

and Independents and the people who supply most of the jobs in America today—small businesses. That is why, if one can imagine, the chamber of commerce supports this bill. They are in favor of the Johanns amendment, and I accept that. When I was here this morning, 80 organizations supported this bill. We are now well over 100. This has gotten traction.

This is something we should do. This is good legislation. It would set a very good tone before we leave for the August recess to do this bill because by the time we come back in September, there would actually be some jobs created as a result.

I renew my request that I made this morning. I am not going to read this again. My request this morning was that we will take out the disaster relief, and they, the Republicans, can have their three amendments. We will have our three amendments. That is my request. I renew that request.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. Madam President, reserving the right to object, I think we are making some real headway. I appreciate the majority leader taking out basically the appropriations measures. One was in the underlying bill and the others were going to be offered as amendments.

I had not originally intended to offer a counter UC, but in order to reassure everyone—I know there is support on our side of the aisle if we can get it right—I offer a counter UC which I suppose will be objected to, as I will object to the majority leader's, for the afternoon.

But I want to underscore what he said, which is I do think we are getting closer to getting back to the original bill which started off on a pretty strong bipartisan basis and then seemed to deteriorate over the course of the last month. In fact, we turned to the bill on June 24 and left it six times between then and now.

Having said all that, I think we are heading back in the right direction.

Madam President, I ask unanimous consent that the cloture motions with respect to the small business substitute and the bill be vitiated. I further ask unanimous consent that the following amendments be the only amendments in order to the Reid substitute, and there are four: Johanns amendment No. 1099, repeal; Hatch, R&D; Grassley, biodiesel; Sessions, spending caps. I further ask unanimous consent that it be in order for the majority to offer relevant side-by-sides limited to the subject matter of the above-listed amendments. And, as I said last night, we are prepared to enter into reasonable time agreements on each of these amendments.

Mr. REID. Reserving the right to object to my friend's proposal, I have to smile, even though I have not smiled a lot today. On the Sessions amendment, how many times do we have to vote on it? How many times? One of my friends

on the other side of the aisle said: How many times do we have to vote on what you propose to vote on? Not nearly as many times as this Sessions amendment. There has been a general agreement between the Republican leader and myself that we are going to wind up there basically anyway. I understand he has people he has to satisfy on his side of the aisle. I do my best to satisfy people over here. But I have to respectfully object.

The PRESIDING OFFICER. The majority leader has declined to accept the Republican leader's modification of his request.

Is there objection to the majority leader's request?

Mr. McCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

FAA AIR TRANSPORTATION MODERNIZATION AND SAFETY IMPROVEMENT ACT

Mr. REID. Madam President, I ask the Chair to lay before the Senate a message from the House with respect to H.R. 1586.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the title of the bill (H.R. 1586) entitled "An Act to impose an additional tax on bonuses received from certain TARP recipients" with the House amendment to the Senate amendment.

MOTION TO CONCUR WITH AMENDMENT NO. 4567

Mr. REID. Mr. President, I move to concur in the House amendment to the Senate amendment to H.R. 1586 with an amendment, which is at the desk.

The PRESIDING OFFICER (Mr. BURRIS). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mrs. MURRAY, for herself, Mr. HARKIN, Mr. REID, and Mr. SCHUMER, proposes an amendment numbered 4567.

Mr. REID. Mr. President, 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 printed in today's RECORD under "Text of Amendments.")

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4568 TO AMENDMENT NO. 4567

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4568 to amendment No. 4567.

Mr. REID. Mr. President, 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 of the amendment, insert the following.

The provisions of this Act shall become effective 5 days after enactment.

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion on the motion to concur at the desk. I ask that it be stated.

The PRESIDING OFFICER. The cloture motion having been presented under 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. 1586, an act to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes, with amendment No. 4567.

Harry Reid, Max Baucus, Charles E. Schumer, Edward E. Kaufman, Barbara Boxer, Roland W. Burris, Tom Udall, Robert P. Casey, Jr., Mark Begich, Patrick J. Leahy, Jack Reed, John F. Kerry, Richard J. Durbin, Sheldon Whitehouse, Amy Klobuchar, Tom Harkin, Al Franken, Daniel K. Akaka, Maria Cantwell.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum be waived.

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

MOTION TO REFER WITH AMENDMENT NO. 4569

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

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 Appropriations Committee with instructions to report back forthwith, with an amendment numbered 4569.

The amendment is as follows:

At the end insert the following:

The Appropriations Committee is requested to study the impact of any delay in providing funding to educators across the country.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4570

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4570 to the instructions to the motion to refer.

The amendment is as follows:

At the end, insert the following:

“and include any data on the impact on local school districts”

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4571 TO AMENDMENT NO. 4570

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4571 to amendment No. 4570.

The amendment is as follows:

At the end, insert the following:

“and the impact on the local community”

Mr. MCCAIN. Mr. President, I opposed the motion to invoke cloture on the small business lending bill for several reasons, with the foremost being that it had become a vehicle for petty partisanship rather than a serious effort to extend a much-needed helping hand to America's small businesses.

The manner in which this bill has been deliberated in the Senate has been both frustrating and disappointing to say the very least. The majority leader has brought this bill up for consideration and then moved off of it to consider other matters no less than six times since June 24. Furthermore, he has offered at least three different substitute amendments—each time filling the amendment tree and filing cloture—effectively choking off debate and prohibiting my colleagues and me on this side of the aisle from offering amendments.

This should not be a partisan bill. In fact, as originally introduced, this measure enjoyed broad bipartisan support. The original version of this bill included many positive provisions. For example, it included a number of tax provisions that had been championed by both Republican and Democrats which both sides believed would help small businesses create new jobs.

The \$30 billion fund contained in this bill was supposedly designed to provide capital to community banks and give them incentives to make loans to small business owners. While this is a nice notion, I have heard from some of the smaller, community banks in my home State of Arizona that the capital requirements were so stringent that they would not even qualify for the program and, there are serious concerns as to whether or not this would turn into another bank bailout program.

One of the provisions of this bill that I strongly opposed was a carve-out of \$1.5 billion for agriculture disaster assistance which was not requested by the administration. While I support ensuring that our farmers are protected from financial losses caused by natural

disasters, Congress must first find a way to pay for this increased spending just like many of the other handouts included in this bill. That is why many of my colleagues had hoped to offer amendments, including an amendment to extend expiring tax breaks for small business owners, an amendment to eliminate the death tax, and an amendment to make permanent the tax credit for research and development—just to name a few. Unfortunately, the majority prevented us from offering those important amendments.

I had planned to offer an amendment on border security that would have helped generate sales tax revenue for border towns. The amendment would have added an additional 6,000 new Customs and Border Protection agents and officers to secure the border and to ensure that those seeking to cross our borders legally at our ports of entry are able to do so without unnecessary wait times. There are frequent, often excessive wait times in the northbound lanes at the DeConcini/Port of Entry in Nogales. The economy of Nogales, AZ, is heavily dependent on cross border traffic, with the majority of the city's sales tax revenue generated by shoppers from Mexico. The long wait times to cross the border are having real, adverse effects on the economy of Nogales. Securing our borders should be the top priority of CBP and that the drug related violence that threatens our border communities must be combated with all available resources. With that said, businesses and law abiding citizens should be able to cross the border in an efficient manner.

Our economic recovery and the creation of new jobs are the most important issues facing our nation today. We have an unemployment rate of 9.5 percent and we need to do all that we can to help our small businesses thrive. It is my sincere hope that we can end the partisan bickering and reach an agreement that will give our small businesses the tools necessary to create jobs.

MORNING BUSINESS

Mr. REID. Mr. President, unless my friend the Republican leader has an objection, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

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

Mr. REID. Having said that, there will be no more votes until Monday at probably around 5:30 p.m.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

SMALL BUSINESS LENDING FUND ACT OF 2010

Mr. MERKLEY. Mr. President, I wish to speak to the proceedings that have just taken place this evening and try to put them in some context.

What we have had before this Chamber is a bill that is very important to putting the American economy back on track. Lots of folks have looked at the various chokepoints in our economy, and so many have found that one of the critical issues is the access to lending by small businesses. That is a key provision in the bill before us—the ability to capitalize healthy community banks so they can make funds available to small businesses so small businesses can seize opportunities and put Americans back to work.

There are many other terrific provisions in this small business jobs bill. They include, for example, a capital gains tax holiday that will assist small businesses. It includes a whole number of provisions, in fact, that stack up to \$12 billion in tax reductions for small businesses.

This bill came to this floor in a bipartisan way, with many provisions that were Republican provisions, some that were Democratic provisions, bipartisan support out of committee. It is before us now, and the question throughout this day has been this: Are the Republicans blocking this support for small businesses because they are opposed to helping small businesses and want to drive this economy back into a double-dip recession or do they have a legitimate concern that they should get a chance to offer amendments on the floor of the Senate?

To put that issue to rest, our majority leader made the following proposal: Our colleagues across the aisle would get three amendments. The Democrats on this side of the aisle would get three amendments. Both sides get to choose the amendments they want to bring forward. That is a legitimate debate about small business. That gives everybody a chance to weigh in. That certainly addresses any procedural issue. What was the response of the Republican leadership? The Republican leadership responded and said: No, we want four amendments, and we also want to control what the Democratic amendments are. In other words, we want to have the say on eight amendments while the Democrats choose none.

Of course, it becomes very clear: The Republican intent is not to have a debate about taking our Nation forward and getting out of recession; it is to block bills that will help our small businesses and put this economy back on track.

I say to my colleagues across the aisle, there is too much at stake for this sort of outrageous political competition. Put your November thoughts aside, I say to my friends, and focus on what is right for the economy of this Nation, what is right for the small businesses of this Nation. Let's have the three amendments on each side as each side would choose. Let's get it done, and then let's go home and know we are working together in a problem-solving, bipartisan fashion to make our