, and any refund or payment attributable to such credit (including any payment under section 6427(e) of such Code) shall be made, only in such manner as the Secretary of the Treasury (or the Secretary's delegate) shall provide. Such Secretary shall issue guidance within 30 days after the date of the enactment of this Act providing for a one-time submission of claims covering periods during 2010. Such guidance shall provide for a 180-day period for the submission of such claims (in such manner as prescribed by such Secretary) to begin not later than 30 days after such guidance is issued. Such claims shall be paid by such Secretary not later than 60 days after receipt. If such Secretary has not paid pursuant to a claim filed under this subsection within 60 days after the date of the filing of such claim, the claim shall be paid with interest from such date determined by using the overpayment rate and method under section 6621 of such Code.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2009.

SEC. 705. SPECIAL RULE FOR SALES OR DISPOSITIONS TO IMPLEMENT FERC OR STATE ELECTRIC RESTRUCTURING POLICY FOR QUALIFIED ELECTRIC UTILITIES.

(a) IN GENERAL.—Paragraph (3) of section 451(i) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to dispositions after December 31, 2009.

SEC. 706. SUSPENSION OF LIMITATION ON PERCENTAGE DEPLETION FOR OIL AND GAS FROM MARGINAL WELLS.

(a) IN GENERAL.—Clause (ii) of section 613A(c)(6)(H) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 707. EXTENSION OF GRANTS FOR SPECIFIED ENERGY PROPERTY IN LIEU OF TAX CREDITS.

(a) IN GENERAL.—Subsection (a) of section 1603 of division B of the American Recovery and Reinvestment Act of 2009 is amended—

(1) in paragraph (1), by striking ''2009 or 2010'' and inserting ''2009, 2010, or 2011'', and

(2) in paragraph (2)—

(A) by striking ''after 2010'' and inserting ''after 2011'', and

(B) by striking ''2009 or 2010'' and inserting ''2009, 2010, or 2011''.

(b) CONFORMING AMENDMENT.—Subsection (j) of section 1603 of division B of such Act is amended by striking ''2011'' and inserting ''2012''.

SEC. 708. EXTENSION OF PROVISIONS RELATED TO ALCOHOL USED AS FUEL.

(a) EXTENSION OF INCOME TAX CREDIT FOR ALCOHOL USED AS FUEL.—

(1) IN GENERAL.—Paragraph (1) of section 40(e) is amended—

(A) by striking ''December 31, 2010'' in subparagraph (A) and inserting ''December 31, 2011'', and

(B) by striking ''January 1, 2011'' in subparagraph (B) and inserting ''January 1, 2012''.

(2) REDUCED AMOUNT FOR ETHANOL BLENDERS.—Subsection (h) of section 40 is amended by striking ''2010'' both places it appears and inserting ''2011''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to periods after December 31, 2010.

(b) EXTENSION OF EXCISE TAX CREDIT FOR ALCOHOL USED AS FUEL.—

(1) IN GENERAL.—Paragraph (6) of section 6426(b) is amended by striking ''December 31, 2010'' and inserting ''December 31, 2011''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to periods after December 31, 2010.

(c) EXTENSION OF PAYMENT FOR ALCOHOL FUEL MIXTURE.—

(1) IN GENERAL.—Subparagraph (A) of section 6427(e)(6) is amended by striking ''December 31, 2010'' and inserting ''December 31, 2011''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to sales and uses after December 31, 2010.

(d) EXTENSION OF ADDITIONAL DUTIES ON ETHANOL.—

(1) IN GENERAL.—Headings 9901.00.50 and 9901.00.52 of the Harmonized Tariff Schedule of the United States are each amended in the effective period column by striking ''1/1/2011'' and inserting ''1/1/2012''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on January 1, 2011.

SEC. 709. ENERGY EFFICIENT APPLIANCE CREDIT.

(a) DISHWASHERS.—Paragraph (1) of section 45M(b) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting a comma, and by adding at the end the following new subparagraphs:

''(C) $25 in the case of a dishwasher which is manufactured in calendar year 2011 and which uses no more than 307 kilowatt hours per year and 5.0 gallons per cycle (5.5 gallons per cycle for dishwashers designed for greater than 12 place settings),

''(D) $50 in the case of a dishwasher which is manufactured in calendar year 2011 and which uses no more than 295 kilowatt hours per year and 4.25 gallons per cycle (4.75 gallons per cycle for dishwashers designed for greater than 12 place settings), and

''(E) $75 in the case of a dishwasher which is manufactured in calendar year 2011 and which uses no more than 280 kilowatt hours per year and 4 gallons per cycle (4.5 gallons per cycle for dishwashers designed for greater than 12 place settings).''.

(b) CLOTHES WASHERS.—Paragraph (2) of section 45M(b) is amended by striking ''and'' at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting a comma, and by adding at the end the following new subparagraphs:

''(E) $175 in the case of a top-loading clothes washer manufactured in calendar year 2011 which meets or exceeds a 2.2 modified energy factor and does not exceed a 4.5 water consumption factor, and

''(F) $225 in the case of a clothes washer manufactured in calendar year 2011—

''(i) which is a top-loading clothes washer and which meets or exceeds a 2.4 modified energy factor and does not exceed a 4.2 water consumption factor, or

''(ii) which is a front-loading clothes washer and which meets or exceeds a 2.8 modified energy factor and does not exceed a 3.5 water consumption factor.''.

(c) REFRIGERATORS.—Paragraph (3) of section 45M(b) is amended by striking ''and'' at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting a comma, and by adding at the end the following new subparagraphs:

''(E) $150 in the case of a refrigerator manufactured in calendar year 2011 which consumes at least 30 percent less energy than the 2001 energy conservation standards, and

''(F) $200 in the case of a refrigerator manufactured in calendar year 2011 which consumes at least 35 percent less energy than the 2001 energy conservation standards.''.

(d) REBASING OF LIMITATIONS.—

(1) IN GENERAL.—Paragraph (1) of section 45M(e) is amended—

(A) by striking ''$75,000,000'' and inserting ''$25,000,000'', and

(B) by striking ''December 31, 2007'' and inserting ''December 31, 2010''.

(2) EXCEPTION FOR CERTAIN REFRIGERATORS AND CLOTHES WASHERS.—Paragraph (2) of section 45M(e) is amended—

(A) by striking ''subsection (b)(3)(D)'' and inserting ''subsection (b)(3)(F)'', and

(B) by striking ''subsection (b)(2)(D)'' and inserting ''subsection (b)(2)(F)''.

(3) GROSS RECEIPTS LIMITATION.—Paragraph (3) of section 45M(e) is amended by striking ''2 percent'' and inserting ''4 percent''.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (a), (b), and (c) shall apply to appliances produced after December 31, 2010.

(2) LIMITATIONS.—The amendments made by subsection (d) shall apply to taxable years beginning after December 31, 2010.

SEC. 710. CREDIT FOR NONBUSINESS ENERGY PROPERTY.

(a) EXTENSION.—Section 25C(g)(2) is amended by striking ''2010'' and inserting ''2011''.

(b) RETURN TO PRE-ARRA LIMITATIONS AND STANDARDS.—

(1) IN GENERAL.—Subsections (a) and (b) of section 25C are amended to read as follows:

''(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

''(1) 10 percent of the amount paid or incurred by the taxpayer for qualified energy efficiency improvements installed during such taxable year, and

''(2) the amount of the residential energy property expenditures paid or incurred by the taxpayer during such taxable year.

''(b) LIMITATIONS.—

''(1) LIFETIME LIMITATION.—The credit allowed under this section with respect to any taxpayer for any taxable year shall not exceed the excess (if any) of $500 over the aggregate credits allowed under this section with respect to such taxpayer for all prior taxable years ending after December 31, 2005.

''(2) WINDOWS.—In the case of amounts paid or incurred for components described in subsection (c)(2)(B) by any taxpayer for any taxable year, the credit allowed under this section with respect to such amounts for such year shall not exceed the excess (if any) of $200 over the aggregate credits allowed under this section with respect to such amounts for all prior taxable years ending after December 31, 2005.

''(3) LIMITATION ON RESIDENTIAL ENERGY PROPERTY EXPENDITURES.—The amount of the credit allowed under this section by reason of subsection (a)(2) shall not exceed—

''(A) $50 for any advanced main air circulating fan,

''(B) $150 for any qualified natural gas, propane, or oil furnace or hot water boiler, and

''(C) $300 for any item of energy-efficient building property.''.

(2) MODIFICATION OF STANDARDS.—

(A) IN GENERAL.—Paragraph (1) of section 25C(c) is amended by striking ''2000'' and all that follows through ''this section'' and inserting ''2009 International Energy Conservation Code, as such Code (including supplements) is in effect on the date of the enactment of the American Recovery and Reinvestment Tax Act of 2009''.

(B) WOOD STOVES.—Subparagraph (E) of section 25C(d)(3) is amended by striking '', as measured using a lower heating value''.

(C) OIL FURNACES AND HOT WATER BOILERS.—

(i) IN GENERAL.—Paragraph (4) of section 25C(d) is amended to read as follows:

''(4) QUALIFIED NATURAL GAS, PROPANE, OR OIL FURNACE OR HOT WATER BOILER.—The term 'qualified natural gas, propane, or oil furnace or hot water boiler' means a natural gas, propane, or oil furnace or hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 95.''.

(ii) CONFORMING AMENDMENT.—Clause (ii) of section 25C(d)(2)(A) is amended to read as follows:

''(ii) a qualified natural gas, propane, or oil furnace or hot water boiler, or''.

(D) EXTERIOR WINDOWS, DOORS, AND SKYLIGHTS.—

(i) IN GENERAL.—Subsection (c) of section 25C is amended by striking paragraph (4).

(ii) APPLICATION OF ENERGY STAR STANDARDS.—Paragraph (1) of section 25C(c) is amended by inserting ''an exterior window, a skylight, an exterior door,'' after ''in the case of'' in the matter preceding subparagraph (A).

(E) INSULATION.—Subparagraph (A) of section 25C(c)(2) is amended by striking ''and meets the prescriptive criteria for such material or system established by the 2009 International Energy Conservation Code, as such Code (including supplements) is in effect on the date of the enactment of the American Recovery and Reinvestment Tax Act of 2009''.

(3) SUBSIDIZED ENERGY FINANCING.—Subsection (e) of section 25C is amended by adding at the end the following new paragraph:

''(3) PROPERTY FINANCED BY SUBSIDIZED ENERGY FINANCING.—For purposes of determining the amount of expenditures made by any individual with respect to any property, there shall not be taken into account expenditures which are made from subsidized energy financing (as defined in section 48(a)(4)(C)).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2010.

SEC. 711. ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.

(a) EXTENSION OF CREDIT.—Paragraph (2) of section 30C(g) is amended by striking ''December 31, 2010'' and inserting ''December 31, 2011.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2010.

Subtitle B—Individual Tax Relief

SEC. 721. DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) IN GENERAL.—Subparagraph (D) of section 62(a)(2) is amended by striking ''or 2009'' and inserting ''2009, 2010, or 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 722. DEDUCTION OF STATE AND LOCAL SALES TAXES.

(a) IN GENERAL.—Subparagraph (I) of section 164(b)(5) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 723. CONTRIBUTIONS OF CAPITAL GAIN REAL PROPERTY MADE FOR CONSERVATION PURPOSES.

(a) IN GENERAL.—Clause (vi) of section 170(b)(1)(E) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) CONTRIBUTIONS BY CERTAIN CORPORATE FARMERS AND RANCHERS.—Clause (iii) of section 170(b)(2)(B) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made in taxable years beginning after December 31, 2009.

SEC. 724. ABOVE-THE-LINE DEDUCTION FOR QUALIFIED TUITION AND RELATED EXPENSES.

(a) IN GENERAL.—Subsection (e) of section 222 is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 725. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR CHARITABLE PURPOSES.

(a) IN GENERAL.—Subparagraph (F) of section 408(d)(8) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE; SPECIAL RULE.—

(1) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made in taxable years beginning after December 31, 2009.

(2) SPECIAL RULE.—For purposes of subsections (a)(6), (b)(3), and (d)(8) of section 408 of the Internal Revenue Code of 1986, at the election of the taxpayer (at such time and in such manner as prescribed by the Secretary of the Treasury) any qualified charitable distribution made after December 31, 2010, and before February 1, 2011, shall be deemed to have been made on December 31, 2010.

SEC. 726. LOOK-THRU OF CERTAIN REGULATED INVESTMENT COMPANY STOCK IN DETERMINING GROSS ESTATE OF NONRESIDENTS.

(a) IN GENERAL.—Paragraph (3) of section 2105(d) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to estates of decedents dying after December 31, 2009.

SEC. 727. PARITY FOR EXCLUSION FROM INCOME FOR EMPLOYER-PROVIDED MASS TRANSIT AND PARKING BENEFITS.

(a) IN GENERAL.—Paragraph (2) of section 132(f) is amended by striking ''January 1, 2011'' and inserting ''January 1, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to months after December 31, 2010.

SEC. 728. REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.

(a) IN GENERAL.—Subchapter A of chapter 65 is amended by adding at the end the following new section:

''SEC. 6409. REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.

''(a) IN GENERAL.—Notwithstanding any other provision of law, any refund (or advance payment with respect to a refundable credit) made to any individual under this title shall not be taken into account as income, and shall not be taken into account as resources for a period of 12 months from receipt, for purposes of determining the eligibility of such individual (or any other individual) for benefits or assistance (or the amount or extent of benefits or assistance) under any Federal program or under any State or local program financed in whole or in part with Federal funds.

''(b) TERMINATION.—Subsection (a) shall not apply to any amount received after December 31, 2012.''.

(b) CLERICAL AMENDMENT.—The table of sections for such subchapter is amended by adding at the end the following new item:

''Sec. 6409. Refunds disregarded in the administration of Federal programs and federally assisted programs.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts received after December 31, 2009.

Subtitle C—Business Tax Relief

SEC. 731. RESEARCH CREDIT.

(a) IN GENERAL.—Subparagraph (B) of section 41(h)(1) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) CONFORMING AMENDMENT.—Subparagraph (D) of section 45C(b)(1) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2009.

SEC. 732. INDIAN EMPLOYMENT TAX CREDIT.

(a) IN GENERAL.—Subsection (f) of section 45A is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 733. NEW MARKETS TAX CREDIT.

(a) IN GENERAL.—Paragraph (1) of section 45D(f) is amended—

(1) by striking ''and'' at the end of subparagraph (E),

(2) by striking the period at the end of subparagraph (F), and

(3) by adding at the end the following new subparagraph:

''(G) $3,500,000,000 for 2010 and 2011.''.

(b) CONFORMING AMENDMENT.—Paragraph (3) of section 45D(f) is amended by striking ''2014'' and inserting ''2016''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years beginning after 2009.

SEC. 734. RAILROAD TRACK MAINTENANCE CREDIT.

(a) IN GENERAL.—Subsection (f) of section 45G is amended by striking ''January 1, 2010'' and inserting ''January 1, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred in taxable years beginning after December 31, 2009.

SEC. 735. MINE RESCUE TEAM TRAINING CREDIT.

(a) IN GENERAL.—Subsection (e) of section 45N is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 736. EMPLOYER WAGE CREDIT FOR EMPLOYEES WHO ARE ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES.

(a) IN GENERAL.—Subsection (f) of section 45P is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made after December 31, 2009.

SEC. 737. 15-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS, QUALIFIED RESTAURANT BUILDINGS AND IMPROVEMENTS, AND QUALIFIED RETAIL IMPROVEMENTS.

(a) IN GENERAL.—Clauses (iv), (v), and (ix) of section 168(e)(3)(E) are each amended by striking ''January 1, 2010'' and inserting ''January 1, 2012''.

(b) CONFORMING AMENDMENTS.—

(1) Clause (i) of section 168(e)(7)(A) is amended by striking ''if such building is placed in service after December 31, 2008, and before January 1, 2010,''.

(2) Paragraph (8) of section 168(e) is amended by striking subparagraph (E).

(3) Section 179(f)(2) is amended—

(A) by striking ''(without regard to the dates specified in subparagraph (A)(i) thereof)'' in subparagraph (B), and

(B) by striking ''(without regard to subparagraph (E) thereof)'' in subparagraph (C).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2009.

SEC. 738. 7-YEAR RECOVERY PERIOD FOR MOTORSPORTS ENTERTAINMENT COMPLEXES.

(a) IN GENERAL.—Subparagraph (D) of section 168(i)(15) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

SEC. 739. ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON AN INDIAN RESERVATION.

(a) IN GENERAL.—Paragraph (8) of section 168(j) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

SEC. 740. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(C) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2009.

SEC. 741. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF BOOK INVENTORIES TO PUBLIC SCHOOLS.

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(D) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2009.

SEC. 742. ENHANCED CHARITABLE DEDUCTION FOR CORPORATE CONTRIBUTIONS OF COMPUTER INVENTORY FOR EDUCATIONAL PURPOSES.

(a) IN GENERAL.—Subparagraph (G) of section 170(e)(6) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2009.

SEC. 743. ELECTION TO EXPENSE MINE SAFETY EQUIPMENT.

(a) IN GENERAL.—Subsection (g) of section 179E is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

SEC. 744. SPECIAL EXPENSING RULES FOR CERTAIN FILM AND TELEVISION PRODUCTIONS.

(a) IN GENERAL.—Subsection (f) of section 181 is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to productions commencing after December 31, 2009.

SEC. 745. EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.

(a) IN GENERAL.—Subsection (h) of section 198 is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred after December 31, 2009.

SEC. 746. DEDUCTION ALLOWABLE WITH RESPECT TO INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES IN PUERTO RICO.

(a) IN GENERAL.—Subparagraph (C) of section 199(d)(8) is amended—

(1) by striking ''first 4 taxable years'' and inserting ''first 6 taxable years''; and

(2) by striking ''January 1, 2010'' and inserting ''January 1, 2012''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 747. MODIFICATION OF TAX TREATMENT OF CERTAIN PAYMENTS TO CONTROLLING EXEMPT ORGANIZATIONS.

(a) IN GENERAL.—Clause (iv) of section 512(b)(13)(E) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments received or accrued after December 31, 2009.

SEC. 748. TREATMENT OF CERTAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.

(a) IN GENERAL.—Paragraphs (1)(C) and (2)(C) of section 871(k) are each amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 749. RIC QUALIFIED INVESTMENT ENTITY TREATMENT UNDER FIRPTA.

(a) IN GENERAL.—Clause (ii) of section 897(h)(4)(A) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect on January 1, 2010. Notwithstanding the preceding sentence, such amendment shall not apply with respect to the withholding requirement under section 1445 of the Internal Revenue Code of 1986 for any payment made before the date of the enactment of this Act.

(2) AMOUNTS WITHHELD ON OR BEFORE DATE OF ENACTMENT.—In the case of a regulated investment company—

(A) which makes a distribution after December 31, 2009, and before the date of the enactment of this Act; and

(B) which would (but for the second sentence of paragraph (1)) have been required to withhold with respect to such distribution under section 1445 of such Code,

such investment company shall not be liable to any person to whom such distribution was made for any amount so withheld and paid over to the Secretary of the Treasury.

SEC. 750. EXCEPTIONS FOR ACTIVE FINANCING INCOME.

(a) IN GENERAL.—Sections 953(e)(10) and 954(h)(9) are each amended by striking ''January 1, 2010'' and inserting ''January 1, 2012''.

(b) CONFORMING AMENDMENT.—Section 953(e)(10) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2009, and to taxable years of United States shareholders with or within which any such taxable year of such foreign corporation ends.

SEC. 751. LOOK-THRU TREATMENT OF PAYMENTS BETWEEN RELATED CONTROLLED FOREIGN CORPORATIONS UNDER FOREIGN PERSONAL HOLDING COMPANY RULES.

(a) IN GENERAL.—Subparagraph (C) of section 954(c)(6) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2009, and to taxable years of United States shareholders with or within which any such taxable year of such foreign corporation ends.

SEC. 752. BASIS ADJUSTMENT TO STOCK OF S CORPS MAKING CHARITABLE CONTRIBUTIONS OF PROPERTY.

(a) IN GENERAL.—Paragraph (2) of section 1367(a) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2009.

SEC. 753. EMPOWERMENT ZONE TAX INCENTIVES.

(a) IN GENERAL.—Section 1391 is amended—

(1) by striking ''December 31, 2009'' in subsection (d)(1)(A)(i) and inserting ''December 31, 2011''; and

(2) by striking the last sentence of subsection (h)(2).

(b) INCREASED EXCLUSION OF GAIN ON STOCK OF EMPOWERMENT ZONE BUSINESSES.—Subparagraph (C) of section 1202(a)(2) is amended—

(1) by striking ''December 31, 2014'' and inserting ''December 31, 2016''; and

(2) by striking ''2014'' in the heading and inserting ''2016''.

(c) TREATMENT OF CERTAIN TERMINATION DATES SPECIFIED IN NOMINATIONS.—In the case of a designation of an empowerment zone the nomination for which included a termination date which is contemporaneous with the date specified in subparagraph (A)(i) of section 1391(d)(1) of the Internal Revenue Code of 1986 (as in effect before the enactment of this Act), subparagraph (B) of such section shall not apply with respect to such designation if, after the date of the enactment of this section, the entity which made such nomination amends the nomination to provide for a new termination date in such manner as the Secretary of the Treasury (or the Secretary's designee) may provide.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after December 31, 2009.

SEC. 754. TAX INCENTIVES FOR INVESTMENT IN THE DISTRICT OF COLUMBIA.

(a) IN GENERAL.—Subsection (f) of section 1400 is amended by striking ''December 31, 2009'' each place it appears and inserting ''December 31, 2011''.

(b) TAX-EXEMPT DC EMPOWERMENT ZONE BONDS.—Subsection (b) of section 1400A is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(c) ZERO-PERCENT CAPITAL GAINS RATE.—

(1) ACQUISITION DATE.—Paragraphs (2)(A)(i), (3)(A), (4)(A)(i), and (4)(B)(i)(I) of section 1400B(b) are each amended by striking ''January 1, 2010'' and inserting ''January 1, 2012''.

(2) LIMITATION ON PERIOD OF GAINS.—

(A) IN GENERAL.—Paragraph (2) of section 1400B(e) is amended—

(i) by striking ''December 31, 2014'' and inserting ''December 31, 2016''; and

(ii) by striking ''2014'' in the heading and inserting ''2016''.

(B) PARTNERSHIPS AND S-CORPS.—Paragraph (2) of section 1400B(g) is amended by striking ''December 31, 2014'' and inserting ''December 31, 2016''.

(d) FIRST-TIME HOMEBUYER CREDIT.—Subsection (i) of section 1400C is amended by striking ''January 1, 2010'' and inserting ''January 1, 2012''.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to periods after December 31, 2009.

(2) TAX-EXEMPT DC EMPOWERMENT ZONE BONDS.—The amendment made by subsection (b) shall apply to bonds issued after December 31, 2009.

(3) ACQUISITION DATES FOR ZERO-PERCENT CAPITAL GAINS RATE.—The amendments made by subsection (c) shall apply to property acquired or substantially improved after December 31, 2009.

(4) HOMEBUYER CREDIT.—The amendment made by subsection (d) shall apply to homes purchased after December 31, 2009.

SEC. 755. TEMPORARY INCREASE IN LIMIT ON COVER OVER OF RUM EXCISE TAXES TO PUERTO RICO AND THE VIRGIN ISLANDS.

(a) IN GENERAL.—Paragraph (1) of section 7652(f) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distilled spirits brought into the United States after December 31, 2009.

SEC. 756. AMERICAN SAMOA ECONOMIC DEVELOPMENT CREDIT.

(a) IN GENERAL.—Subsection (d) of section 119 of division A of the Tax Relief and Health Care Act of 2006 is amended—

(1) by striking ''first 4 taxable years'' and inserting ''first 6 taxable years'', and

(2) by striking ''January 1, 2010'' and inserting ''January 1, 2012''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 757. WORK OPPORTUNITY CREDIT.

(a) IN GENERAL.—Subparagraph (B) of section 51(c)(4) is amended by striking ''August 31, 2011'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to individuals who begin work for the employer after the date of the enactment of this Act.

SEC. 758. QUALIFIED ZONE ACADEMY BONDS.

(a) IN GENERAL.—Section 54E(c)(1) is amended—

(1) by striking ''2008 and'' and inserting ''2008,'', and

(2) by inserting ''and $400,000,000 for 2011'' after ''2010,''.

(b) REPEAL OF REFUNDABLE CREDIT FOR QZABS.—Paragraph (3) of section 6431(f) is amended by inserting ''determined without regard to any allocation relating to the national zone academy bond limitation for 2011 or any carryforward of such allocation'' after ''54E)'' in subparagraph (A)(iii).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2010.

SEC. 759. MORTGAGE INSURANCE PREMIUMS.

(a) IN GENERAL.—Clause (iv) of section 163(h)(3)(E) is amended by striking ''December 31, 2010'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or accrued after December 31, 2010.

SEC. 760. TEMPORARY EXCLUSION OF 100 PERCENT OF GAIN ON CERTAIN SMALL BUSINESS STOCK.

(a) IN GENERAL.—Paragraph (4) of section 1202(a) is amended—

(1) by striking ''January 1, 2011'' and inserting ''January 1, 2012'', and

(2) by inserting ''AND 2011'' after ''2010'' in the heading thereof.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to stock acquired after December 31, 2010.

Subtitle D—Temporary Disaster Relief Provisions

PART

Subpart A—New York Liberty Zone

SEC. 761. TAX-EXEMPT BOND FINANCING.

(a) IN GENERAL.—Subparagraph (D) of section 1400L(d)(2) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued after December 31, 2009.

Subpart B—GO Zone

SEC. 762. INCREASE IN REHABILITATION CREDIT.

(a) IN GENERAL.—Subsection (h) of section 1400N is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred after December 31, 2009.

SEC. 763. LOW-INCOME HOUSING CREDIT RULES FOR BUILDINGS IN GO ZONES.

Section 1400N(c)(5) is amended by striking ''January 1, 2011'' and inserting ''January 1, 2012''.

SEC. 764. TAX-EXEMPT BOND FINANCING.

(a) IN GENERAL.—Paragraphs (2)(D) and (7)(C) of section 1400N(a) are each amended by striking ''January 1, 2011'' and inserting ''January 1, 2012''.

(b) CONFORMING AMENDMENTS.—Sections 702(d)(1) and 704(a) of the Heartland Disaster Tax Relief Act of 2008 are each amended by striking ''January 1, 2011'' each place it appears and inserting ''January 1, 2012''.

SEC. 765. BONUS DEPRECIATION DEDUCTION APPLICABLE TO THE GO ZONE.

(a) IN GENERAL.—Paragraph (6) of section 1400N(d) is amended—

(1) by striking ''December 31, 2010'' both places it appears in subparagraph (B) and inserting ''December 31, 2011'', and

(2) by striking ''January 1, 2010'' in the heading and the text of subparagraph (D) and inserting ''January 1, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

TITLE VIII—BUDGETARY PROVISIONS

SEC. 801. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on this conference report or amendment between the Houses.

SEC. 802. EMERGENCY DESIGNATIONS.

(a) STATUTORY PAYGO.—This Act is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111–139; 2 U.S.C. 933(g)) except to the extent that the budgetary effects of this Act are determined to be subject to the current policy adjustments under sections 4(c) and 7 of the Statutory Pay-As-You-Go Act.

(b) SENATE.—In the Senate, this Act is designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(c) HOUSE OF REPRESENTATIVES.—In the House of Representatives, every provision of this Act is expressly designated as an emergency for purposes of pay-as-you-go principles except to the extent that any such provision is subject to the current policy adjustments under section 4(c) of the Statutory Pay-As-You-Go Act of 2010.

SA 4754. Mr. REID proposed an amendment to amendment SA 4753 proposed by Mr. REID (for himself and Mr. MCCONNELL) to the bill H.R. 4853, 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 authorizations for the airport improvement program, and for other purposes; as follows:

At the end insert the following:

The provisions of this Act shall become effective in 5 days upon enactment.

SA 4755. Mr. REID proposed an amendment to the bill H.R. 4853, 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 authorizations for the airport improvement program, and for other purposes; as follows:

At the end, add the following:

The Senate Finance Committee is requested to study the impact of any delay in extending tax cuts to middle income Americans with incomes up to $250,000.

SA 4756. Mr. REID proposed an amendment to amendment SA 4755 proposed by Mr. REID to the bill H.R. 4853, 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 authorizations for the airport improvement program, and for other purposes; as follows:

At the end, insert the following: ''including specific information on the impact of the delay in extending the tax cuts.''

SA 4757. Mr. REID proposed an amendment to amendment SA 4756 proposed by Mr. REID to the amendment SA 4755 proposed by Mr. REID to the bill H.R. 4853, 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 authorizations for the airport improvement program, and for other purposes; as follows:

At the end, insert the following: ''and include statistics which reflect regional differences.''

SA 4758. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 4753 proposed by Mr. REID (for himself and Mr. MCCONNELL) to the bill H.R. 4853, 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 authorizations for the airport improvement program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. ____. ETHANOL.

Notwithstanding any other provision of this Act, any provision of this Act or an amendment made by this Act that establishes, modifies, or otherwise relates to a credit or tariff for ethanol shall be null and void.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on December 9, 2010, at 10 a.m. in room 328A of the Russell Senate Office Building.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on December 9, 2010 at 10 a.m., to conduct a hearing entitled ''The State of Credit Union Industry.''

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

COMMITTEE ON FINANCE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on December 9, 2010, at 10:15 a.m., in room 215 of the Dirksen Senate Office Building.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on December 9, 2010, at 9:30 a.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on December 9, 2010, at 2:30 p.m.

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

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Madam President, I ask unanimous consent that Gillian Leibach and Lauren Scott of my staff be granted the privilege of the floor during the duration of today's proceedings.

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

ORDERS FOR FRIDAY, DECEMBER 10, 2010

Mr. MERKLEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Friday, December 10; 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, and that following any leader remarks, the Senate proceed to a period of morning business with Senator SANDERS recognized to speak at 10:15 a.m.

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

PROGRAM

Mr. MERKLEY. Mr. President, this evening the majority leader filed cloture on the new tax cut language. That vote will occur at 3 p.m. on Monday, December 13. There will be no rollcall votes during Friday's session of the Senate.

ADJOURNMENT UNTIL 9:30 TOMORROW

Mr. MERKLEY. 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 9:23 p.m., adjourned until Friday, December 10, 2010, at 9:30 a.m.

NOMINATIONS

Executive nomination received by the Senate:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

AARON PAUL DWORKIN, OF MICHIGAN, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2014, VICE KAREN LIAS WOLFF, TERM EXPIRED.