

have small kids at home. Frank and I have raised our children while I have been in the Senate. He works, too. We know how difficult that is.

I know a lot of moms dream for a long time about what they would do if they had some time. Patti waited 10 years and then opened her business—lucky her—in March 2009. She said: I have 15 employees; they are part time. Our little business has taken off beautifully. We host birthday parties, holiday parties, and sock hops. I recently hosted a 50th birthday party.

She is explaining that her business is going on. She said:

Everyone, once inside our facility, loves our business and comes back again [even in these difficult times]. We ran one commercial on Channel 4 for a week and our bookings quadrupled.

One commercial on Channel 4, which is our big station, for a week and her bookings quadrupled.

If I had additional funds for advertising, video games, and maybe one more employee, our business would really take off.

This is the story of the recovery. This is the story of the end of this recession. If we don't have more business owners like Patti Martinez who will hire that one more person, this recovery is never going to happen. Don't take my word for that. Go look up all of the journals, the scientific journals, and all of the economic studies. You can go to the fancy schools—Harvard, MIT—and look and they say that. It is not just what I am saying. Big business isn't going to hire. Small business is going to hire—the Patti Martinezes of the world. She ran one commercial and her business quadrupled. Couldn't we give her a loan so she can run maybe two or three commercials? She is not paying herself any bonus, I can promise you that.

I am going to end with a letter we received today from the National Restaurant Association, representing 945,000 restaurants across the United States. I ask unanimous consent that it be printed in the RECORD.

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

NATIONAL RESTAURANT ASSOCIATION.

DEAR SENATOR: The National Restaurant Association, representing 945,000 restaurant locations across the U.S., supports H.R. 5297, the Small Business Jobs Act of 2010. The restaurant industry, which employs nearly 13 million Americans and is expected to generate an overall economic impact of \$1.5 trillion this year, is comprised mainly of small, independent businesses. In fact, more than 98% of restaurants are classified as small businesses.

H.R. 5297 would provide our nation's small businesses with tax relief and assistance in gaining access to capital that is critical to economic and financial recovery. Importantly, this legislation would increase the Section 179 expensing limits and expand Section 179 to allow taxpayers to expense up to \$250,000 of the cost of qualified leasehold improvement property, qualified restaurant property, and qualified retail improvement property. In addition, the legislation would extend bonus depreciation, which expired at the end of last year. These provisions would

encourage small businesses, including those in the restaurant industry, to undertake capital expenditures. Moreover, these capital expenditures have a multiplier effect, spurring economic activity and job growth in communities throughout the country.

An important part of the bill are the provisions to modernize popular Small Business Administration (SBA) loan programs and extend expiring loan guarantees and borrower fee reductions. Specifically, the maximum size of SBA 7(a) and 504 loans would increase from \$2 million to \$5 million and from \$1.5 million to \$5.5 million respectively. The fees on such loans, which were eliminated through 2009, would continue to be eliminated through 2010. In addition, government guarantees of 90 percent on such loans would also be extended through 2010. These provisions have the strong support of Small Business Committee Chairman Landrieu and Ranking Member Snowe. We also support the LeMieux-Landrieu Amendment incorporated into the bill, which would establish a \$30 billion Small Business Lending Fund designed to assist small banks to specifically lend money to small businesses. As the nation's fragile economic recovery continues, households are still holding back on spending and, as a result, many restaurant operators are continuing to struggle. Expanding access to capital will help restaurant operators make necessary investments, hire and retain workers, and, in certain cases, keep their doors open.

Additionally, we urge passage at some point this year of two additional amendments that were filed but will not be taken up at this time. First, we support an amendment filed by Senator Bill Nelson that would provide some tax benefits to small businesses and individuals impacted by the Gulf Oil Spill. Where the Gulf Coast's beaches and wetlands attracted millions of visitors in previous years and generated demand for restaurants, the Deepwater Horizon oil spill is now having resounding negative economic consequences. As such, we urge your support for the Gulf Coast recovery package recently released by Senators Bill Nelson, Wicker, Landrieu, Cochran, Vitter, and LeMieux. The package contains tax incentives that would assist small businesses such as restaurants as they grapple with the long-term challenges resulting from the worst environmental disaster in U.S. history. The tax incentives include tax deferral for reinvested small business reimbursements, extension of the net operating loss carryback period, an oil spill recovery zone job creation tax credit, and enhanced small business expensing in the oil spill recovery zone. Another meritorious provision that should be considered is allowing the deferral of SBA loan repayments for those businesses located in the gulf region and impacted by the oil spill.

Finally, we urge permanent resolution of the estate tax issue. In this regard, we would like to take this opportunity to note our support for the estate tax amendment offered by Senators Kyl and Lincoln, which would provide hard-working small business owners with certainty on this important issue.

We urge you to support H.R. 5297, which will go a long way to help small business during this difficult economic climate.

Sincerely,

SCOTT DEFIFE,
*Executive Vice President,
Policy & Government Affairs.*

Ms. LANDRIEU. In part, it says:

We also support the LeMieux-Landrieu Amendment incorporated into the bill, which would establish a \$30 billion Small Business Lending Fund. . . . As the nation's fragile economic recovery continues, households are

still holding back on spending and, as a result, many restaurant operators are continuing to struggle. Expanding access to capital will help restaurant operators make necessary investments, hire and retain workers, and, in certain cases, keep their doors open.

The restaurants in my State are having a particularly difficult time because they don't have capital. Now they don't have any seafood to sell. If we keep going much longer, they are not going to have any customers even if I could give them capital and seafood, because people don't think they should come to the gulf now. That is a whole other subject.

Tonight, we can loosen up some of this capital through bankers that they know—they worship with them in church, they worship with them in synagogues; they know them. The bankers know them. If we can help small community banks, maybe—just maybe—maybe some of the money we shower on Wall Street—maybe we could give a little bit of rain out there to middle America and get this recession over.

I yield the floor.

TRIBUTE TO LOIS BAKER

Mr. McCONNELL. Mr. President, I rise to pay tribute to Mrs. Lois Baker and the commitment she made to providing rural health care services to thousands of Kentuckians. Beginning in 1971, Mrs. Baker was the chief executive officer of Mountain Comprehensive Health Corporation, MCHC, which continues to provide the residents of eastern Kentucky with quality, affordable health care. Since opening its first location, a trailer located on the line between Perry and Leslie Counties, MCHC has become a fixture in the region, operating locations in five eastern Kentucky counties. Now, with 250 employees, MCHC proudly serves over 27,000 patients each year.

Mrs. Baker's commitment to the Commonwealth extends well beyond her accomplishments at MCHC. A graduate of Fugazzi Business College and the University of Michigan's School of Public Health, Mrs. Baker served as president of Baker Coal & Land Company and as president of Letcher Manufacturing Company prior to becoming CEO of MCHC. As a member of the admissions committee for the University of Kentucky College of Medicine, Mrs. Baker proudly encouraged students from eastern Kentucky to pursue careers in the medical field and then to return home and utilize their skills to better the lives of their fellow Kentuckians.

Following her recent passing, the Booneville Sentinel published an article commemorating the life and accomplishments of Mrs. Lois Baker, and I would like to share that tribute with my colleagues. I ask unanimous consent that the full article be printed in the RECORD.

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

[From the Booneville Sentinel, July 14, 2010]

Lois Baker leaves a long list of achievements.

Funeral services for the founder and past chief executive officer of Mountain Comprehensive Health Corporation (MCHC) was held Wednesday, June 30, 2010 at the First Baptist Church in Whitesburg.

Lois attended Stuart Robinson High School, Fugazzi Business College in Lexington, KY and the University of Michigan School of Public Health.

Before leading Mountain Comprehensive Health to become one of the country's most successful rural health providers, she worked in the coal business and operated a furniture plant. She was president of Baker Coal & Land Company from 1959 to 1963, president of Letcher Manufacturing Company, Inc. in 1963 and became CEO of MCHC in 1971.

The first MCHC clinic was located in Wooten on the Perry/Leslie county line, in a trailer. MCHC operates five clinics, located in Letcher, Perry, Harlan and Owsley counties. MCHC's team consists of 250 employees and provides services to more than 27,000 patients each year. In looking back, Lois stated, "there was no way that at that time I could have imagined or anyone else that was working at that time could imagine Mountain Comp as it is today."

In October 1983, Lois extended her commitment of providing quality healthcare services to the residents of Owsley County and surrounding counties by opening the Owsley County Medical Clinic. Owsley Medical Clinic is now a medical practice consisting of two primary care providers and 15 employees whose mission is to utilize all available resources to provide affordable health care to those persons residing in its service area. The Owsley Medical Clinic is an asset to the area as well as a source of pride for Owsley County. Thank you Lois for thinking of us!

Lois served on many boards and committees. She was a member of the University of Kentucky College of Medicine Admissions Committee. She said that if an eastern Kentucky student applied to UK College of Medicine, they were accepted and encouraged to come back to the mountains to practice medicine. She was inducted into the Mountain Heritage Hall of Fame, the National Association of Community Health Centers Grassroots Advocacy Hall of Fame and the UK College of Public Health Hall of Fame.

Lois always had a vision and she never lost that vision. She was always a pioneer in everything and never afraid to tackle anything. She had a presence that seemed larger than life and felt it was purely about helping people by providing excellent health care. Lois's great passion for her work, compassion for her staff and patients, and friendliness even under stress made her a role model for all of us. She will be missed greatly by many.

CLEAN ENERGY JOBS AND OIL COMPANY ACCOUNTABILITY ACT

Mr. LEAHY. Mr. President, I commend the majority leader for introducing the Clean Energy Jobs and Oil Company Accountability Act. This bill, which I am proud to support, is a timely and targeted response to the continuing devastation in the Gulf of Mexico, a catastrophe which began 100 days ago. The Senate must move quickly to address one of the most immediate and pressing problems facing our Nation and to find meaningful ways to prevent similar disasters in the future. The American people rightly expect that

the lessons learned from this disaster will be heeded.

This legislation addresses several issues brought to light in the spill's aftermath. It will ensure the fair treatment of victims like the families of the 11 Americans who were killed in the explosion on the Deepwater Horizon oil rig. It will encourage responsible corporate behavior and provide meaningful criminal penalties for environmental crimes. It will ensure that British Petroleum and those responsible for this disaster and any responsible party associated with an oilspill at an offshore facility in the future are held fully accountable and liable for all of the damages the oilspill causes and that the American taxpayer is not left with the bill. It is a response that will help the people of the gulf begin the long process of restoring what they have lost. And for those who cannot recover what they have lost, it will help them as they move forward. These matters, and others, have been the subject of several recent hearings in the Senate Judiciary Committee.

Senators from several committees, including the Judiciary Committee, have made important contributions to this bill. I am pleased that the majority leader asked for and listened to the calls of members of the Judiciary Committee to make sure that a significant part of this legislative response was focused squarely on the needs of the victims of this disaster and that the Federal laws designed to provide justice for wrongdoing are fair.

I thank the majority leader for including two pieces of legislation I have introduced—the Survivor's Equality Act, and the Environmental Crimes Enforcement Act. I am confident that, when enacted, both of these provisions will help victims and promote responsibility and safety within the energy industry.

The Survivor's Equality Act would remedy profound unfairness in our maritime tort laws. The enactment of this provision will end the unequal treatment under the law for those who are killed at sea. The Death on the High Seas Act, which is one of the few remedies for these families to seek justice, provides compensation only for pecuniary losses associated with a wrongful death. This involves a cold calculation of a victim's monetary worth to his or her family and nothing more. And if an individual who is killed has no dependents, he or she is entitled to very little, yet the loss to a parent or a sibling is no less tragic. The current Federal maritime law does not recognize the profound losses associated with the death of a loved one—the suffering of a widow who has lost her husband; a parent who has lost a child; or a child who will no longer have a parent to guide them through life. In modern America, it is simply unfair to have a different standard of justice for those killed at sea than those killed on land.

Another important provision in the pending bill is the Environmental

Crimes Enforcement Act which would bolster the enforcement of environmental crimes. Often in the case of serious environmental catastrophes the companies that caused the disaster may be guilty of committing environmental crimes. These wrongdoers must be held accountable for their criminal acts, and they, rather than American taxpayers, should pay for the damage. The Environmental Crimes Enforcement Act is crafted to deter environmental crime, protect and compensate its victims, and encourage accountability among corporate actors. This would deter schemes by big oil corporations and by others that hurt hard-working Americans and their local economies and that damage the environment by increasing sentences for environmental crimes. All too often, corporations treat fines and monetary penalties as merely a cost of doing business, to be factored against profits. To deter criminal behavior by corporations, it is important to have laws resulting in prison time, and this bill would appropriately raise sentences for environmental crimes so they are comparable with sentences for other serious crimes. Nothing gets the attention of corporate decisionmakers like the prospect of serving time behind bars.

This provision would also help victims of environmental crime—the people who lose their livelihoods, their communities, and even their loved ones—reclaim their natural and economic resources by making restitution mandatory for criminal Clean Water Act violations.

Other members of the Judiciary Committee have made important contributions to the majority leader's bill. Senator WHITEHOUSE's legislation to reverse the Supreme Court's decision in *Exxon v. Baker* is included in this package. When this provision is enacted, the Supreme Court's arbitrary cap on punitive damages in maritime cases will be erased. Instead, with the appropriate measure of liability returned to a jury to decide, corporations engaged in dangerous and environmentally risky work will think twice about endangering the safety of their workers and the ecosystem.

Senator SCHUMER's legislation to repeal the antiquated Limitation of Shipowners' Liability Act has also been included. This statute limits a vessel owner's total liability to the value of the vessel after an accident has occurred. Updating this arcane law will foreclose the type of conduct we witnessed in this case when Transocean, the owner of the Deepwater Horizon, claimed its liability should be limited to the value of the Deepwater Horizon as it sat on the bottom of the gulf. That defies common sense and propriety. Congress cannot control a corporation's desire to evade its responsibilities, but the American people, through their Congress, need not allow a law that invites such behavior to stand.

Another important provision in this legislative package is the amendment