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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 PRESIDING OFFICER. Today's opening prayer will be offered by guest Chaplain Rev. Marvin Ray Gant from Central Christian Church in Henderson, NV.

The guest Chaplain offered the following prayer:

Let us pray.

Almighty God, we thank You for our very health and ability to be here today. We pray that You will inspire the minds of our Senators to whom You have committed the responsibility of government and the leadership of the United States of America. Give to them the wisdom and truth and justice that by their wisdom and counsel people of all races and creeds can, from your legislators, receive the dignity they deserve and, even more, side by side with the people of this great Nation, feel their pain, share their joys, dream their dreams, and strive to accompany them truly to life, liberty, justice, and the pursuit of happiness. I therefore this day lift up our Senate and President to You. Give them the wisdom they need to strengthen and prosper our Nation and our future.

In Your Holy Name we all pray. Amen.

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. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 24, 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.

ROBERT C. BYRD,
President pro tempore.

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.

THE GUEST CHAPLAIN

Mr. REID. Madam President, it was really a pleasure for me this morning to listen to and visit with Rev. Marvin Gant. Marvin is from the town where I went to high school. When I went to high school there, Henderson was a relatively small community, but, of course, now it is the second largest city in Nevada. It is a metropolitan area. But when Reverend Gant first started preaching in Henderson, it was a much smaller community. So I am happy to have him here. He is now part of—not a small church like he has been involved in in other phases of his life but a huge church—a megachurch, it is called, the largest in Nevada, led by a man by the name of Judd Wilhite.

Judd Wilhite is a man who has such a great presence, as we say. The first time I witnessed his presence was at a funeral service he conducted for a police officer who was killed, a U.S. marshal who was killed. There were thousands of people there. When it came

time for him to talk, he did speak and it was for less than 5 minutes, but he was conducting the ceremony and did it in a unique and brilliant and spiritual way.

I am very happy to have my friend Reverend Gant here. He brings honor to Nevada and to all the congregations he has served over many years in his pastoral duties. I am glad to call him my friend.

SCHEDULE

Mr. REID. Madam President, following leader remarks, there will be a period of morning business for an hour, with Senators permitted to speak for up to 10 minutes each. The majority will control the first 30 minutes and Republicans will control the final 30 minutes.

Following morning business, the Senate will resume consideration of the House message on H.R. 4213, the tax extenders legislation. Last week, I filed a motion to invoke cloture with the Baucus substitute amendment. The cloture vote will occur tomorrow morning unless an agreement can be reached to vote today.

We also hope to reach an agreement to consider the Iran sanctions conference report today or we will do it tomorrow, if necessary. It is something we need to do. Senators will be notified when any votes are scheduled.

TAX EXTENDERS

Mr. REID. Madam President, this morning I want to take just a few minutes and update the Senate on our work here in the Senate. Not only do I want to update our fellow Senators but also our constituents watching around the country about the bill currently before this body.

For people around America, for people in the State of New York, the State of the Presiding Officer, I have received calls from the Governor of New York

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



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on many occasions, and I mean many occasions. We have had long discussions about how this money that is in this bill is so necessary for the State of New York.

Yesterday, I met with Mayor Bloomberg. Mayor Bloomberg was here trying to reach out on a bipartisan basis to get this bill passed. He called a number of Republican Governors and reported to me as to those conversations. Without a single exception, Republican Governors, Democratic Governors—I have not talked personally to any Republican Governors, but, as I indicated, Mayor Bloomberg did—I have talked to Democratic Governors who have called me about how desperate parts of this country are for this money. It is not only the money we refer to as FMAP, the money for teachers, the money for police officers, firefighters, but it is all other moneys.

The State of New York, I have been told—I say New York because the Presiding Officer is here, but this story could be told many times over in the Senate Chamber about other States—the State of New York badly needs these summer jobs. It may be the only opportunity these young men and women will have to learn how to work. You have to learn how to work.

The bill that is before the Senate creates jobs, cuts taxes, and closes corporate loopholes. We are closing many of those loopholes used by people who are shipping jobs overseas, in effect, cheating the government, according to our constituents.

This is really a good bill, a necessary bill, and it would make our economy stronger. It is a bill we are fighting for because the recession has hit Nevada. Unemployment rates there are extremely high. I am personally fighting for it because we need to help small businesses grow and hire and once again be the engine that runs our country. I am fighting for it because I don't think big business should get rewarded for shipping jobs out of America when so many here at home are desperate for a paycheck and the dignity of a day's work.

I didn't recognize here on the Senate floor the distinguished Senator from the State of Michigan. No Senator has fought harder for the underprivileged and the unemployed than the Senator from Michigan, Ms. STABENOW. I appreciate her ability to communicate a message, and the message we all have to communicate is that this money is going to help our States, it will save jobs, and it will create jobs.

This is the eighth week since March that we have tried to find a resolution for this issue. We have gone back and forth countless times, considering ideas, compromising when necessary, and courting support. But I have come to the conclusion that the other side does not want a solution. We have changed, we have moved—you want this, we will give you this. Everything in this bill is paid for—everything is paid for except unemployment com-

pensation. FMAP, the money for firefighters, police officers and teachers and nurses, is paid for. Everything is paid for except the long-term unemployed.

We have tried to bring it to the floor, but the Republicans have said no. Once we finally succeeded in bringing it to the floor, we tried to bring it to a vote. The Republicans said no. Somewhere along the line throughout these charades, this job-creating, tax-cutting, loophole-closing bill has become a political football, and that is really too bad. The debate is focused more on winning and losing than on doing what is right.

I want to take a step back and talk about what is really in the text of this legislation. Let's be really clear about all the good things a "yes" vote enables our country to do—this is not what it allows the Senate to do; this is what will benefit the country—and what a "no" vote stops us from doing. Remember, everything is paid for except unemployment compensation.

This bill has an extension of a tax deduction for tuition.

It has an extension of the deduction for State and local sales tax.

It has an extension of the standard deduction for property taxes. If this bill does not pass, they are not there.

It has an extension of a deduction for cost of classroom supplies purchased by teachers. This is not much. It may not seem like much to most people. Teachers under this legislation get a \$250 deduction for the supplies they buy. My niece teaches high school. She buys lots of stuff because the school district doesn't supply the supplies that are needed. She will get a \$250 tax credit. That is not much, but it means a lot to her, and it means a lot to the millions of teachers around this country. That is in this legislation.

We have in this bill a \$4 billion extension of Build America Bonds that provide low-cost financing for infrastructure investments. We had that first of all in the economic recovery package, the so-called stimulus bill, and that has created hundreds of thousands of jobs all over America. We put a few dollars in it in our last jobs package, we put some money in. That money is gone now, Build America money. State and local governments are begging for these moneys. This \$4 billion would create jobs all over America, jobs that are needed for infrastructure development.

This legislation has in it an extension of the Small Business Administration lending programs that provide low-cost loans to small businesses.

This legislation includes a \$2.5 billion fund for State wage assistance programs to move people from welfare to work, the so-called TANF Program. This was created during the Clinton years to do something about getting people off welfare and to work. It has been a wonderful program, but it is out of money. The State of Michigan and the State of New York are desperately in need of this money.

This legislation before the Senate extends a research and development tax credit and provides more than \$6 billion in assistance to firms conducting research on new technology.

This legislation provides \$5 billion in new markets tax credits that encourage investments in economically distressed areas.

Everything I have talked about is job creating.

This legislation has in it something that is so important. We have had a program here that was initiated and continued and was the brainchild of Senator ISAKSON, from Georgia. It said: The housing market is very depressed. There are a lot of houses on the market. For first-time home buyers, why don't we give them an incentive. And we did. We called it a first-time home buyers tax credit. It was \$8,000. Millions of homes have been purchased on that program. Right now, we have lots of people who have qualified for these first-time home buyer loans. They are totally qualified, but the banks and other financial institutions are moving very slowly. That money will be unavailable after June 30 unless we extend this. We want to extend this for 90 days. It is totally fair. It is totally paid for, again.

The legislation we have before us allows retail and restaurant businesses to write off property investments over 15 years rather than over 39 years.

This bill provides tax credits to assist mining firms with rescue team training and virtual safety equipment.

This bill provides wage assistance so firms can continue to pay normal wages to employees who are members of the military's Reserves and are Active Duty.

The bill contains incentives to encourage film and television production in the United States. Most television production now is going some other place outside the United States.

I have only talked about a few of the things in this legislation that are so very important. Later today, we will hold a vote on all these items I talked about and more. Those who want to help middle-class America will vote yes. Those who want to help business in America will vote yes—big business, small business. This is not just for the middle class, it is for helping create jobs in America.

Those who want to protect corporate America with not having them do their fair share should vote no. If they want to continue to allow these jobs to be shipped overseas and have these companies get tax benefits for doing so, then they should vote no. If they want those billionaires in our country—billionaires, these hedge fund operators and others who pay less taxes than someone who draws minimum wage—then they should vote no if they want to continue that.

Many people I have met who run these hedge funds and are wealthy people have called me and said: You are

doing the right thing. There is no reason that we should pay a less percentage of our tax than somebody who draws minimum wage.

Those who want to create jobs and create the conditions for recovery will vote yes. Those who want to kill jobs, want to stop our recovery in its tracks and want to keep things the way they are, will vote no. Those who want our economy to prosper and succeed will vote yes. Those who want this Congress and this country to fail will vote no.

There are people betting on our country to fail. Maybe that will help them in November. Those who put people first will vote yes. Those who put politics first will vote no.

The American people are watching and they are waiting for us to act. They demand that their Senators understand what they are going through and how they are struggling.

I met a man who is back in Washington to attend seminary. He writes insurance for small contractors. One problem. There are no contractors to write insurance for. There is no work.

The American people are watching and they are waiting for us to act. I do my very best to understand. I know what the people of Nevada are going through. I have heard from the Senator from Michigan what the people of Michigan are going through. I have heard from the Senator from New York, the Presiding Officer, what the people of New York are going through.

But it is not just Nevada, New York, and Michigan; it is, with very few exceptions, everywhere in America. I know how much good a bill like this would help a family in Nevada, a family in Michigan, a family in New York. We are not Senators from New York, Senators from Michigan, Senators from Nevada. We are United States Senators. We have an obligation to protect our States, and we do our utmost to do that. But we also have to recognize national problems. That is why we are United States Senators.

I do hope other Senators here, for the sake of those in Nevada and New York and Michigan and States all around the country, for the sake of those in our States, for the sake of our Nation's economy will vote yes. For those who still do not see the value in creating jobs, cutting taxes, and closing corporate loopholes, I hope they will take some time today to come to the floor and listen to their fellow Senators who believe in this legislation.

I hope they will listen with an open mind and with their constituents' best interests in mind. The time to decide is closing in on us. But it is not over yet. It is not too late to do what is right.

RECOGNITION OF THE MINORITY LEADER.

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

DEFICIT EXTENDERS

Mr. McCONNELL. Madam President, last night Senate Democrats introduced their latest version of the deficit extenders bill.

It has one thing in common with every other version they have offered: it adds new taxes and over \$30 billion to an already staggering \$13 trillion national debt despite consistent bipartisan rejection of that idea.

Both sides have offered ways to address the programs in this bill that both sides agree should be extended. And now we even agree on redirecting untimely and untargeted money from the failed stimulus bill. The only difference is that the Republican proposal reduces the deficit while the Democrat proposal adds to it.

So the only thing Democrats are insisting on in this debate is that we add to the debt.

The principle they are defending here is not some program. The principle Democrats are defending is that they will not pass a bill unless it adds to the debt.

DISCLOSE ACT

Mr. McCONNELL. Madam President, as I stand here this morning, House Democrats are desperately trying to round up the votes they need to pass Congress's latest effort to do what the first amendment specifically says it cannot, namely, to make a law abridging the freedom of speech.

The first thing to say about the so-called DISCLOSE Act is that it was authored behind closed doors without even a flicker of sunlight. In other words, a bill that is purportedly about bringing transparency to the electoral system was written without any. Just yesterday, a 45-page amendment was proposed to the bill without any public oversight.

The second thing to say about this bill is that it was written by the House Democrats' campaign committee chairman, who has been out trumpeting it as a "response" to the Supreme Court's recent decision in *Citizens United*.

As I noted yesterday, Democrats have done this before with free speech rulings they have found to be politically inconvenient. In the mid-1990s, they did not like Justice Breyer's decision in *Colorado Republicans*, so the Clinton administration and Elena Kagan set about finding ways to benefit Democrats at the expense of Republicans. So past is prologue.

This bill is not about preserving any principle of transparency. It is about protecting incumbent Democrat politicians. As for the substance, a brief review of the bill itself shows that the DISCLOSE Act is about as ill-named as the American Recovery and Reinvestment Act of 2009 and ensures as much freedom as the poorly named Employee Free Choice Act. But, of course, House Democrats have said they do not care what they pass. They just want to pass

something. Now that is quite the way to legislate.

Supporters of the bill say it is needed to deal with special interests. But the loopholes Democrats wrote into it show that they view some interests as more special than others. Take for example the spate of new speech prohibitions that did not exist prior to the *Citizens United* decision.

That is right, this bill goes far beyond what the court held to muzzle the speech of some while granting a pass for others.

Expansive new restrictions on government contractors and TARP recipients, but not their unions or government unions.

Expansive new speech restrictions on domestic subsidiaries which employ Americans who pay American taxes, without restricting unions at these same companies or international unions.

And that is just in the first few pages. Over the next few weeks I will highlight more of these "winners and losers" provisions Democrats are advocating in this bill.

If there were any doubt that this one-sided bill is not about principle but about changing the rules to the political game, just look at the special treatment House Democrats have been shopping around for weeks in an effort to sell this bill. They have engaged in a game of special interest carve outs which is the legislative equivalent of a game of Twister.

For example, in drafting a bill that House Democrats say is designed to deal with special interests, they have deliberately exempted what they have long called one of the biggest special interests of all: the National Rifle Association.

So in writing a bill that is supposedly about diminishing the influence of special interests, Democrat leaders cut a deal to allow a chosen few to operate unfettered by its restrictions, thereby enhancing the power of those chosen few. Apparently they did not learn their lesson from the reaction they got to the Cornhusker Kickback or the Louisiana Purchase.

What is transpiring in the House right now with this bill turns the first amendment on its head. Incumbent politicians are intentionally protecting some large groups so they can muster the votes to restrict many more citizens groups that have less political clout but whose participation in the political process the incumbent politicians find inconvenient.

Let me be clear. I support the second amendment, and I support the NRA's vigorous exercise of its first amendment rights in order to defend the second amendment rights of its members. But this is not about the Democrats' affinity for the second amendment. If it were, they would have carved out an exception for the Gun Owners of America as well. As it is, the GOA vehemently opposes this bill. Why? Because they know it restricts first amendment rights.