



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 111<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 156

WASHINGTON, MONDAY, JULY 19, 2010

No. 106

## Senate

The Senate met at 2 p.m. and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

### PRAYER

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

Let us pray.

Eternal Father, who withholds no good gift from those who walk uprightly, help our Senators this day to do Your will. Give them the grace to speak prudently when they must speak and to learn by listening and study. Inspire them to be unafraid of the difficult decisions, determined to act according to Your will, as they leave the consequences to Your providence.

Lord, awaken them to their accountability to You, for our lives and for the leadership of this Nation. Reward their faithfulness with peace of mind and joyfulness of spirit.

We pray in Your merciful Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable MARK R. WARNER 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. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, July 19, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK R. WARNER, a

Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

DANIEL K. INOUE,  
President pro tempore.

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

### RECOGNITION OF THE MAJORITY LEADER

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

### SCHEDULE

Mr. REID. Mr. President, following any leader remarks, there will be a period of morning business until 3 p.m., with Senators permitted to speak for up to 10 minutes each. Following morning business, the Senate will resume consideration of the small business jobs bill. There will be no rollcall votes during today's session of the Senate.

At 2:30 p.m. tomorrow, there will be a cloture vote with respect to H.R. 4213, which is legislation extending unemployment insurance benefits.

As a reminder, at 2:15 p.m. tomorrow, Carte Goodwin will be sworn in as Senator from West Virginia. I had an opportunity to meet with him an hour ago, and a wonderful young man he is. He has a beautiful wife with the unusual name of Rocky, but she is 8 months pregnant—a beautiful woman. They have a child, and they are looking forward to the new baby coming in the middle of August.

This week I wish to complete action on several legislative items that I have spoken to the Republican leader about, including unemployment insurance extension, small business jobs, and the emergency supplemental appropriations bill.

### MEASURE PLACED ON THE CALENDAR—H.R. 5712

Mr. REID. Mr. President, I am of the belief that H.R. 5712 is due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the title of the bill for the second time.

The legislative clerk read as follows:

A bill (H.R. 5712) to provide for certain clarifications and extensions under Medicare, Medicaid, and the Children's Health Insurance Program.

Mr. REID. Mr. President, I object to any further proceedings on this legislation at this time.

The ACTING PRESIDENT pro tempore. Objection is heard.

The bill will be placed on the calendar.

### EMERGENCY UNEMPLOYMENT INSURANCE

Mr. REID. Mr. President, when millions of Americans lost their jobs, they did not just lose a place to go to work in the morning; they lost their incomes, their savings, and their retirement security. They lost their tuition payments. Many lost their homes. They lost their gas money, their grocery money, and many other things—all of this through no fault of their own.

I am not talking about a handful of people in isolated corners of this country. I am talking about millions of Americans from every one of our States. To so many of them, unemployment is not just a temporary inconvenience. For far too many, it is an unending emergency.

As the front page of today's New York Times reports—and it is the same in newspapers all over the nation—40 percent of the unemployed in this country have been out of work for 6 months or longer. They are trying to understand why at this pressing moment—when jobs are harder to come by

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



Printed on recycled paper.

S5977

than at any other time in recent history—Congress cannot get its act together to extend emergency insurance, as we have always done with bipartisan backing for decades.

Well, part of the reason is that many on the other side do not see this as an emergency. They look at a crisis for families' budgets and see an opportunity for their political fortunes. They think when unemployment goes up, so do their poll numbers.

Some even think that the unemployed enjoy being out of work. That is why one of the top Republicans in the Senate called unemployment assistance a "disincentive for them to seek new work" and voted three times in recent weeks against extending it.

Another senior Republican Senator said these Americans—people who want nothing more than to find a new job—"don't want to go look for work." And then he, too, voted "no" three times.

A third senior Republican Senator, who, like his colleagues, has time and again stood in the way of addressing this emergency, justified it by saying—listen to this quote—"We should not be giving cash to people who basically are just going to blow it on drugs." That is a direct quote.

My constituents take offense at these absurd allegations, and they have let me know about it time and time again. They have written or called, sent me e-mails. They have pulled me aside when I have been home to talk to me about this.

One of these e-mails came to me last week from Las Vegas, where unemployment is now 14.5 percent. Statewide it is 14.2 percent. This man's name is Scott Headrick. He wrote me, and you can hear in the e-mail his anger. It is sad. He is one of 2.5 million Americans who, because of Republicans' objections, is no longer getting the unemployment help he needs. This is what Scott Headrick wrote to me:

I've been unemployed since July 2008 and have not been able to obtain a position at a supermarket packing groceries. I've been religiously seeking, searching and applying for work without any luck. I have since left my family in Las Vegas, a wife and five children, to look for work in other states and again, without any luck.

Scott mentioned the Senators making these outrageous claims and demanded that they, in his words: apologize to those Americans truthfully looking for work to support their families. . . . I and my family have already lost everything but each other.

Scott is right. The twisted logic we have seen in the unemployment debate is not just appalling or heartless, though it is certainly both of those things. It is also factually wrong.

First, there is only one open job in America for every five Americans desperate to fill it. So no one should be so crass as to accuse anyone of being unemployed by choice—especially not those same lawmakers whose irresponsible policies over the past decade created the very crisis that collapsed the job market in the first place.

Second, unemployment insurance works. It helps our economy recover. Mark Zandi, who was JOHN MCCAIN's economic adviser when he ran for President, calculated that every time \$1 goes out in unemployment benefits, \$1.61 comes back into the economy. The Congressional Budget Office has estimated that number could actually be as high as \$2, meaning we double our investment in helping the unemployed.

If you think about it, it makes sense. Nobody is getting rich off the \$300 unemployment check they get each week. And nobody keeps those checks under his mattress. These Americans turn around and spend the money. They immediately pay their bills, go to the store, keep up with their mortgage payments, which stimulates the economy. They spend it on the basics and bare necessities while they look for work. The money goes right back into the economy, which strengthens it, fuels growth, and ultimately lets businesses create the very jobs the unemployed have been looking for, for so long.

The people we are trying to help want to find work. They are trying to find work, and they would much rather get a paycheck than an unemployment check.

Nevadans such as Scott Headrick, who lost his job 2 years ago this month, and who has tried tirelessly to find a new one, is just one of millions who needs our help. Democrats are not going to turn our backs on him. He sends out resumes and goes to job interviews, but for months and months he has heard nothing but "no." What a shame it is that he is hearing the same from the Republicans in the Senate on this issue.

Mr. President, will the Chair announce the business for the day.

#### RESERVATION OF LEADER TIME

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

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to a period of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each.

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

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

#### SECURING THE PROTECTION OF OUR ENDURING AND ESTABLISHED CONSTITUTIONAL HERITAGE

Mr. LEAHY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 460, H.R. 2765.

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

The legislative clerk read as follows:

A bill (H.R. 2765) to amend title 28, United States Code, to prohibit recognition and enforcement of foreign defamation judgments and certain foreign judgments against the providers of interactive computer services.

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 "Securing the Protection of our Enduring and Established Constitutional Heritage Act" or the "SPEECH Act".*

##### SEC. 2. FINDINGS.

*Congress finds the following:*

(1) The freedom of speech and the press is enshrined in the first amendment to the Constitution, and is necessary to promote the vigorous dialogue necessary to shape public policy in a representative democracy.

(2) Some persons are obstructing the free expression rights of United States authors and publishers, and in turn chilling the first amendment to the Constitution of the United States interest of the citizenry in receiving information on matters of importance, by seeking out foreign jurisdictions that do not provide the full extent of free-speech protections to authors and publishers that are available in the United States, and suing a United States author or publisher in that foreign jurisdiction.

(3) These foreign defamation lawsuits not only suppress the free speech rights of the defendants to the suit, but inhibit other written speech that might otherwise have been written or published but for the fear of a foreign lawsuit.

(4) The threat of the libel laws of some foreign countries is so dramatic that the United Nations Human Rights Committee examined the issue and indicated that in some instances the law of libel has served to discourage critical media reporting on matters of serious public interest, adversely affecting the ability of scholars and journalists to publish their work. The advent of the internet and the international distribution of foreign media also create the danger that one country's unduly restrictive libel law will affect freedom of expression worldwide on matters of valid public interest.

(5) Governments and courts of foreign countries scattered around the world have failed to curtail this practice of permitting libel lawsuits against United States persons within their courts, and foreign libel judgments inconsistent with United States first amendment protections are increasingly common.

##### SEC. 3. RECOGNITION OF FOREIGN DEFAMATION JUDGMENTS.

(a) IN GENERAL.—Part VI of title 28, United States Code, is amended by adding at the end the following:

##### "CHAPTER 181—FOREIGN JUDGMENTS

"Sec.

"4101. Definitions.

"4102. Recognition of foreign defamation judgments.

"4103. Removal.

"4104. Declaratory judgments.

"4105. Attorney's fees.