

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

Mr. LEVIN. We are prepared to yield back the remainder of our time and do so.

The PRESIDING OFFICER. All time has expired.

The question is, Will the Senate advise and consent to the nomination of Leon E. Panetta, of California, to be Secretary of Defense?

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 93 Ex.]

YEAS—100

Akaka	Gillibrand	Moran
Alexander	Graham	Murkowski
Ayotte	Grassley	Murray
Barrasso	Hagan	Nelson (NE)
Baucus	Harkin	Nelson (FL)
Begich	Hatch	Paul
Bennet	Heller	Portman
Bingaman	Hoeben	Pryor
Blumenthal	Hutchison	Reed
Blunt	Inhofe	Reid
Boozman	Inouye	Risch
Boxer	Isakson	Rosenthal
Brown (MA)	Johanns	Roberts
Brown (OH)	Johnson (SD)	Rockefeller
Burr	Johnson (WI)	Rubio
Cantwell	Kerry	Sanders
Cardin	Kirk	Schumer
Carper	Klobuchar	Sessions
Casey	Kohl	Shaheen
Chambliss	Kyl	Shelby
Coats	Landrieu	Snowe
Coburn	Lautenberg	Stabenow
Cochran	Leahy	Tester
Collins	Lee	Thune
Conrad	Levin	Toomey
Coons	Lieberman	Udall (CO)
Corker	Lugar	Udall (NM)
Cornyn	Manchin	Vitter
Crapo	McCain	Warner
DeMint	McCaskey	Webb
Durbin	McConnell	Whitehouse
Enzi	Menendez	Wicker
Feinstein	Merkley	Wyden
Franken	Mikulski	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table.

The President shall be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate shall resume legislative session.

The majority leader is recognized.

ORDER OF PROCEDURE

Mr. REID. Madam President, we have 10 minutes. Senators should listen to the debate. It is very important. We have an important vote in just 10 minutes, and it is my understanding that the arrangements have been made that Senator BOXER would close. She would have the final 5 minutes. Does anybody have any problem with that?

I ask unanimous consent that be the case.

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

ECONOMIC DEVELOPMENT REVITALIZATION ACT OF 2011

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 782, which the clerk will read.

The legislative clerk read as follows:

A bill (S. 782) to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes.

Pending:

DeMint amendment No. 394, to repeal the Dodd-Frank Wall Street Reform and Consumer Protection Act.

Paul amendment No. 414, to implement the President's request to increase the statutory limit on the public debt.

Cardin amendment No. 407, to require the FHA to equitably treat home buyers who have repaid in full their FHA-insured mortgages.

Merkley/Snowe amendment No. 428, to establish clear regulatory standards for mortgage servicers.

Kohl amendment No. 389, to amend the Sherman Act to make oil-producing and exporting cartels illegal.

Hutchison amendment No. 423, to delay the implementation of the health reform law in the United States until there is final resolution in pending lawsuits.

Portman amendment No. 417, to provide for the inclusion of independent regulatory agencies in the application of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1501 et seq.).

Portman amendment No. 418, to amend the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1501 et seq.) to strengthen the economic impact analyses for major rules, require agencies to analyze the effect of major rules on jobs, and require adoption of the least burdensome regulatory means.

McCain amendment No. 412, to repeal the wage rate requirements commonly known as the Davis-Bacon Act.

Merkley amendment No. 440, to require the Secretary of Energy to establish an Energy Efficiency Loan Program under which the Secretary shall make funds available to States to support financial assistance provided by qualified financing entities for making qualified energy efficiency or renewable efficiency improvements.

Coburn modified amendment No. 436, to repeal the Volumetric Ethanol Excise Tax Credit.

Brown (MA)/Snowe amendment No. 405, to repeal the imposition of withholding on certain payments made to vendors by government entities.

Inhofe amendment No. 430, to reduce amounts authorized to be appropriated.

Inhofe amendment No. 438, to provide for the establishment of a committee to assess the effects of certain Federal regulatory mandates.

Merkley amendment No. 427, to make a technical correction to the HUBZone designation process.

McCain amendment No. 441 (to Coburn modified amendment No. 436), to prohibit the use of Federal funds to construct ethanol blender pumps or ethanol storage facilities.

The PRESIDING OFFICER. Under the previous order, there will be 10 minutes of debate only equally divided between the two leaders or their designees.

Who yields time?

The Senator from Wyoming.

Mr. BARRASSO. Madam President, I yield back Republican time.

Mr. DURBIN. Madam President, the one thing that all Members of Congress agree we need more of is jobs.

Illinois recently published its most recent statewide unemployment numbers and there is no question that the numbers are disappointing. Following 15 straight months of declining unemployment, unemployment rates rose for the first time to 8.9 percent. The only way to decrease the unemployment rate is to ensure robust job growth in all parts of the country. And while Members from different parties often disagree on how to help create jobs, the Economic Development Administration, EDA, reauthorization before us today is a great example of bipartisan legislation that can help.

On May 1, 1961, President Kennedy signed into law a bill creating the precursor of the Economic Development Agency, the Area Redevelopment Administration, ARA. The ARA was championed by another Illinois Senator and the man who gave me my start as an intern in this building, Senator Paul Douglas.

ARA provided assistance to distressed areas through loans and grants for public facilities; technology and market information; and research grants in order to spur economic growth. Sound familiar? Paul Douglas believed then, as I believe now, there is a proper role for government to play in assisting distressed communities and regions.

Now for 50 years, the ARA and then the EDA have helped communities identify the best strategies for creating economic growth and leveraging private investment to help create jobs. EDA remains focused on assisting distressed communities and communities recovering from disasters.

And it has been very effective. Every Federal dollar invested in EDA projects attracts \$7 additional dollars in private investments in these distressed communities. And even in the midst of this last recession and sparse private investments, EDA-funded public/private projects created an estimated 161,500 jobs in the last 2½ years.

In Illinois in 2009 and 2010 alone, EDA funded 52 projects that resulted in nearly \$70 million in new investments in the State. But beyond just the numbers, I want to give you some real life examples of EDA's impact in Illinois communities.

Under the 2010 EDA Community Trade Adjustment Assistance Program, the city of Galesburg and Knox County identified themselves as significantly impacted by trade. EDA funded a project that allowed for the creation of the Entrepreneurs Innovate & Go Global Initiative to help develop entrepreneurs at every level. The grantees are putting together workshops and training that focuses on entrepreneurship, innovation and globalization. EDA assistance also includes technical

assistance in commercialization that will ultimately help small businesses and new entrepreneurs streamline business plans and create new jobs.

Under the Recovery Act, EDA helped fund the creation of a micro revolving loan fund for Accion Chicago, a spinoff of an international nonprofit organization dedicated to microfinance. ACCION is using the project funds to expand its existing microlending activities in Cook County and to promote entrepreneurship by providing loan capital and financial literacy counseling to clients who don't have access to traditional bank credit. The \$1,200,000 revolving loan fund is projected to make 120 loans in the initial round of lending—creating or saving about 400 jobs.

After terrible flooding in 2008 and the subsequent disaster declaration, EDA was able to award \$677,000 in disaster supplemental funding to the city of Princeton. The city of Princeton used these funds to build infrastructure for a 137-acre industrial site, including rehabilitation of existing roadway, construction of new roadway, water-main, sewer lines, and city-owned electric and fiber optic cable. This project not only will improve the long-term economic options for the community, but is expected to create 500 jobs and induce \$50,000,000 in private investment in the region.

The bill on the floor right now would reauthorize EDA to continue making these necessary investments for an additional 5 years. And it would also improve flexibility and efficiency at the agency. For example, the bill would allow EDA to do more in the most distressed communities by increasing the cap on the Federal share of projects in areas that have very high unemployment rates and very low per capita income. And it would allow communities using EDA's revolving loan fund to more easily shift those dollars to the economic development project with the greatest potential to help the region.

When Senator Douglas led the effort to create ADA he faced opposition from none other than Senator Goldwater. Senator Goldwater argued that distressed regions are, and I quote, "perfectly normal to the economic cycle of American enterprise, and not in need of government intervention."

While history has proven he is wrong, at least this is a debatable argument. At least he was grappling with policy issues actually being considered. The reality is, if Congress wants to help create jobs and bring down the unemployment rate, we need to be able to pass simple pieces of legislation that will help create jobs with little to no costs. Instead for the second time in 2 months, we find a jobs bills filibustered by amendment.

If we can't find a way to work together on bills like EDA reauthorization or SBIR/STTR reauthorization, the American public is justified in believing that we will do nothing to help create jobs. And to borrow a quote

from Paul Douglas during his work on ADA, "The lives of too many human beings are at stake to sit by and do nothing . . ."

I urge my colleagues to support the legislation and move quickly to final passage.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, we have spent many days talking about the importance of the bill before us which would reauthorize the Economic Development Administration. The EDA is a proven success. I think it is instructive that no one on the other side is speaking out against it. It is amazing to me they do not speak out against it, but I have a feeling we may not get this cloture vote. I hope I am wrong.

As I look at ways for us to be bipartisan, there are a couple of areas where I think we can come together. One would certainly be deficit reduction. We Democrats know how to do it. We did it under Bill Clinton, and we are the only party in 50 years to pass a budget that actually brought us to a surplus. We can do that with our friends on the other side, and I am glad there are talks going on.

The other area is job creation and job preservation. The other side says they want to do it with us. This is a golden opportunity for them to join with us. We have seen—and Leader REID knows this because he has selected various jobs bills to bring to the Senate floor. It was not by chance this bill came. He wanted committee chairmen to say which bills had bipartisan support in their committees. We voted this bill out nearly unanimously. We had one objection in a time when things are pretty contentious. Why is it? I will tell you why it is.

One of the best ways to tell you is to quote Senator JOHN CORNYN, who said a \$2 million EDA grant for a water tower in Texas will "pave the way for creation of new jobs and business opportunities." That says it all.

We have 27 Republicans who went on the record saying the EDA was a good job creation bill. We know that historically \$1 of EDA investment attracts \$7 in private sector investment. So while this is a \$500 billion bill, if you see that it is \$7 for each \$1, it is into the millions in terms of the job creation that will follow. As a matter of fact, we know the jobs created will be between about 250,000 and 1 million over the life of the bill. One million jobs. All we need is a cloture vote.

This EDA started in 1965, and it has been supported by Democrats and Republicans. I gave you an example of Senator CORNYN and what he said. These are just some of the people who are supporting us: the Conference of Mayors, the Public Works Association—it goes on into all of our States—the University Economic Development Association—why do they support it? They know this particular program is a spark plug. Put in \$1 and attract \$7 of

private sector investment. People get to work again.

I am just hopeful that we do not see this bill die today. This is a moment in time we can show that we mean what we say. Senator CRAPO said the EDA business grant will help "keep Idaho firms on the cutting edge."

Senator LUGAR said EDA funding is "essential in our efforts to improve the quality of life and the standard of living for Hoosier families."

It goes on. Senator COLLINS has some beautiful statements. Twenty-seven of our colleagues, Republicans and Democrats, have always supported this legislation. The last time it was signed into law was by George W. Bush, yes, and it passed this Senate unanimously. If this bill goes down because our friends on the other side keep wanting to offer—they have offered tens of amendments. It is up to about 100 amendments: one about the prairie chicken, another one about a lizard—all fine but do not belong on this bill. This bill is about jobs.

I hope our friends will vote with their hearts and will look back on their press releases. I certainly think if they did that, they would cast an "aye" vote, and we would pass this bill and do something for jobs in this Nation.

Thank you very much.

I yield back my time, and I ask for the yeas and nays.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII of the Standing Rules of the Senate, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

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 proceed to Calendar No. 38, S. 782, a bill to amend the Public Works and Economic Development Act of 1965 to reauthorize that act, and for other purposes.

Harry Reid, Barbara Boxer, Kent Conrad, John F. Kerry, Sheldon Whitehouse, Amy Klobuchar, Benjamin L. Cardin, Jeff Bingaman, Jeff Merkley, Patty Murray, Robert Menendez, Jeanne Shaheen, Bernard Sanders, Frank R. Lautenberg, Jack Reed, Richard J. Durbin, Daniel K. Akaka.

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

The question is, Is it the sense of the Senate that debate on S. 782, a bill to amend the Public Works and Economic Development Act of 1965 to reauthorize that act, 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 legislative clerk called the roll.

The yeas and nays resulted—yeas 49, nays 51, as follows:

[Rollcall Vote No. 94 Leg.]

YEAS—49

Akaka
Baucus

Begich
Bennet

Bingaman
Blumenthal

Boxer	Kerry	Reid
Brown (OH)	Kohl	Rockefeller
Cantwell	Landrieu	Sanders
Cardin	Lautenberg	Schumer
Carper	Leahy	Shaheen
Casey	Levin	Stabenow
Conrad	Lieberman	Tester
Coons	Manchin	Udall (CO)
Durbin	Menendez	Udall (NM)
Feinstein	Merkley	Warner
Franken	Mikulski	Webb
Gillibrand	Murray	Whitehouse
Hagan	Nelson (FL)	Wyden
Harkin	Pryor	
Inouye	Reed	

NAYS—51

Alexander	Graham	McCaskill
Ayotte	Grassley	McConnell
Barrasso	Hatch	Moran
Blunt	Heller	Murkowski
Boozman	Hoehn	Nelson (NE)
Brown (MA)	Hutchison	Paul
Burr	Inhofe	Portman
Chambliss	Isakson	Risch
Coats	Johanns	Roberts
Coburn	Johnson (SD)	Rubio
Cochran	Johnson (WI)	Sessions
Collins	Kirk	Shelby
Corker	Klobuchar	Snowe
Cornyn	Kyl	Thune
Crapo	Lee	Toomey
DeMint	Lugar	Vitter
Enzi	McCaïn	Wicker

The PRESIDING OFFICER (Mr. CASEY). On this vote, the yeas are 49, the nays are 51. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader is recognized.

Mr. REID. If we could have the attention of the Senate.

The PRESIDING OFFICER. The Senator will come to order.

ORDER OF PROCEDURE

Mr. REID. Senator SCHUMER and Senator ALEXANDER are that far from an agreement that we can move forward on the next bill. So with everyone's patience, I ask unanimous consent that the cloture vote scheduled to occur immediately—right now—be postponed until Wednesday; that is tomorrow, June 22, at a time to be determined by the majority leader, in consultation with the Republican leader, and that if cloture is invoked tomorrow, time postcloture be counted as if cloture was invoked at 6 p.m. today.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business until 6 p.m. this evening, with Senators permitted to speak for up to 10 minutes each during this time.

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

The Senator from Vermont is recognized.

NUCLEAR POWER

Mr. SANDERS. Mr. President, I wish to say a word about a critical issue for the State of Vermont and for my

State's energy future, and that deals with the Vermont Yankee nuclear powerplant. The Vermont Yankee nuclear powerplant is one of 23 plants in our country with the same design—General Electric Mark One—as the Fukushima plants that have experienced partial or perhaps full meltdowns in Japan.

All of us feel terribly about what has happened in Japan, and our hearts go out to that struggling country. But at the same time, in our Nation, we also have some very disturbing developments regarding nuclear power, and I wish to touch this afternoon on two of them.

The first is, we have a situation in the State of Vermont in which a powerful \$14 billion energy company called Entergy is trying to force the people of my State to keep an aging and troubled nuclear reactor open for another 20 years. This is a plant that is 40 years old. They want to keep it open for another 20 years. The Vermont Yankee plant's original 40-year license expires in March of 2012, and I firmly believe 40 years is enough. But that is not just my opinion.

Vermont, uniquely, thanks in part to an agreement between the State and Entergy when it purchased Vermont Yankee in 2002, has asserted its authority through our State legislature to decide whether Vermont Yankee should operate beyond March of 2012. The Vermont State Senate, representing the wishes of the people of our State, voted on a bipartisan basis, 26 to 4—not to grant an extension of the license of that plant. The law is clear that States have the right to reject nuclear power for economic reasons, and that is exactly what the Vermont State Senate did in an overwhelming bipartisan vote.

We know Vermont Yankee has had serious problems in the last several years, including a collapse of its cooling towers in 2007 and radioactive tritium leaks in 2005 and 2010. The tritium leaks came from pipes plant officials claimed under oath did not exist.

In support of the Vermont legislature's decision, the Vermont congressional delegation has been clear that Entergy should respect Vermont's laws. In other words, what we are saying—the delegation here—is that Entergy should respect the laws of the State of Vermont and what our State senate has done. However, just last week, we learned that Entergy's well-paid corporate lobbyists and lawyers have been meeting in secret with Federal agencies, including the Nuclear Regulatory Commission staff, pushing the Federal Government to intervene in the lawsuit Entergy filed against Vermont. Entergy wants the Federal Government to take up its extreme argument that Vermont's right to decide its own energy future is preempted by Federal nuclear safety laws.

It so happens that NRC Chairman Greg Jazcko, who is, in my view, a fair-minded public servant, does not agree with Entergy. He told me last week at

a Senate hearing that "I see nothing that would tell me that there's a preemption issue here." He said in a conversation with reporters that Vermont had a "role to play in determining Vermont Yankee's future" and that he "doubted the NRC would do anything to interfere with the state's process." I believe the Chairman's position is correct. The NRC regulates safety—safety—although some Vermonters believe they do not do that very well. Nevertheless, it is not the arbiter of political or legal disputes between a powerful energy company and the State of Vermont. That is not the business of the NRC.

So I was very surprised to learn last week that against the Chairman's public recommendation, the NRC voted in secret, by a 3-to-2 margin, to tell the Department of Justice to intervene on Entergy's behalf. When I questioned the NRC's Commissioners at a hearing last week, they refused to tell us how they voted. Several of them admitted they had not even read the major 1983 Supreme Court opinion on this issue—a case between PG&E v. California, where the Supreme Court said—and I quote an important point regarding States rights and nuclear energy. This is the quote from the Supreme Court:

The promotion of nuclear power is not to be accomplished "at all costs." The elaborate licensing and safety provisions and the continued preservation of state regulation in traditional areas belie that. Moreover, Congress has allowed the states to determine—as a matter of economics—whether a nuclear plant vis-a-vis a fossil fuel plant should be built. The decision of California to exercise that authority does not, in itself, constitute a basis for preemption. . . . the legal reality remains that Congress has left sufficient authority in the states to allow the development of nuclear power to be slowed or even stopped for economic reasons.

That is the decision of the Supreme Court of the United States, 1983.

I reminded the NRC at that hearing, and do so again today, that this lawsuit is none of their business, and their getting involved damages the credibility of the Nuclear Regulatory Commission. The NRC opted to relicense Vermont Yankee based on safety, and that is where their concern and authority begins and ends. The main point is this: The NRC does not represent the people of Vermont and has no right to tell us what kind of energy future we will have. The people of Vermont believe—and I agree—that our future lies significantly with energy efficiency and sustainable energy. Today, I renew my call on the floor of the Senate for the Federal Government to stay out of this case. Entergy is a \$14 billion corporation. They have all kinds of lobbyists and they make all kinds of campaign contributions. They don't need the help of the Federal Government.

Mrs. BOXER. Will the Senator yield?

Mr. SANDERS. Yes.

Mrs. BOXER. I am very pleased the Senator took to the floor to speak to the American people about what they are going through in his State. I am