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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker.

PRAYER

Reverend Byron Brought, Calvary United Methodist Church, Annapolis, Maryland, offered the following prayer:

For a few passing years, O God, You have entrusted these Representatives with the gift of authority and leadership. May they do no harm. Keep them free from the temptation of seeking personal gain or glory. Save them from the mediocrity of trivial debate. Guide them in these challenging days.

May there ever be mutual respect and cooperation among them. Remind them that they are servants of the people, and through their actions may the people be served, the poor lifted up, and Your creation respected. Give them the grace and the wisdom to discern what is right, and give them the courage to do it. May justice and peace flourish throughout this good land.

In Your Holy Name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from North Carolina (Ms. FOXX) come forward and lead the House in the Pledge of Allegiance.

Ms. FOXX 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.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 725. An act to protect Indian arts and crafts through the improvement of applicable criminal proceedings, and for other purposes.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1508. An act to amend the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) in order to prevent the loss of billions in taxpayer dollars.

WELCOMING REVEREND BYRON BROUGHT

The SPEAKER. Without objection, the gentleman from Maryland (Mr. SARBANES) is recognized for 1 minute.

There was no objection.

Mr. SARBANES. Madam Speaker, it is my great pleasure and honor to welcome Reverend Byron Brought to Congress this morning. Reverend Brought is retiring this month after serving the Maryland community for more than 40 years as a spiritual leader and mentor.

Since 1992, Reverend Brought has served as Senior Pastor at Calvary United Methodist Church in Annapolis, Maryland. Prior to his appointment at Calvary, he presided over several United Methodist ministries in the Baltimore-Washington Conference. His many accomplishments include serving on various community councils, including terms as President of the Baltimore-Washington Conference Board of Pensions and the Council on Finance and Administration.

Reverend Brought is the proud husband of Mary Kay, father to two children, and grandfather to soon to be four grandchildren. I ask my colleagues in the House of Representatives to join with me in congratulating Reverend Brought on a career of dedication and service.

□ 1010

The SPEAKER. The Chair will entertain up to 10 additional 1-minute speeches on each side of the aisle.

INTRODUCING THE SWEEP ACT

(Mr. WILSON of Ohio asked and was given permission to address the House for 1 minute.)

Mr. WILSON of Ohio. Madam Speaker, this week, Congressman GLENN NYE and I introduced the SWEEP Act.

This legislation would require that an independent, bipartisan commission be established to review Federal programs and to make recommendations for those that should be eliminated, consolidated, or have their funding reduced. Most importantly, this bill would require Congress to have an up-or-down vote on the commission's recommendations. There are many programs that have outlived their original purpose. The SWEEP Act will help us to weed out programs that are no longer needed, and that will help our bottom line.

This bill is part of a comprehensive 10-bill package that I'm either cosponsoring or writing to help tackle our national debt. Each of the 10 bills in my plan does one of three things that working families do as they deal with their own finances: They make commonsense spending decisions. They trim the fat. They chip away at their everyday debt.

The SWEEP Act will help trim the fat, and I am proud to help bring this bill to Congress. I urge my colleagues to cosponsor this important bill.

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BUDGET

(Mr. COFFMAN of Colorado asked and was given permission to address the House for 1 minute.)

Mr. COFFMAN of Colorado. Madam Speaker, the majority has now finally admitted what we have suspected for months: They have no intention of fulfilling their obligation to draft and pass a Federal budget.

This fiscal irresponsibility on display in Washington is affecting American citizens, and it is further damaging our economy and job growth. It is widely known and, thankfully, widely reported that the reason we won't be seeing a budget this year is to evade calling further attention to an addiction to reckless spending.

The Federal debt has gone up by nearly $2.4 trillion since January of 2009 and by $240 billion just since the budget was due back in April of this year. Undoubtedly and correctly, Democrat leaders fear that the public will be shocked at this figure, and will be shocked at the future debt that a budget would show.

So they seek to hide behind a 1-year ''deeming motion,'' but the consequences of their shame shows a lack of fiscal discipline and a lack of responsible economic policy. America needs a reasonable, pro-growth economic policy to promote job growth and business development.

JOBS

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Madam Speaker, the failed policies of the Bush administration brought our economy to the brink 2 years ago, and while our economy is showing signs of growth, unemployment is still at unacceptable levels.

There are still too many families having to sit down at the table, who are having to decide which bills they can afford to pay each month. There are still families finding themselves with underwater mortgages—many of them losing their homes.

I ask my colleagues: How would you feel if this were your family or a family member you knew?

We need to make sure that hard-working Americans are able to come home with a sense of pride after a day's work, not with a sense of fear about bills they can't afford. Too many of our families are struggling to make ends meet. Let's build a momentum of job creation as with the HomeStar, the HIRE Act, and the Small Business Lending Fund Act, which provide incentives for growth and innovation.

America deserves better from their government. I am committed to making sure that happens, but Republicans and Democrats must come together for the betterment of this country.

MORE MEDDLING BY MEXICO

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, Mexico has joined a lawsuit against Arizona's new illegal immigration enforcement law.

In its legal brief, Mexico says the Arizona law is unconstitutional. That's right. The foreign country of Mexico is lecturing us on our Constitution.

I guess President Calderon, like our Attorney General, hasn't read Arizona's law either, because the Arizona law is constitutional. President Calderon just doesn't want the law enforced. He wants open borders so illegals can illegally come to America.

By the way, hypocritical Mexico enforces its own immigration laws, but it doesn't want us to do the same. President Calderon should not meddle in U.S. affairs.

If the Feds join the lawsuit against Arizona, it will be Mexico and the U.S. Government vs. Arizona. Ironically, Mexico and the U.S. Government together will be arguing against border security and public safety while Arizona will be arguing for the basic right to protect its citizens.

Isn't there something wrong with that concept?

And that's just the way it is.

GOOD NEWS FOR THE ECONOMY OF SOUTHEASTERN CONNECTICUT

(Mr. COURTNEY asked and was given permission to address the House for 1 minute.)

Mr. COURTNEY. Madam Speaker, this past Monday, southeastern Connecticut received blockbuster news when it was announced that Electric Boat will be acquiring 700,000 square feet of office space from Pfizer pharmaceutical company. This is space from which Pfizer was going to be departing as part of its global reorganization. EB's decision to come in and acquire this space is huge, and it is good news for the economy of southeastern Connecticut.

It is not happening in a vacuum. This space is needed because the workforce is growing. There are new jobs in southeastern Connecticut because this Congress recognized that our submarine fleet, which had been underfunded under the prior administration, was running into end dates for the Ohio class submarine program.

We have invested, over the last 3 years, in growing the workforce and in research, development, and engineering. These new jobs will ensure that we will have a submarine fleet well into the later stages of the 21st century. It will provide stability for the economy of southeastern Connecticut, and it will maintain that Groton, Connecticut, will become and will remain the submarine capital of the world.

IN PRAISE OF DON MOSS, THE WORLD'S HARDEST-WORKING VOLUNTEER

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Madam Speaker, I rise today in tribute to Don Moss of Pilot Mountain, North Carolina, who is a dedicated volunteer at Wake Forest University Baptist Medical Center.

Why is Mr. Moss so special? Because, over the past three decades, he has racked up 47,000 volunteer hours at the hospital—a Guinness World Record.

Mr. Moss currently donates 48 hours of his time each week to the hospital—working 12 hours a day and serving up a healthy dose of good cheer and plain old helpfulness. He has a well-deserved reputation for looking out for patients and for his humor and humility.

North Carolina is, indeed, blessed to be the home of people like Mr. Moss. His service to the community and his staggering number of volunteer hours illustrate a true spirit of selfless generosity to those in need.

I congratulate Mr. Moss on his record-breaking time of service, and I hope that others will be inspired by his example to invest their time and abilities in their communities.

CONGRATULATING PRESIDENT-ELECT OF COLOMBIA, JUAN MANUEL SANTOS

(Mr. SIRES asked and was given permission to address the House for 1 minute.)

Mr. SIRES. Madam Speaker, I rise today to celebrate the orderly and peaceful election that took place in Colombia. I congratulate the President-elect of Colombia, Juan Manuel Santos, and I commend the people of Colombia for their relentless dedication to the democratic process that was shown through this election.

In an increasingly volatile region, Colombia has continued on the path towards reform while combating drug trafficking and terrorism, efforts which have had a positive effect on Colombian and American national security. Additionally, Colombia has made remarkable progress on other fronts, emerging as an important growth market and as a leading center for Latin American business.

In the face of hostility towards U.S. interests and values, Colombia has consistently proven itself to be an important friend, a reliable partner, and a champion for democracy. The positive bilateral relationship between the United States and Colombia has been based on many common strategic and ideological interests, reaffirming Colombia's position as an important ally and as a longtime friend of the United States.

Again, I congratulate President-elect Juan Manuel Santos on his victory. I look forward to a continued partnership between our two nations.

□ 1020

THE WHITE HOUSE JOBS PROBLEM

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. A recent New York Times poll indicates 54 percent of the public believe the President does not have a clear plan for creating jobs. Clearly, the failed $1 trillion stimulus plan created to keep unemployment below 8 percent shows the President's inability to lead. The dismal numbers come as the Democrats neglected to produce a budget and the majority leader announced the Democrats will raise taxes to pay for more government spending. I say: Cut government spending so you don't have to raise taxes.

While they should be focused on creating jobs, the Democrats have proven the only thing they can do well is tax and spend. Here's a novel idea that the American people know from personal experience: Stop spending money you don't have.

CONGRATULATING BRYCE HARPER

(Ms. TITUS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. TITUS. Madam Speaker, I rise to congratulate my constituent Bryce Harper on being selected by the Washington Nationals as the first overall pick in the Major League Baseball draft.

Harper, a native of southern Nevada, who is just 17 years old, led the College of Southern Nevada and the Scenic West Athletic Conference in virtually every offensive category. In recognition of his outstanding performance, he was the SWAC 2010 Player of the Year and was named to the First Team AWC All-Conference team. During the 2010 season, he set a CSN school record for home runs. He belted 31, shattering the previous record of 12.

So, Madam Speaker, I look forward to welcoming Bryce to Washington and watching him play just down the street as he stars for the Nationals for years to come.

STOP PLAYING POLITICS WITH TROOP FUNDING

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. The House should stop playing politics with troop funding. The money is being held up by liberal lawmakers so they can add billions of dollars to the so-called ''stimulus'' funds and special interest moneys to the troop funding package.

Partisan special interest moneys and a hodgepodge of wasteful spending has no place in a true funding bill. We need a clean bill that will pass easily so our military operations will not be disrupted. Secretary Gates has warned us not to hold up this essential spending or else defense spending will suffer, meaning our troops will be at risk.

As a veteran with four sons in the military, nothing is more important to me than making sure our troops on the front lines receive the funding they need. With two counterinsurgency operations going on in Afghanistan and Iraq, it's highly irresponsible to hold this up any longer.

In conclusion, God bless our troops, and we will never forget September 11th in the global war on terrorism.

SAFETY OF CENSUS WORKERS

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Virginia. Madam Speaker, we should all be greatly concerned for the safety of our U.S. census workers. According to the Census Bureau, there have been 379 incidents involving threats and abuse towards census employees so far this year. That's more than double the violence that occurred during the last census in 2000, and there are still 3 weeks remaining in this year's census taking.

The reported incidents have consisted of robberies, assault, violent threats, being held against their will, and carjacking. They are doing very important work and getting paid very little for it. They should not be subjected to this kind of abusive treatment. Ironically, it is the work of census takers that will ensure that each American receives their fair share of Federal resources. They are performing a very important public service.

I'm afraid that this abuse may be directly tied to some of the antigovernment rhetoric that is coming from some people in this body and the Republican noise machine; in other words, Rush Limbaugh, Glenn Beck, and countless other so-called ''shock jocks.'' Rather than disparaging Federal employees, this body should be applauding the excellent and courageous work that they are performing.

HONORING SERGEANT FIRST CLASS ROBERT FIKE AND STAFF SERGEANT BRYAN HOOVER

(Mr. TIM MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, I rise today to honor two sons of southwestern Pennsylvania who gave their lives to their country. While on patrol in Afghanistan, Sergeant First Class Robert Fike and Staff Sergeant Bryan Hoover were killed by a suicide bomber. They became the 35th and 36th members of the Pennsylvania National Guard to be killed in Iraq and Afghanistan.

Sergeant Fike was described as ''one of those guys you just liked instantly.'' He graduated in 1989 from Penn-Trafford High School, joined the National Guard in 1993, and served in Panama, Italy, Saudi Arabia, and Iraq. His experience in military as well as a State prison guard made him an excellent leader of the younger troops. It was said of him that the guys respected everything he said. They trusted and liked him.

Staff Sergeant Hoover graduated from Elizabeth Forward High School in 2000, where he was a standout athlete in track, football, and wrestling. He enlisted in the Marines and served in Iraq and then served in the Army Reserves before joining the National Guard. Back home, Bryan Hoover was an assistant track and cross country coach at Elizabeth Forward High School. He also volunteered to coach low-income children at the YMCA. While he is no longer with us, Bryan left a mark on his students. One described him as an ''inspirational coach.''

These two guardsmen were friends, having served together with the 28th Military Police Company in Iraq in 2007 and 2008. It was also their shared commitment to community and country that led them to join the military, where together they protected the reconstruction teams, building schools and infrastructure for the people of Afghanistan.

Hundreds gathered to pay their respects this past week for Sergeant Fike and Staff Sergeant Hoover as they were laid to rest. As we mourn with these families, we know there are two more heroes keeping watch over us from above. On behalf of a grateful Nation, we thank them for their service and sacrifice. May God bless their families and the country they loved.

WAR IN AFGHANISTAN

(Mr. MCGOVERN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCGOVERN. A great deal of attention has been focused on the recent Rolling Stone article which resulted in the resignation of General Stanley McChrystal. But even more troublesome to me than the general's inappropriate remarks were the comments by senior military officials about the state of the war and the future of our involvement in Afghanistan, which seem to contradict what the Obama administration has told us. ''If Americans pulled back and started paying attention to this war, it would become even less popular,'' a senior military adviser said. Another said, ''Instead of beginning to withdraw troops next year, as Obama promised, the military hopes to ramp up its counterinsurgency campaign even further.''

Madam Speaker, the American people and our troops deserve to know the truth about what we are doing in Afghanistan. We need clarity. We should have clarity before we bring up any war supplemental appropriations bill.

OIL SPILL PREVENTION ACT

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute.)

Mr. BUCHANAN. Madam Speaker, this week, I introduced the Oil Spill Prevention Act of 2010. This Deepwater spill is the worst environmental disaster in U.S. history. My bill would prevent future disasters from happening.

Number one, we want to reform the Interior Department by separating revenues—a structural separation of revenues in leasing from inspections. In other words, we've got people that are doing the leases on the revenue side cutting deals on environmental exemptions.

Second, strengthen the oversight of inspections. Sixteen inspections were missed with BP. That's got to stop with BP and the industry. We need to reschedule and make sure every safety inspection is done.

Three, eliminate the liability caps on major oil spills. Today, it's at $75 million. That's a joke. This is going to be tens of billions of dollars to fix.

We need to act now. I ask my colleagues on both sides of the aisle to support my bill and we'll eliminate spills.

□ 1030

HOLDING BIG OIL ACCOUNTABLE

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Madam Speaker, the gulf coast catastrophe underscores the need for comprehensive energy and climate reform to rein in Big Oil and reduce our reliance on dirty and foreign fuels. For too long under the Bush administration, Big Oil was able to operate with complete disregard for safety; and instead of standing up for the people, businesses and the environment, House Republicans continued to side with Big Oil.

The Democratic-led Congress is moving America in a new direction for energy independence, working to lower costs for consumers, making America more secure, and launching a cleaner, smarter, more cost-effective energy future that creates millions of clean energy jobs and reduces global warming.

HONORING MARINE LANCE CORPORAL TIMOTHY G. SERWINOWSKI

(Mr. LEE of New York asked and was given permission to address the House for 1 minute.)

Mr. LEE of New York. I rise today to honor a great man, Marine Lance Corporal Timothy G. Serwinowski. Just 21 years old, Lance Corporal Serwinowski was killed in action while serving in southern Afghanistan this past Sunday. A native of Tonawanda, New York, and a 2007 graduate of North Tonawanda High School, Tim enjoyed singing and playing the guitar. He played football throughout high school and was honored by his coaches during his senior year for his ''excellence and leadership,'' and he took those traits to the marines.

When asked why he wanted to enlist with the marines, he said, ''If you're going to do it, you go with the best.'' Tim strove to be the best, and his life was taken far too soon. Both Tim and his family—some who I know personally—have paid the ultimate sacrifice for our country, and we owe it to them our renewed commitment to bring our men and women home as soon as possible. Tim served our Nation with valor and with honor, and he will be deeply missed by the many whose lives he has touched.

PASS A JOBS BILL BY PUTTING PARTISAN POLITICS ASIDE

(Ms. BERKLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BERKLEY. Mr. Speaker, it's time to put partisan politics aside and pass a jobs bill that would do the following: extend unemployment benefits to the thousands and thousands of our fellow citizens that find themselves unemployed due to no fault of their own, that would protect the health of our seniors dependent on Medicare by restoring a 21 percent cut in Medicare reimbursement to our doctors, and extend tax credits and benefits essential to the American people.

Surely there are three Republican Senators that are willing to break with their partisan beliefs and stand up with the American people so that those that are unemployed can get their benefits and take care of their families; the doctors can continue to take care of Medicare patients; our seniors will continue to see their doctors; and we can provide the necessary tax credits and benefits that the American people are demanding and asking for.

I ask everybody to think of the American people instead of their own narrow interests. Let's get this thing done.

PROTECT FREEDOM OF POLITICAL SPEECH FROM THE DISCLOSE ACT

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, in a few minutes, we're going to start talking about a rule and then go into the substance of a bill called the DISCLOSE Act. The DISCLOSE Act supposedly talks merely about disclosure of political speech, but what it really does is affect the First Amendment to the Constitution which says, Congress shall make no law abridging the freedom of speech. It does not say, Congress will pass laws which allow some people to speak but not others, and yet that's what the bill does that's being brought to us.

If you happen to be a big organization, a large special interest with a lot of money and have been around a long time, you are exempt from the disclosure requirements. But if you happen to be somebody like, oh, the tea party or a smaller group or you don't have all the money or you haven't been around for 10 years, you have the imposition of the burden of disclosure which, in some cases, will make it impossible for you to exercise free speech.

You know, the First Amendment talks about speech. My friends on the other side of the aisle love to talk about how it protects, oh, nude dancing or something like that. How about talking about political speech.

PROVIDING FOR CONSIDERATION OF H.R. 5175, DEMOCRACY IS STRENGTHENED BY CASTING LIGHT ON SPENDING IN ELECTIONS ACT

Mr. McGOVERN. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1468 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1468

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5175) to amend the Federal Election Campaign Act of 1971 to prohibit foreign influence in Federal elections, to prohibit government contractors from making expenditures with respect to such elections, and to establish additional disclosure requirements with respect to spending in such elections, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on House Administration. After general debate the bill shall be considered for amendment under the five-minute rule. The amendment in the nature of a substitute recommended by the Committee on House Administration now printed in the bill, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule and shall be considered as read. All points of order against provisions in the bill, as amended, are waived. Notwithstanding clause 11 of rule XVIII, no further amendment to the bill, as amended, shall be in order except those printed in part B of the report of the Committee on Rules. Each further amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a

demand for division of the question. All points of order against such further amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. In the case of sundry further amendments reported from the Committee, the question of their adoption shall be put to the House en gros and without division of the question. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on House Administration or his designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

SEC. 3. It shall be in order at any time through the legislative day of June 25, 2010, for the Speaker to entertain motions that the House suspend the rules. The Speaker or her designee shall consult with the Minority Leader or his designee on the designation of any matter for consideration pursuant to this section.

SEC. 4. The requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported through the legislative day of June 25, 2010, providing for consideration or disposition of a measure that includes a subject matter addressed by H.R. 4213.

The SPEAKER pro tempore (Ms. BERKLEY). The gentleman from Massachusetts is recognized for 1 hour.

Mr. MCGOVERN. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from North Carolina, Dr. FOXX. All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. MCGOVERN. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous material into the RECORD on House Resolution 1468.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

□ 1040

Mr. MCGOVERN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the resolution provides for consideration of H.R. 5175, the DISCLOSE Act, under a structured rule. The resolution waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI. The resolution provides 1 hour of debate on the bill. The resolution provides that the substitute amendment, recommended by the House Administration Committee, modified by the amendment printed in part A of the Rules Committee report, shall be considered as adopted.

The resolution makes in order five amendments printed in part B of the Rules Committee report. The resolution waives all points of order against such amendments except those arising under clause 9 or 10 of rule XXI. The resolution provides one motion to recommit without or without instructions, provides that the Chair may entertain a motion to rise only if offered by the chair of the House Administration Committee or his designee, and provides that the Chair may not entertain a motion to strike the enacting words of the bill.

The resolution permits the Speaker to entertain motions to suspend the rules through the legislative day of Friday, June 25, 2010.

The resolution waives a requirement of clause 6(a) of rule XIII for a two-thirds vote for same day consideration of a report from the Rules Committee through the legislative day of Friday, June 25, on a measure that includes a subject matter in H.R. 4213.

Madam Speaker, I rise in strong support of this rule and in strong support of the underlying bill. During my time in Congress, I haven't had a single constituent say to me, ''You know, Jim, I think there should be more special interest money in politics.''

Obviously, the conservative activist judges that now make up the majority of the Supreme Court don't live in my district. Because in January, the court tossed aside decades of established law and legal precedent by ruling that corporations and unions can spend unlimited amounts of money in Federal elections.

As Justice John Paul Stevens pointed out in his dissent, the decision ''would appear to afford the same protection to multinational corporations controlled by foreigners as to individual Americans.''

It is a sad state of affairs when Swift Boating has entered the language as a verb. Unfortunately, the Supreme Court's decision makes Swift Boating easier for the special interests. Large multinational corporations would now be able to create shadowy groups and pour millions and millions of dollars into supporting or defeating candidates. If BP doesn't like somebody, they could create ''Americans For Sensible Energy'' and run attack ad after attack ad after attack ad.

While we cannot undo the court's decision, we can and we must try to minimize its impact. That is why the sensible, bipartisan legislation before us today is so important. The DISCLOSE Act will go a long way toward restoring openness and transparency in our political process. I want to commend CHRIS VAN HOLLEN and MIKE CASTLE for their work on this bill.

The legislation does several important things. It requires the heads of these third-party organizations to stand by their ad, just like political candidates are required to do. It requires the organization to list its top five contributors onscreen at the end of the ad.

It would ban U.S. corporations that are controlled by foreign interests and foreign companies like BP from making political expenditures in our elections. I know there are some on the other side who have been apologists for BP who may be troubled by that, but I think most Americans believe that foreign influences should not dictate our elections.

And it would prohibit entities that receive large amounts of taxpayer money like Wall Street banks and Government contractors from pouring money into politics.

The bill is supported by the League of Women Voters, Public Citizen, Common Cause, and other national reform groups.

To be sure, the bill isn't perfect. It contains an exemption for certain, long-standing organizations that take a small amount of corporate or union money. I know a lot of us are not particularly pleased with that change, but we cannot let the perfect be the enemy of the good.

Moving forward, I would urge my colleagues to examine a bill offered by my colleague from Massachusetts, MIKE CAPUANO, the Shareholder Protection Act. This bill would give shareholders a voice in how companies spend their money.

Opponents of this bill that we are considering today have already begun making noises about challenging it in court. I would remind them that polls show that the American people are overwhelmingly supportive of this reform. We must do all we can to bring more openness and transparency to our political process. The DISCLOSE Act before us today is a vital step. I urge my colleagues to support the rule and the underlying bill.

I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I thank my colleague from Massachusetts for yielding me this time.

I rise today in defense of the First Amendment to the Constitution and to urge my colleagues to oppose this rule for H.R. 5175, the so-called DISCLOSE Act, and the underlying bill.

I yield 2 minutes to the distinguished gentleman from Virginia (Mr. CANTOR), the Republican whip.

Mr. CANTOR. I thank the gentlewoman from North Carolina for yielding.

Madam Speaker, today I rise in opposition to the previous question motion and in support of the latest YouCut spending reduction sent to the floor directly from the American people. This week's proposal, sponsored by the gentleman from Michigan (Mr. UPTON), will restore $15 billion to the American taxpayer by stopping new IRS funding for the purpose of hiring employees to enforce a controversial individual mandate under the Democratic majority's health care overhaul.

To the Democratic majority, who has worked tirelessly to discredit the YouCut movement, Madam Speaker, I continue to urge them to join us. But I would also like to give a wake-up call. This week we received the one millionth vote, an amazing milestone that

reflects the discomfort from coast to coast about Washington's runaway spending spree.

Sadly, my friends on the other side of the aisle continue to ignore the will of the people and their desire to see us act with the same responsibility with their money that they do around their own kitchen tables.

America is at a crossroads. Our message to the Democratic leadership is crystal clear: Stop ignoring the American people. Stop spending money we don't have. Stop ruining the next generation's future. It is time for us to come together to cut wasteful spending now. I urge a ''no'' vote on the previous question.

Mr. MCGOVERN. Madam Speaker, I would just want to point out to the previous speaker that the American people want us to fix this economy, which we are trying to do. And I would also point out that we have created more jobs this year than in the entire 8 years of the Bush administration. I think what we are doing is the American people's work.

I yield 1 minute to the gentlewoman from California (Ms. PELOSI), the distinguished Speaker of the House.

Ms. PELOSI. I thank the gentleman for yielding and for making the point he just made.

Madam Speaker, I also would like to make a further point, which is that 87.5 percent of the American people support what the DISCLOSE Act will do, which is to shed light on elections.

Madam Speaker, nearly a century ago, Supreme Court Justice Louis Brandeis wrote about the dangers of corporate interests dominating our economy, stifling competition, and harming our Nation. And he reminded us in the face of these forces that sunlight is the best of disinfectants.

Today, many of us will rise, and I do now in that same tradition, to shed sunlight on our democratic process and preserve the integrity of our elections, to call on my colleagues to pass the DISCLOSE Act, and in doing so to protect the voices and the votes of the American people.

I want to acknowledge key leaders on both sides of the aisle who have taken leadership on this legislation. Chairman CHRIS VAN HOLLEN certainly has been tireless in his efforts to pass this DISCLOSE Act, as has Chairman ROBERT BRADY, chair of the House Administration Committee. I also thank Congressman MIKE CASTLE and Congressman WALTER JONES, who early on supported this legislation.

Earlier this year, the Supreme Court overturned decades of precedents in a court case called the Citizens United case. The decision undermines democracy and empowers the powerful. It opens the floodgates to corporate takeover of our elections and invites unrestricted special interest dollars in our campaigns. And it even left open the door to donations from companies owned by foreign governments. Imagine.

In response, Congress and the President immediately went to work on the DISCLOSE Act.

□ 1050

This legislation restores transparency and accountability to Federal campaigns and ensures that Americans know when Wall Street, Big Oil, and health insurers are the ones behind political advertisements. The bill requires corporate CEOs to stand by their ads in the same way candidates do, prevents corporations controlled by foreign or even hostile governments from spending money in Federal elections, and keeps government contractors and TARP recipients from making political expenditures. Imagine a TARP recipient getting taxpayer money to bail them out, using that money to impact elections. And it compels corporations and outside groups to disclose their campaign spending to shareholders, members, and the public.

In the spirit of Justice Brandeis, these landmark provisions will add sunlight to our campaigns, which is why the DISCLOSE Act has gained the support of good government advocates such as the League of Women Voters, Common Cause, Public Citizen, Democracy 21, and Citizens for Responsibility and Ethics in Washington, to name a few. These organizations, like so many Members of Congress, agree with the words of the President's State of the Union Address this year when he said, ''Elections should be decided by the American people.''

The DISCLOSE Act reaffirms a fundamental American value: The right to vote is afforded to the people, not the special interests. With this bill, no longer will corporations be able to drown out the voices of ordinary citizens. By voting ''yes,'' we are putting power back into the hands of the voters.

I urge my colleagues to vote ''aye'' today on this legislation.

Ms. FOXX. Madam Speaker, I will now yield 1 minute to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Madam Speaker, our national debt is over $13 trillion and our annual deficit is expected to be nearly $1.6 trillion this year alone. The American people have had enough of this out-of-control spending. And today House Republicans offer another measure to cut spending that was chosen by the American people in the YouCut program.

This provision will cut funding for the IRS, which is authorized to hire thousands of new agents to enforce the unconstitutional individual health care mandate. This cut will save taxpayers up to $10 billion. The purpose of the health care law was supposed to be to reduce costs and to make health care more affordable. Does anyone truly believe that thousands of new IRS agents will really reduce health care costs? The new IRS agents' job will be to verify that you have acceptable government-approved health care, or they have the authority to impose a fine of up to 2 percent of your income.

What we need to do is to help to create new jobs, not hire an army of new IRS agents to impose job-killing taxes, new mandates, and new penalties on the American people.

I urge my colleagues to vote ''no'' on the previous question so that we can make this commonsense cut in spending under our YouCut program.

Mr. MCGOVERN. Madam Speaker, I yield myself such time as I may consume.

My Republican colleagues claim that they have the best interests of the American people at heart, that they want to help the taxpayers. Yet I find it somewhat ironic that they propose that we cut money for jobs, money for health care, money for senior citizens, and then at the same time they defend British Petroleum and tell the American people that the American people should pay for the cleanup of that terrible oil spill and not British Petroleum.

Look, what we are talking about here is a bill to require disclosure so that companies like British Petroleum, other foreign-owned companies, can't come into the United States and influence elections. Now, I don't know why that's so controversial. I guess if a particular interest was overly generous to me, like Big Oil is to my friends on the Republican side, that they would have objections. But look, I think the American people overwhelmingly want transparency and disclosure.

If some oil company is going to come into my district and Swift Boat me and try to hide who they are by saying that they are a committee for clean oceans, that's deception. The American people ought to know that it's being paid for by Big Oil. We have, right now, all across the country, ads that are distorting the health care bill that was passed here in the Congress. But they are all paid for by the insurance industry, yet you can't find the words ''insurance industry'' on any of those ads.

People deserve to know who is spending millions and millions of dollars on these ads. Whether you are a Democrat or a Republican, you ought to be for transparency. And that is what this bill is about.

I reserve the balance of my time.

Ms. FOXX. Madam Speaker, every citizen in this country, in fact, every school child above the fifth grade ought to know what the First Amendment of the Constitution says. But we know that our education is lacking these days, so I am going to read the amendment. And I am hoping that as our speakers speak, we keep it on the floor so people can read it, because I think folks need to be reminded of what it says. ''Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and

to petition the Government for a redress of grievances.'' It's very simple, but it's very important.

I now yield 5 minutes to my distinguished colleague from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I am sorry the Speaker is no longer here because she, frankly, hopefully inadvertently, misstated the law. She said that with the decision by the Supreme Court, it would allow companies, even those that are controlled by foreign countries or foreign governments, to affect our elections. That is absolutely dead wrong. It did nothing with the prohibition that remains that does not allow and has not allowed for decades foreign governments or foreign nationals to affect our campaigns. This decision by the Supreme Court does not.

The problem with this is I haven't found a single person on the other side of the aisle that read the opinion. If they did, they would know what they are saying is absolutely wrong. They call it the DISCLOSE Act. It is, in fact, the disguise act. It was designed in secret. No effort to bring those of us on the committee on the Republican side into it. I asked for copies of it. They refused to give it to us. We, in fact, got their last manager's amendment 2 hours, yesterday, before we had to go to the Rules Committee to talk about our amendments. They disallow, in this rule, a single amendment brought forward by any of us on the committee that held the hearings.

I had five amendments I asked to present. Several of them would require the unions to be treated the same as corporations. That was denied. They don't want you to have a chance to level the playing field. Look, in ''Alice in Wonderland,'' it is said, ''If I had a world of my own, everything would be nonsense. Nothing would be what it is, because everything would be what it isn't. And contrarywise, what is, it wouldn't be. And what it wouldn't be, it would. You see?'' That basically sums up the Speaker's statement.

If I had the chance under the House rules to speak to the public, this is what I would say. This is your First Amendment. It's not my First Amendment. It's not the Democratic leadership's First Amendment. And yet they are auctioning off parts of this First Amendment by this bill. Why do I say that? Some people are more equal than others.

If you happen to be a special interest that's existed for 10 years, if you happen to have a certain amount of money in your coffers that come from corporations, if you happen to have a certain number of members—it was a million, but some special interest said, We don't have a million; let's bring it down to 500,000. Okay. Now it's 500,000. So those people, those interests are exempted from all of the disclosure requirements in here.

And here is the other thing they do under this rule. This bill allows the law to go into effect within 30 days without any regulations being promulgated. In fact, it's impossible for regulations to be promulgated. So those who have a true exemption don't have to worry about the law. Those who are trying to figure out how to comply with the law have to worry about if they make a mistake because, if they do, what happens?

□ 1100

They are subject to criminal penalties. We're talking about the First Amendment to the Constitution, the First Amendment. That's talking about robust political speech, and you heard what my friends on the other side said: oh, my God, we've had these ads against us; oh, we don't like that; oh, my gosh, we've got to do something about it.

There is nothing this bill does about the suppression ads that were run against me in the last campaign 3 hours before we closed, ''robocalls'' to my district, including to my house, in which they say, this is a news alert, news alert, President Obama's won the election. It doesn't matter what happens in California. It's already decided. This has been a news alert.

Now, no one specified an individual. No one specified a party. Very, very clever. The idea was to suppress those who were supporting the Republicans from coming out. It does nothing with that. I mean, people ought to understand this is a precious gift given to us by God, then recognized by our Founding Fathers, and we're fooling around with it here.

Let me just tell you this. This bill allows us 1 hour to talk about this, 1 hour. Guess what we have spent 10 hours doing in this Congress. Naming post offices. We've named 61 post offices in this Congress. We are ridding the world of unnamed post offices. We can spend 10 hours on post offices, but we can't spend more than an hour talking about the Constitution, talking about the First Amendment.

And they're auctioning pieces of the First Amendment in this bill. If you happen to be one of those lucky enough to win the auction, you don't have these disclosure rules, and you can continue to talk and you can continue to make your political statement; but if you didn't win the lottery——

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. FOXX. I yield the gentleman an additional 30 seconds.

Mr. DANIEL E. LUNGREN of California. If you didn't win the lottery, you're left out.

This is an affront to the Constitution. This is an affront to the proceedings of this House, and just because someone says it is doesn't make it so.

This is a DISCLOSE Act that was designed in secret, giving unions and interests special exemptions. If you happen to be on the lucky side of the draw, you may like it, but you ought to read it because this is a destruction of the First Amendment in the name of partisanship.

Mr. MCGOVERN. Madam Speaker, I yield myself such time as I may consume.

One of the reasons why the American people overwhelmingly support the DISCLOSE Act is because quite frankly they are concerned, and rightly so, that money is becoming more and more of an influence in politics. Not just money from big corporations in the United States; they are also justifiably concerned about foreign influences.

Sovereign wealth funds, the investment funds controlled by foreign governments of foreign interests, could be controlled by China. If they're here in the United States, they have the right to be able to under an innocuous name spend millions and millions of dollars in negative ads against a candidate or positive ads for a candidate. Why should anybody want a foreign government or foreign interest to have a greater impact on American elections than regular people?

One of the reasons why this is important is to let the sunshine in, for there to be transparency, for those who run these ads to be able to stand by their ads. All of us have to stand by our ads when we stand for reelection to Congress. I have to say that it's paid for and authorized by JIM MCGOVERN. That's what we have to do.

What is so wrong with requiring big corporations to do the same thing? What is so wrong with saying we don't want foreign interests to influence our elections? These are American elections. We don't want China involved in these elections or any other country; and we know that they can, under the status quo, influence our elections and play a role in our elections through these sovereign wealth funds.

So I would simply say I think the American people are right. There's nothing in the First Amendment that says we can't ask somebody to stand by their words. We're not inhibiting free speech. We're just saying if British Petroleum is going to run a Swift Boat ad against anybody here, they ought to say who they are, not make up some name that somehow they're dedicated to clean oceans or to a good environment.

With that, I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I yield 3 minutes to the distinguished gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. I thank the gentlewoman for yielding.

Let me reiterate to my good friend from Massachusetts what the gentleman from California said. Citizens United did not do anything to repeal the ban against foreign money influencing American elections. So this bill has nothing to do with what the gentleman from Massachusetts just said.

I rise in opposition to the bill and to the rule. While H.R. 5175 is being touted by its supporters as increasing disclosure and transparency, the bill will

ultimately serve as a roadblock to Americans who wish to exercise their First Amendment rights. The Supreme Court explicitly stated in Citizens United v. Federal Election Commission that there is ''no basis for the proposition that, in the context of political speech, the government may impose restrictions on certain disfavored speakers.'' We've sure heard a list of those disfavored speakers from the other side of the aisle. However, this is exactly what this unconstitutional bill will do.

The Citizens United decision struck down provisions of campaign finance law because of the unconstitutional restrictions on free speech, a right explicitly guaranteed by the First Amendment. The bill is simply a legislative workaround to Citizens United. The Supreme Court was very clear that prohibitions on full legal speech are unconstitutional and will only be a matter of time should this bill become law that it's struck down as well.

The most glaring of this bill's unconstitutional provisions is the banning of political speech by government contractors and companies with as much as 80 percent ownership by American citizens. While a business may receive only a limited portion of its revenue from a government contract, under this bill, that business would be prohibited from engaging in political dialogue on issues that are vital to its operations.

Additionally, this bill punishes companies that attract overseas investors by banning political speech on companies where foreign nationals have at least a 20 percent stake. It is unfortunate that the supporters of this bill want to silence the voice of predominantly American companies. The bill further complicates matters for publicly traded corporations by forcing them to determine the percentage of company stock ownership by the nationality of the investor, which will most likely prove to be impossible.

It is clear that the DISCLOSE Act will institute unconstitutional restrictions. However, the crafters of this legislation have been careful to exempt labor unions from the restrictions. The desire to treat unions and corporations differently abandons the government's long-standing policy that treats them equally. However, this is not unexpected given a story published in The Hill newspaper last month which revealed that the American Federation of State, County and Municipal Employees plan to spend in excess of $50 million in this fall's elections, part of which will go to protecting incumbents. It is no wonder that the Democratic supporters of this bill——

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. FOXX. Madam Speaker, I yield the gentleman an additional 30 seconds.

Mr. SENSENBRENNER. It is no wonder that the Democratic supporters of this bill have made special exceptions for unions, and that any attempts in the House Administration Committee to rectify this discrimination between unions and corporations were defeated on party-line votes.

It is evident that, while this legislation increases disclosure requirements, it imposes unconstitutional restrictions on free speech just in time to influence the outcome of the midterm elections.

I urge my colleagues to vote ''no'' on the DISCLOSE Act and vote ''no'' on the rule and uphold their oath of office.

Mr. McGOVERN. Madam Speaker, let me again point out that one of the reasons why the American people overwhelmingly support this bill is because they don't want financial institutions, TARP recipients, to be able to use taxpayer money to run negative ads.

One of the reasons why the American people overwhelmingly support this act is because they know the status quo basically is the BP protection policy, which is you allow foreign companies to be able to set up these sovereign wealth funds and be able to funnel money into elections to run ads for and against people.

We know that the insurance industry wants to spend a lot of money in this election, but they don't want to tell anybody they're an insurance industry when they attack the health care plan.

We know that the Big Oil companies are going to want to run a lot of ads to try to keep their friends in Congress, those who apologize for their bad behavior; but they also know if they announce to the American people that oil companies are paying for this that they will get a different reaction.

□ 1110

So this is important. And I think the American people are way ahead of my colleagues on the other side of the aisle.

At this point, Madam Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON LEE), a member of the Judiciary Committee.

Ms. JACKSON LEE of Texas. I thank the distinguished manager of the Rules Committee for his leadership.

I thought I would just hold up this book that has many items in it, but the most precious document is the Constitution. And I do want to say that it is clear that the First Amendment, the number one amendment in the Bill of Rights, is not violated, but enhanced by this legislation. That's why the commonsense judgment of Americans are wholeheartedly supporting this.

I had my doubts because there are exemptions here that may help organizations that I would disagree with and do not support, but frankly, this legislation reflects the First Amendment because what it says is we want transparency that in essence tells us who you are. That is no greater affirmation of the First Amendment than one could imagine.

So it is important to acknowledge concerns expressed, but it is equally important to say that we stand on the side of a fair and impartial election, an un-ugly election. And when you get unfettered money in elections, it becomes ugly. So that if you were in the hurricane plains, if you will, of the gulf region and you had a referendum to ask your utility company to stop putting utility poles above ground, spend some money to put them underground so we're not in the dark for 8 and 9 weeks during a campaign season and they take their money in the referendum and work hard to defeat it, that is to undermine the needs of the people of that region. Or you have insurance companies who are not seeing what the American people are now seeing, that, wow, this health care bill really can help me, and they begin to massively campaign against the implementation of the health care bill against America's interests.

This is what this is about because when you see who's putting these political ads up—maybe helping another candidate, a pro-insurance, big business candidate who cares nothing about the people of this Nation—you will say, you know what? I want to side with letting this health bill work itself out. I want to side with young people being covered. I want to side with seniors getting money back from health reform. That's what legislation is about.

So I would offer to say to my colleague on the other side of the aisle you are wrong. This Constitution and the First Amendment provides that no law should impede your right to access, to association, and to freedom of speech, but impeding it does not mean don't tell us who you are, it does not mean contributions can hide in the dark. And every single candidacy, be it city council, or mayor, or be it a Federal election, will have the opportunity to have funds dumped on them with a means of replying.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. McGOVERN. I yield 1 additional minute to the gentlewoman.

Ms. JACKSON LEE of Texas. I thank the gentleman.

Here's what I'd like to do in an election—I'd like us to be able to engage and tell you what our issues are, whatever we're running for. And yes, we have to run with the resources that we raise; and when I say that, no matter what office you are running for, no matter what party you are in. Without this legislation big money will control the people's voice.

But what we most want to do is to break the locks and chains that big money causes in elections. We want to take away the right of those who want to demonize someone who, for example, may be interested in comprehensive immigration reform. That's their viewpoint, they're running on that. Maybe they're not. Or someone who's running against it. We don't want to have big money demonize a perspective that maybe the public should hear.

So I don't know what the opposition is on the other side because the First

Amendment is protected. And I believe, though it's a struggle because we know that there are elements that do raise the concern to some, but I would argue that we should want to break those locks and break those chains of big money telling the American people what to do.

I ask my colleagues to support H.R. 5175, the underlying bill, and the rule.

Madam Speaker, after weighing the pros and cons of H.R. 5175, the DISCLOSE Act, I have decided to support the bill. This was a decision that took a lot of deliberation, but in the end it is clear that in the absence of supporting H.R. 5175, we run the risk of witnessing the greatest deluge of unreported cash from the richest corporations and special interests that has occurred throughout the history of American politics.

Without some mechanism to ensure that the American people know who is spending potentially millions to influence their vote, we threaten the fundamental core of our democracy—the result will amount to a corporate special interest takeover of our elections. This is the reality. This is what is at stake.

Right now, any corporation can spend unlimited amounts of money on our elections. The bill is not perfect, but it provides unprecedented transparency and disclosure of political expenditures by powerful special interests. Much has been said, and many of you have concerns, about exemptions in the bill. Let me be clear: all groups will be forced to disclose more than they do now.

Every single 501(c)(4) will be forced to "stand by their ad" so you know exactly which group sponsors the advertisement. Additionally, any exempted groups will be prevented from spending a single corporate dollar on campaign-related expenditures. We are far better off with these reforms than with nothing at all.

Madam Speaker, I want to remind my colleagues that this legislation is bipartisan. Our former colleagues, Marty Meehan of Massachusetts, and Christopher Shays of Connecticut helped authored the bipartisan campaign reform act. Yesterday, they released a joint statement in support of the DISCLOSE Act: "Voters have a fundamental right to know who is spending money to influence their elections and where that money is coming from. With hundreds of millions of dollars being spent by corporations and labor unions to influence elections, secrecy about these expenditures is simply unacceptable. We urge our former colleagues in the House to vote for the DISCLOSE Act and for the right of citizens to know who is spending money to influence their votes."

The DISCLOSE Act ensures that shadowy special interests and sham organizations are not able to hide their funders, and is critical if we ever hope to keep our constituents informed on who is trying to influence their vote. This bill breaks the "locks and chains" of "big money" in our democratic process of elections. I would submit this is the time to move forward. As such, I urge my colleagues to support the DISCLOSE Act, H.R. 5175

HOUSE OF REPRESENTATIVES,
Washington, DC June 23, 2010.

CONGRESSWOMAN JACKSON LEE URGES SUPPORT FOR H.R. 5175, THE DISCLOSE ACT

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Very truly yours,

SHEILA JACKSON LEE.

Ms. FOXX. Madam Speaker, I yield 3 minutes to the distinguished gentleman from Indiana (Mr. PENCE).

(Mr. PENCE asked and was given permission to revise and extend his remarks.)

Mr. PENCE. Madam Speaker, I rise in opposition to the rule.

While other matters are being debated in the course of this, this rule also provides for consideration of a conference report on the Iran Sanctions, Accountability, and Divestment Act, and I rise in strong support of this legislation with a word of caution.

It was my great privilege to serve on the conference committee for this Iran sanctions bill that will be considered today. I believe this legislation represents measurable and meaningful progress in the United States' effort to economically and diplomatically isolate Iran in the midst of its headlong rush to obtain nuclear weapons, and I urge my colleagues to support it.

My word of caution is directed both to my colleagues in Congress, though, and to this administration. It is important not only that we adopt the Iran sanctions bill today, it is important that this administration implement this legislation.

We know the nature of the threat. Iran has made no secret of its intent to use nuclear weapons to threaten the United States or our allies, especially our most cherished ally, Israel. President Ahmadinejad said in 2005 in Iran that humankind ''shall soon experience a world without the United States and without Zionism.'' Led by this anti-American, anti-Israeli president, Iran has a long history of associating with terrorist organizations. If Iran obtains a nuclear bomb, it will only be a matter of time before terrorist organizations around the globe have access to this technology, and America and our allies—and our most cherished ally—will be threatened as a result.

It is also essential that we consider this legislation in the wake of the failed leadership at the United Nations. The adoption of so-called ''sanctions'' by the U.N. is nothing more than a hollow gesture which will do nothing except embolden Iran in its nuclear ambitions. We must lead by example.

I urge my colleagues to adopt this bill. I urge the President to sign this bill. But a word of caution: These sanctions include a number of waivers demanded by the Obama administration, but it is essential that President Obama carry out the clear congressional intent and cripple Iran's energy and financial sectors in implementing this legislation.

Iran could be merely months away from acquiring nuclear weapons; they continue to test vehicles that could deliver it. This is a time for decisive action by the American Congress and the American administration. Failure to act by this Congress or failure to implement these sanctions by this administration could lead to a second Holocaust. If we act and this administration implements these sanctions, we may yet see a future of security and peace in the Middle East, but if we fail to act, history will judge the Congress and this government in the harsh aftermath of a flash of light, a rush of wind, and a second historic tragedy.

Let us act. Let us adopt Iran sanctions. And Mr. President, do not waive these sanctions.

Mr. MCGOVERN. Madam Speaker, I yield 3 minutes to the gentleman from Texas (Mr. DOGGETT).

□ 1120

Mr. DOGGETT. Madam Speaker, let's keep America the best democracy, not the best democracy that money can buy.

The pollution of our political process with tens of millions of dollars in spending by the world's largest multinational corporations strikes at the very heart of our American democracy. Whatever these giant interests cannot already get with their army of lobbyists here in Washington and with the millions of dollars that their executives already contribute to campaigns, they now want to buy directly with money from their corporate treasuries—and they are no fools.

The limitless dollars that these folks lavish on elections are simply wise investments for many of them. They are well designed to spend a few million now in order to claim a few billion dollars in unjustified spending from the public treasury later. Often, the same folks who are reaching into the public

purse are the folks who, through special tax expenditures and tax loopholes, don't contribute but pennies on the dollar compared to what a small business might be having to pay in its corporate tax rate or what a working or middle-class family might be having to pay, struggling to make ends meet.

Without the DISCLOSE Act, a tobacco company can come here masquerading as a phony ''health care'' coalition. A Wall Street bank can come and ask for another bailout, claiming that it is part of a ''consumer alliance.'' A polluter can defeat those who want to hold it accountable by asserting that it is part of ''Citizens for Clean Air and Clean Beaches.'' Insurance monopolies determined to deny American families access to care at prices they can afford are already out there with groups like Americans for Better Health Care, which is really designed to stymie families efforts to access health care.

DISCLOSE Act opponents have a great deal not to disclose. They want to be assassins, silent assassins of character, where they buy one hate ad after another while denying the public an opportunity to know that the views being expressed in that 30 seconds are, in fact, limited to those of a narrow corporate self-interest that is determined never to be held accountable for its misconduct.

The public, without the power of these corporate deep pockets, would also be denied access to the knowledge of who is really wielding the power. Who can look at Washington these days and say that the problem up here is too little influence of corporate cash?

A vote for the DISCLOSE Act is a vote to stop the corruption of our political system and to stop the slide into plutocracy. It is a vote for a fully-informed and fully-empowered American people to take charge of our democracy and to ensure the change that will make a meaningful difference in the lives of our families.

I urge its adoption.

Ms. FOXX. Madam Speaker, the ability to speak on the floor of this House is a great honor and a very powerful thing. However, simply saying something on the floor does not make it true.

I would like to now yield 2 minutes to my colleague, the gentleman from Oklahoma (Mr. COLE).

Mr. COLE. Madam Speaker, I rise today in opposition to this incredibly restrictive rule and to the underlying legislation.

The lack of democracy and openness that exists in this House is evident when the House Rules Committee self-executes a 45-page manager's amendment to a 92-page bill and then makes in order only 5 of the other 36 submitted amendments. By the way, only one of those amendments made in order was offered by a Republican.

This, of course, has all been done in the name of a bill cynically titled Democracy is Strengthened by Casting Light on Spending in Elections Act. I've got a suggestion to my friends: How about strengthening democracy by actually allowing robust debate and unlimited amendments? That would actually help restore comity and bipartisanship to this polarized House.

With that said, Madam Speaker, I would like to also address the underlying legislation.

In this bill, the majority is engaged in a self-serving, hypocritical political exercise. The underlying legislation is a response to a 5–4 Supreme Court decision in the Citizens United vs. Federal Election Commission case. Good people can disagree about that case and about its ramifications. However, when the majority party decides to reshape the political playing field with a bill written by its political tacticians and introduced by the chairman of its own campaign committee, we have reached a new low.

The clear aim of this legislation is to tilt the political playing field in favor of the Democratic Party. Simply put, this bill facilitates the involvement and political activities of groups supportive of the Democratic Party while limiting the political activities of those who may not support the Democratic agenda. A clear example of this is where the bill applies onerous restrictions on corporations which may wish to involve themselves in political activity while the bill carves out large exceptions for unions, which traditionally support the Democratic agenda.

Madam Speaker, this bill is a prescription for chicanery in our elections, and it will fundamentally restrict our First Amendment rights. Therefore, I urge Members to oppose this rule and the underlying legislation. Limiting the freedom of speech in pursuit of partisan political advantage is fundamentally wrong.

Mr. MCGOVERN. I yield myself such time as I may consume.

Madam Speaker, I think it is important to remind everybody that the Supreme Court decision in the Citizens United case essentially allows unlimited special interest money, corporate money, to drown out the voices of everyday people. That is really what the issue is here. The majority of Americans, I think, are alarmed by that. That is why an overwhelming majority support the passage of this DISCLOSE Act.

Those of us who are arguing for the passage of this bill believe the voters have a fundamental right to know who is spending money to influence their elections and where that money is coming from. I am puzzled that my friends on the other side of the aisle, who are speaking out against this, don't share that same concern; but voters deserve to know who is spending money to influence their elections. They deserve to know whether it is a Big Oil company or a union, and they deserve to know whether it is a foreign special interest that is trying to influence the election.

So I would urge my colleagues to get behind this effort, an effort that is overwhelmingly supported by the American people.

I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I am sure it is not intentional, but falsehoods are being spread on this floor.

There is no poll that shows the American people support the DISCLOSE Act. It would be amazing if they did since we didn't get the last version of it until 2 hours before we went to the Rules Committee yesterday. The poll they are referring to took place back in February or March, which was before they had their backroom deals coming up with this particular bill.

We now have 438 organizations which oppose this. Among them are the American Civil Liberties Union, the National Right to Life Committee, and the Sierra Club. Why would those people be getting together to oppose this bill? Because they believe in the First Amendment, and they understand that the First Amendment says all should be treated the same.

That is not the cornerstone of this bill. They are specifically not treated the same. The bigger you are, the stronger you are, the less disclosure you have. The smaller you are, the newer you are, the more disclosure that is required. They even have put something in this bill that will make it impossible for certain ads to play on television. They have increased the number of names that have to appear, such that, in some cases, it will take 17 seconds to say all of those names and all of those organizations. There are things known as 15 second ads now. I guess you have minus time on TV.

They say that unions have to be exempt, but corporations have to be affected. Now, remember, corporations are not just for profit. They keep talking about oil companies. They forget about the National Right to Life. They forget about all of these other organizations that actually have a corporate structure. Most political organizations do. That's what we are talking about.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. FOXX. I yield the gentleman an additional 30 seconds.

Mr. DANIEL E. LUNGREN of California. Then they say, Well, we don't want to be controlled by foreign entities. We offered an amendment in the Rules Committee to cover that. It was defeated on a party-line vote by the majority party.

So, please, let's at least be honest. If you're going to disclose, disclose your motivations. Disclose the words in here. Disclose the deals that you've made. Disclose who has won the auction for their piece of the First Amendment.

Mr. MCGOVERN. I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I now yield 2 minutes to the gentleman from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. Madam Speaker, I rise in opposition to the previous question and the rule because American families continue to struggle with rising health care costs.

Recently, the Congressional Budget Office and the Centers for Medicare and Medicaid Services reported that health care costs for families and for services will rise even higher due to this massive new health care law.

□ 1130

Today's YouCut vote helps to stop one of the major problems with the new health care law, and it could save taxpayers across this country between $5 billion and $10 billion.

Under the new health care law, the IRS will be in charge of verifying that every American taxpayer has obtained government-approved, acceptable health coverage for every month of the year. In other words, if the IRS determines that a taxpayer lacks government-approved health insurance for even a single month, then the IRS can have the power to withhold tax refunds. This is an unprecedented new role for the IRS—one that injects the IRS even farther into the personal lives of American families. So today's YouCut vote would prevent the IRS from hiring thousands of examiners and auditors required to implement this new individual mandate.

As a former heart surgeon, I know we can do better and I know we can agree on many commonsense approaches to cutting health care costs for families and for seniors. We have many proposals to do this which are not part of this health care law. But I'll tell you this: An individual mandate enforced by the IRS is not one of them.

I urge my colleagues to oppose this rule and vote against this rule. Join me and cut $5 billion to $10 billion from the IRS while preventing yet another mandate on health care from the Federal Government.

Mr. MCGOVERN. Madam Speaker, I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I now yield 2 minutes to the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Madam Speaker, I rise in support of defeating the previous question, which is the next vote here on the House floor. I worked for Ronald Reagan. We have a $1.5 trillion deficit this year. The last thing that we should do is to raise taxes. The first thing that we should do is cut spending.

As many folks here know, the Republican side has been offering five different proposals every week for the last month or so, letting folks across America vote on the proposal that they think merits the most sense. This week, it was my proposal that won. That is, we are going to tell the IRS that we're not going to hire another 15,000-some IRS agents in the next couple of years to monitor health care, and we will save the taxpayers $5 billion to $10 billion—billion, as in big. That's not a bad proposal. Save the taxpayers some money by not hiring 15,000 more bureaucrats.

What are these folks going to do? They're going to make sure that every American verifies that they have health insurance. Maybe they will look at page 737 in the health care bill, which says that every business will have to file a new 1099 with the IRS for any $600 business-to-business transaction. So if you're a homebuilder and you just happen to show up at that same Chevron or Shell gas station every other week to fill up your car or your pickup and you spend more than $600 over the course of the year there, you're going to have to file a 1099.

Let's fight the deficit—not by raising taxes but by cutting spending. This proposal does that. We were denied at the Rules Committee to allow this amendment to be offered, which is why we want to defeat the previous question, offer this amendment to cut spending, and help the taxpayers across the country.

Madam Speaker, I would urge all my colleagues to support this.

Mr. MCGOVERN. Madam Speaker, I yield myself such time as I may consume.

I find it puzzling to hear my friends on the other side of the aisle all of a sudden talk about the deficit. When Bill Clinton left office, he left the Republicans and George Bush a record surplus. There was no deficit. We were paying down the debt. They took that surplus and they turned it around and drove this economy into a ditch.

President Obama gets elected to office; he inherits the worst economy. It's just a Great Depression. My friends on the other side don't take any responsibility for that. In 1 year under President Obama, we have created more jobs in this country than George Bush did during 8 years while he was in office. The American people want us to focus on jobs and job creation.

I would just make another suggestion, since we're talking about how we protect the taxpayers. I would urge my friends on the other side of the aisle to stop apologizing for the way the Federal Government is treating BP, to stop apologizing for the fact that this administration wants British Petroleum to live up to its responsibility and pay for the cleanup of that mess in the gulf. I wish my friend on the other side of the aisle would stop trying to defend Big Oil from taking its responsibility. BP should pay for it, not the American taxpayer. If you want to do something for the American taxpayer, then demand that BP do what it is right.

With that, I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I now yield 1 minute again to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. I'm shocked that my friend from the other side of the aisle would criticize the President's relationship with BP in terms of the massive contributions that he received while he was running for office. I don't think that ought to be part of this debate.

But you ask about treatment. I have here just an example of one, two, three, four, five sections of the bill in which there's a specific exemption given to unions versus corporations. That is the kind of favored versus disfavored status created by the government that is, on its face, unconstitutional. People ought to understand that when you start making these distinctions, you are creating an unconstitutional act, because we do not want government saying that certain groups are okay and certain groups are not okay, that certain language is okay and other language is not okay, depending on who happens to be in office. This is an attack on the First Amendment. And here you have one, two, three, four, five sections of the bill made in order.

Mr. MCGOVERN. I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I yield myself such time as I may consume.

We have to constantly remind our colleagues across the aisle that Republicans were in charge of the Congress when President Clinton was in office his last 6 years and that Democrats were in charge of Congress the last 2 years of Mr. Bush's administration. We know that Democrats created the economic crisis. And we are not apologizing to BP. We know that BP should pay for all of the problems that have been caused in the gulf. However, we'd like to see this administration do something to respond to the disaster down there and stop blaming others as they do on everything.

In a little over a week, on July 4th, we will be celebrating our Nation's independence. John Adams wrote in a letter to his wife, Abigail, that it ''ought to be commemorated as the day of deliverance.''

Today, we're not liberating the American people, as our Founding Fathers did. Instead, our colleagues are attempting just the opposite. They're attempting to erode our right to free speech when there's so many other pressing issues that our Nation faces today.

For one, we could be addressing the 21 percent cut in Medicare reimbursement payments to doctors that went into effect on June 18. The Senate, after some debate, was able to pass, by unanimous consent, a 6-month extension on the 21 percent cuts last Friday. This legislation would provide a 6-month extension, fully paid for. However, the Speaker has said she sees ''no reason to pass this inadequate bill until we see jobs legislation coming out of the Senate.'' But the Democrats in charge have seen these disastrous

pay cuts to physicians coming for some time but have only offered bills full of budget gimmicks or 1-month extensions. I've heard from physicians in my district who are fearful of these cuts and the negative impact they have on their patients when they will no longer be able to afford to see Medicare patients. This is a real crisis we should be dealing with instead of a bill riddled with assaults on our constitutional rights.

Even some Democrat Members have some concerns with this bill. To quote one Democrat Member who spoke during the Rules Committee yesterday, with this bill ''we are auctioning off parts of the First Amendment. Don't make this bill unconstitutional on purpose.'' H.R. 5175 contracts our freedoms when we should be expanding them.

□ 1140

Madam Speaker, I ask unanimous consent that the text of the amendment and extraneous material be placed in the RECORD prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

Ms. FOXX. Madam Speaker, I am going to urge my colleagues to vote ''no'' on the previous question so that I can amend the rule to allow all Members of Congress the opportunity to vote to cut spending. Republican Whip Eric Cantor recently launched the YouCut initiative which gives people an opportunity to vote for Federal spending they would like to see Congress cut. Hundreds of thousands of Americans have cast their votes, and this week they've directed their Representatives in Congress to consider H.R. 5570.

According to the Republican whip's YouCut Web site, the Congressional Budget Office has estimated that ''over the next 10 years, the IRS will require between $5 billion and $10 billion in funding to implement the Patient Protection and Affordable Care Act, also known as the new health care law. These funds will be used to hire thousands of additional IRS agents and employees. Reforming our health care system shouldn't require expanding the IRS. By prohibiting funding for the expansion of the IRS for this purpose, we can protect taxpayers while we work to repeal and replace the law.''

H.R. 5570 would prohibit taxpayer funds from being appropriated to the Internal Revenue Service for the purpose of hiring new agents to enforce the Democrats' health care law. Under the new law, additional agents would be specifically hired to enforce the Democrats' unconstitutional individual health care mandate. By preventing their hire, this week's YouCut vote could save the taxpayers between $5 billion and $10 billion. In order to provide for consideration of this commonsense legislation, I urge my colleagues to vote ''no'' on the previous question and ''no'' on the rule.

I yield back the balance of my time.

Mr. MCGOVERN. Madam Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman has 9 minutes.

Mr. MCGOVERN. I yield myself the balance of my time.

Madam Speaker, first of all, the underlying bill that we are talking about here today does not violate the First Amendment of the Constitution. That's just a ridiculous argument. And we are supporting this bill because we believe that no one spending large sums of money on campaigns should be able to hide behind a made-up shell. I don't think that's controversial. I don't care whether you are a Republican or a Democrat; you should want to know who is spending all this money, who is behind these ads. Why is that such a terrible idea?

You know, I don't think it's too much to ask that these organizations identify in their campaign ads those entities providing funding for those ads. This is about sunlight and transparency. This is about giving the American people the information that I think they all want. Who is behind these ads? Who is funding these ads?

My friends on the other side of the aisle seem to be clinging to secrecy. Well, secrecy in elections does nothing except to advance deception. And so when a Member of the Republican Party, for example, apologizes for the way the Federal Government is treating BP, BP can then under the status quo set up a mechanism to funnel money into ads in favor of that candidate or, you know, against his opponent, and BP does not have to identify itself. It could fund this under a shell of Citizens for Good Government or Citizens for a Clean Environment.

We need to understand that one of the problems is the way that our government has evolved here. Money has played too big of a role. I cannot believe that our Founding Fathers could ever have imagined that money would play such a big role in campaigns, millions and millions and millions of dollars spent on congressional campaigns, on Senate campaigns. Too much time is devoted to raising money. Too much emphasis is placed on money to be able to run for office. This says nothing about capping how much we can spend on campaigns, but what it does say is that those entities that are running ads in favor of us or against us have to tell the American people who they are.

I think the reason why so many Americans support this effort is because they get it, and they want to know the truth. I think the reason why so many Americans support this is they don't want foreign governments or foreign special interests to influence our elections. As I said before, these sovereign wealth funds can be set up. China can set one up based here in the United States, come up with a shell name for the organization, and actually spend millions and millions of dollars in an election to influence the outcome. That should not be. I don't care what your political philosophy is. We should not want foreign governments or foreign interests to influence our elections. Elections here should be decided by the people of the United States, not by other countries, not by foreign interests.

And I would again remind my colleagues that as we speak, there are millions and millions of dollars being spent on negative ads all over the country against Republicans and against Democrats, and they are sponsored by organizations that have nice names, but may be funded by an industry that has a particular interest in the outcome of that election. I think it is important when these negative health care ads are being run, that people know they're being paid for by the insurance industry. I think it's important to know that when we have ads defending the behavior of BP, that we know they are to be spent by interests that are tied directly to Big Oil.

So this is about transparency. This is about full disclosure. This has nothing to do with abridging anybody's right to speech. It just says that you have got to stand by what you say. That's not a radical idea. It's an idea that everybody in this House—I don't care what your political philosophy is—should embrace.

So I would urge my colleagues to support the underlying bill, and I urge a ''yes'' vote on the previous question and on the rule.

The material previously referred to by Ms. FOXX is as follows:

AMENDMENT TO H. RES. 5175 OFFERED BY MS. FOXX OF NORTH CAROLINA

At the end of the resolution add the following new section:

SEC. 5. Immediately upon the adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5570) to provide that no funds are authorized to be appropriated to the Internal Revenue Service to expand its workforce in order to implement, enforce, or otherwise carry out either the Patient Protection and Affordable Care Act or the Health Care and Education Reconciliation Act of 2010. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the Majority Leader and the Minority Leader or their respective designees. After general debate the bill shall be considered for amendment under the five-minute rule. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except

one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 5570.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Democratic majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information form Congressional Quarterly's ''American Congressional Dictionary'': ''If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business.''

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. McGOVERN. I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. FOXX. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clauses 8 and 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on:

Adopting House Resolution 1468, if ordered;

Suspending the rules with regard to House Concurrent Resolution 285; and

Suspending the rules and agreeing to House Resolution 1464, if ordered.

The vote was taken by electronic device, and there were—yeas 243, nays 181, not voting 8, as follows:

[Roll No. 385]

YEAS—243

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Minnick
Mollohan
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—181

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves (GA)
Graves (MO)
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Barrett (SC)
Blunt
Brown (SC)
Ellison
Hoekstra
Moore (WI)
Visclosky
Wamp

□ 1214

Messrs. FLEMING, HUNTER, NEUGEBAUER, Mrs. MYRICK, Messrs.

CAO, KING of New York, Ms. FALLIN and Mr. MCINTYRE changed their vote from ''yea'' to ''nay.''

Mr. DAVIS of Illinois changed his vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SALAZAR). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. FOXX. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 220, noes 205, not voting 8, as follows:

[Roll No. 386]

AYES—220

Ackerman
Altmire
Andrews
Arcuri
Baca
Baird
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boccieri
Boswell
Boucher
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
DeFazio
DeGette
Delahunt
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCollum
McDermott
McGovern
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Walz
Wasserman Schultz
Waters
Watson
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Yarmuth

NOES—205

Aderholt
Adler (NJ)
Akin
Alexander
Austria
Bachmann
Bachus
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Boyd
Brady (TX)
Bright
Broun (GA)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Cooper
Culberson
Dahlkemper
Davis (IL)
Davis (KY)
Davis (TN)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Donnelly (IN)
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves (GA)
Graves (MO)
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hodes
Hunter
Inglis
Issa
Jackson (IL)
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moore (WI)
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Quigley
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Rush
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Sestak
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Stupak
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Watt
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—8

Barrett (SC)
Blunt
Brown (SC)
Brown-Waite, Ginny
Crenshaw
Hoekstra
Visclosky
Wamp

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1223

Messrs. BISHOP of Georgia and JACKSON of Illinois changed their vote from ''aye'' to ''no.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUPPORTING DESIGNATION OF YEAR OF THE FATHER

The SPEAKER pro tempore (Mr. SALAZAR). The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 285) recognizing the important role that fathers play in the lives of their children and families and supporting the goals and ideals of designating 2010 as the Year of the Father, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PAYNE) that the House suspend the rules and agree to the concurrent resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 423, nays 0, not voting 9, as follows:

[Roll No. 387]

YEAS—423

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich

Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—9

Barrett (SC)
Blunt
Brown (SC)
Dingell
Hoekstra
Lofgren, Zoe
Napolitano
Visclosky
Wamp

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1231

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING 50TH ANNIVERSARY OF UNITED STATES-JAPAN TREATY OF MUTUAL COOPERATION AND SECURITY

The SPEAKER pro tempore (Mrs. HALVORSON). The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 1464) recognizing the 50th anniversary of the conclusion of the United States-Japan Treaty of Mutual Cooperation and Security and expressing appreciation to the Government of Japan and the Japanese people for enhancing peace, prosperity, and security in the Asia-Pacific region.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the resolution.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. KUCINICH. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PERMISSION TO CONTROL TIME IN GENERAL DEBATE DURING CONSIDERATION OF H.R. 5175

Mr. BRADY of Pennsylvania. Madam Speaker, I ask unanimous consent that, during consideration of H.R. 5175 pursuant to House Resolution 1468, the gentleman from Michigan (Mr. CONYERS), or his designee, may control 10 minutes of the general debate time allocated to the chair of the Committee on House Administration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

GENERAL LEAVE

Mr. BRADY of Pennsylvania. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 5175 and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

DEMOCRACY IS STRENGTHENED BY CASTING LIGHT ON SPENDING IN ELECTIONS ACT

The SPEAKER pro tempore. Pursuant to House Resolution 1468 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5175.

□ 1235

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5175) to amend the Federal Election Campaign Act of 1971 to prohibit foreign influence in Federal elections, to prohibit government contractors from making expenditures with respect to such elections, and to establish additional disclosure requirements with respect to spending in such elections, and for other purposes, with Mr. SALAZAR in the chair.

The Clerk read the title of the bill.

The CHAIR (Mr. SALAZAR). Pursuant to the rule, the bill is considered read the first time. Pursuant to the rule and the order of the House of today, the gentleman from Pennsylvania (Mr. BRADY) will control 20 minutes, the gentleman from California (Mr. DANIEL E. LUNGREN) will control 30 minutes, and the gentleman from Michigan (Mr. CONYERS) will control 10 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. BRADY of Pennsylvania. I yield myself 3 minutes.

Mr. Chairman, I stand with the American people and the House leadership in support of H.R. 5175, the Democracy is Strengthened by Casting Light on Spending in Elections Act, or the DISCLOSE Act.

The legislation is designed to bring greater disclosure and transparency to election spending. The importance of this objective was reinforced in the Supreme Court's accompanying 8–1 decision that reaffirmed ''the constitutionality and necessity of laws that require the disclosure of political spending.''

Our democracy requires transparency and accountability in our political campaigns. Knowing the source of political spending allows voters to investigate the motives and to better assess the truthfulness and accuracy of the claims of the spenders and the candidates.

The DISCLOSE Act is a careful response to address the likely consequences of the Citizens United decision. The bill enhances disclosure requirements for corporations, unions, and other groups that decide to make campaign-related expenditures or to transfer funds to other organizations for the purpose of engaging in campaign-related activity.

This improvement to current disclosure requirements allows voters to follow the money and ensure that special-interest money cannot hide behind

sham organizations and shell corporations. If outside groups spend their funds in campaigns, the Supreme Court has recognized it as essential to hold them accountable. Voters have a right to know who is trying to buy our elections.

The bill expands disclaimers to require CEOs or highest-ranking officials of organizations that sponsor political advertisements to record ''stand by your ad'' disclaimers as well as to protect taxpayer dollars from misuse by preventing certain government contractors and TARP beneficiaries from making campaign-related expenditures.

The DISCLOSE Act also closes a loophole created by Citizens United to ensure that foreign corporations and foreign governments are not able to influence American elections by spending unlimited sums through their U.S. subsidiaries or affiliates. By allowing these entities to fund campaign communications, foreign-controlled corporations could use potentially bottomless coffers to influence the course of political debate and play a role in writing U.S. policy.

Considerable attention has been focused on a narrow exemption included in the bill, which is designed to accommodate nonprofit issue advocacy groups, which long have participated in political activity of which its dues-paying members are aware of and support. To be eligible for the exemption, an organization must have more than 500,000 dues-paying members, with a presence in all 50 States, have had tax-exempt status for the previous 10 years, and derive no more than 15 percent of its funding from corporate or union sources. It cannot use any corporate or union money to pay for campaign-related expenditures.

The narrowness of the existing exemption will prevent future organizations from being formed to function only as ''dummy,'' or sham groups, existing only to make campaign expenditures but without needing to disclose their major funders.

□ 1240

Exempted groups will still be required to file publicly available reports disclosing their campaign-related expenditures, and the CEOs of these groups will still have to appear in and take responsibility for all campaign-related ads run by their group.

The CHAIR. The time of the gentleman has expired.

Mr. BRADY of Pennsylvania. Mr. Chairman, I yield myself 30 additional seconds.

The DISCLOSE Act ensures transparency and enhances accountability. It provides prompt and honest disclosure of political spending by those seeking to influence our elections.

A total of six hearings were held in the House and Senate, with more than 36 expert witnesses testifying. Concerned citizens have been vocal about the potential consequences of the Citizens United decision, sending nearly 2,500 emails and making roughly 4,500 phone calls in 1 week to the Committee on House Administration, urging Congress to quickly consider legislation that addresses the loopholes created by the Citizens United ruling.

The CHAIR. The time of the gentleman has again expired.

Mr. BRADY of Pennsylvania. Mr. Chairman, I yield myself 30 additional seconds.

This outcry of support reveals the DISCLOSE Act reflects the will of the American people and commands the support of their representatives. In addition, with 114 cosponsors and a broad spectrum of support, H.R. 5175 promotes openness in our politics. If Congress does not adopt the DISCLOSE Act, the public will be left in the dark to wonder whose interests are truly being served by a flood of negative advertising that will come to dominate campaigns.

I urge all Members to support this legislation.

I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Chair, obviously, if you attempt to speak on the floor and your microphone is not near you or they have turned it off, you can't exercise your right to represent your constituents here—I yield myself such time as I may consume—and that is the problem with this bill. It does not allow the free exercise of the First Amendment right to speech.

The Constitution of the United States refers to that First Amendment. And, unfortunately, in many, many decisions by the Supreme Court, they've talked about everything other than political speech. Yet in the Citizens United v. Federal Election Commission case, the court finally got it right. The majority opinion says the First Amendment stands against attempts to disfavor certain subjects or viewpoints prohibited to or restrictions differing among different speakers allowing speech by some but not by others. Unfortunately, Mr. Chairman, that's exactly what this bill does.

Benjamin Franklin stated: Whoever would overthrow the liberty of a Nation must begin by subduing the freeness of speech. Unfortunately, that is what we have here before us, Mr. Chairman. Just because you call something ''disclose'' or ''disclosure'' does not make it so. When you prohibit speech, as has been done here; when you have onerous disclosure obligations placed on some but not all; when you make no distinguishing, that is, constitutionally justifiable distinguishing differences between groups, that is, you cause some to be subjected to provisions of disclosure and others not; when you specifically have five or six provisions in which you exempt unions as opposed to corporations of all stripes, then you have rendered the bill unconstitutional.

Mr. Chairman, I would have asked if it were proper to have a unanimous consent request to extend our debate for 4 hours, but I know that's not in order. The majority has decided to stifle debate by allowing only a single hour of debate on this issue dealing directly with the First Amendment. We have spent in excess of 10 hours in this Congress talking about the naming of post offices, but we have determined that we do not have more time than an hour to discuss something as important as the First Amendment to the Constitution.

When we allow ourselves to become an auction house for the First Amendment, where some, because of their power and influence, are allowed to exercise First Amendment rights, unfettered, and others are not, it is a sorry day. And to do it under the rubric of disclosure is even worse, but that's what we have here.

Mr. Chairman, in the time given to us, I hope that we can explain exactly what this bill does and what it does not do and why it, in fact, not only is dangerous to the First Amendment but is directed at the heart of the First Amendment, which is vigorous political speech, particularly close to an election. It may make some Members uncomfortable. As a matter of fact, in some of the hearings and markup of this bill, we had Members saying, If I had my way, I'd make sure no one could say anything about our campaigns except those of us who are candidates. Unfortunately, there's something called the First Amendment. And I know it's bothersome to some on the other side. I know it's an obstacle to what they want to do. But when I came here, I took an oath to uphold the Constitution and all parts, not just the Second Amendment by way of specific exemption, but of all amendments, the first as well as the second, and every other.

With that, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Ladies and gentlemen of the House, this is the most disturbing debate that I have engaged in in the 111th Congress. And to hear what I've already heard from one of the most distinguished members of this Judiciary Committee is a little bit dismaying to me. Let me say this. I'll answer one of his questions. What does the bill do? And I agree, I'd love 4 hours. Perhaps we'll be debating this bill after the vote, regardless of its outcome.

This bill rolls back the decision—the blatant decision—of Citizens United in the Supreme Court by using the three tools that the Court said that we could do to make their decision different. First, we can increase disclosure; two, we can require disclaimer requirements on advertisements; and, three, we can limit foreign influence in our elections. One, two, three.

The danger of the Citizens United decision, the most shocking decision I have read in the Supreme Court in many, many years, is the threat of

groups who attack candidates for office without ever having to tell people which corporations are bankrolling these ads. This is what the DISCLOSE Act, the bill on the floor, is designed to prevent. This bill permits some long-established advocacy groups to forego some of the new disclosure requirements. But if these groups take more than 15 percent of their money from corporations, then all the requirements of the DISCLOSE Act kick in and they have to stand by their ads, just like candidates do.

In Citizens United, Justice Stevens, who argued with much more persuasive reasoning his position in this case, dissenting, said this: ''The Constitution does, in fact, permit numerous 'restrictions on the speech of some in order to prevent a few from drowning out the many; for example, restrictions on ballot access and on legislators' floor time.''

He stated that corporations are categorically different from individuals. Here's what he said: ''In the context of election to public office, the distinction between corporate and human speakers is significant. Although they make enormous contributions to our society, corporations are not actually members of it. They cannot vote or run for office. Because they may be managed and controlled by nonresidents, their interests may conflict in fundamental respects with the interests of eligible voters.''

□ 1250

And then he closed with this sentence: ''Our lawmakers have a compelling constitutional basis, if not a democratic duty, to take measures designed to guard against the potentially deleterious effects of corporate spending in local and national races.''

Mr. Chair, I reserve the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Chairman, I yield 4 minutes to the gentlelady from California (Ms. ZOE LOFGREN), a valued member of the Committee on House Administration.

Ms. ZOE LOFGREN of California. Mr. Chair, the Supreme Court's decision in the Citizens United case fundamentally altered the political landscape. As a result of the Court's ruling, all organizations, corporations and unions are free to take unlimited corporate money and make unlimited political expenditures. This could allow corporations to simply take over the political system.

According to a report released late last year by Common Cause, the average amount spent for winning a House seat in the 2008 cycle was $1.4 million. During the same cycle, Exxon-Mobil recorded $80 billion in profits. If ExxonMobil chose to use just 1 percent of their profits on political activity, it would be more than what all 435 winning congressional candidates spent in that election cycle, and that's just 1 percent of the profits of one corporation.

Now according to the Supreme Court, we cannot limit what corporations can say or what they can spend, but we can require them to disclose what they are doing to the American public. And I will read you what the Court said in its decision: ''The First Amendment protects political speech, and disclosure permits citizens and shareholders to react to the speech of corporate entities in a proper way. This transparency enables the electorate to make informed decisions and give proper weight to different speakers and messages.'' And that's what this bill does. It does exactly what the Supreme Court said that we could do and should do, and that is to require disclosure, to require transparency.

In the past, transparency has been a bipartisan issue. Senator MITCH MCCONNELL was quoted in April saying, ''We need to have real disclosure.'' Why would a little disclosure be better than a lot of disclosure? Republican leader JOHN BOEHNER in 2007 said, ''I think what we ought to do is we ought to have full disclosure.'' And went on to say, ''I think that sunlight is the best disinfectant.''

This measure, the DISCLOSE Act, has been supported by government reform groups, including Common Cause, the League of Women Voters, Public Citizens, Senate Majority Leader HARRY REID; and the chairman of the Senate Rules Committee have released a letter indicating their strong commitment to Senate action on the DISCLOSE Act. The White House strongly supports the DISCLOSE Act. The President says he will sign this bill when it comes to his desk.

Now, I ask my colleagues, will you stand with the American people in calling for disclosure and transparency in the political process, or will you allow corporations to overtake our democracy with the expenditure of undisclosed, limitless amounts of money? I think that we should stand with the American people. We should vote for the DISCLOSE Act. Disclosure is good. Voters need to know who is saying what.

Mr. DANIEL E. LUNGREN of California. At this time, Mr. Chairman, I yield 3 minutes to the gentleman from Mississippi (Mr. HARPER), a valued member of our committee.

Mr. HARPER. Mr. Chairman, if there is anything the hearings on this bill and the subsequent discussion taught us, it is that the bill is far from clear. The authors of the bill say it does one thing; the experts say it does another; the majority's own witnesses have said that it will be up to the FEC to decide what the language means.

This confusion and ambiguity would be bad enough in any bill, but it is especially bad here. This bill has implementing language that makes it take effect 30 days after enactment regardless of whether the FEC has published regulations. Indeed, one of the majority's witnesses said at a hearing that it would be next to impossible for the FEC to promulgate regulations before the November elections. That means as we move toward elections just 4 months away and Americans consider how to express their views, there will be no guidance to clear up the bill's ambiguity, no instructions for how to comply, and no way to participate in the political process with confidence that your speech will not land you in jail.

Mr. Chairman, this bill is going to impose civil and criminal penalties on speakers without them having any notice that their behavior may be against the law. What that means is that rather than exercising their First Amendment rights, speakers are just going to stay silent. As former United States Solicitor General Ted Olson stated at our committee's May 6 hearing, ''So we are saying that you have to guess what the law is because the government can't even tell you what the law is. And if you guess wrong, you may be sent to jail or you may be prosecuted.''

Those who seek to challenge this bill's ambiguous and potentially unconstitutional provisions in court are going to be faced with a judicial review process designed for delay and frustration. The procedure in this bill conflicts with the processes created in both the Federal Election Campaign Act and the Bipartisan Campaign Reform Act, opening the door to collateral litigation to decide what court to be in before the case is even heard. Section 401 of this bill is congressional forum shopping.

The only conclusion one can draw from the immediate implementation without regulatory guidance and the protracted court process is that this bill is designed to affect the outcome of the 2010 elections. Indeed, one need not guess to know that this is true. A letter sent earlier this week from Senate majority leadership to House majority leadership pledged to work ''tirelessly'' so that the bill ''can be signed by the President in time to take effect for the 2010 elections.''

And there it is, Mr. Chairman. The proponents of the bill want this House to pass legislation in time to affect the outcomes of the 2010 elections. They have refused our proposals to make this bill effective in 2011 because they want to change the law this year to affect this election—no matter that there will be no explanatory regulations and no review to ensure that the law complies with the Constitution.

The CHAIR. The time of the gentleman from Mississippi has expired.

Mr. DANIEL E. LUNGREN of California. I yield the gentleman 1 additional minute.

Mr. HARPER. So the end result is the bill's proponents are rushing it into effect before the regulators or the regulated community are ready, doing what they can to delay court review, and taking those steps despite their obvious expectation that parts of the bill will not survive judicial scrutiny. The only reason that makes sense has to do with the elections coming up in just over 4 months. The House should reject

this attempt to pass a law that can alter the outcome of its own upcoming elections, and let the voters decide this for themselves. I urge my colleagues to oppose this bill.

Mr. BRADY of Pennsylvania. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland, CHRIS VAN HOLLEN.

Mr. VAN HOLLEN. Mr. Chair, I want to start by thanking Chairman BRADY, Ms. LOFGREN, and the other members of the committee, as well as Chairman CONYERS, Mr. NADLER, and those on the Judiciary Committee, and to MIKE CASTLE and all the other cosponsors of this legislation, which addresses the very serious threats to our democracy created by the Supreme Court's decision in Citizens United, which in a very radical departure from precedent said that major corporations, including foreign-controlled corporations operating in the United States, will be treated like American citizens for the purposes of being able to spend unlimited amounts of money in our elections.

This bill addresses this issue in three ways. First we say, if you're a foreign-controlled corporation—if you are British Petroleum, if you are a Chinese wealth fund that controls a corporation here in the United States, if you are Citgo, controlled by Hugo Chavez, you have no business spending money in U.S. elections overtly or secretly. And if we don't do something about that now, they will be able to do either of those things.

□ 1300

Number two, we say if you are a Federal contractor, if you are getting over $10 million from the American taxpayer or you are AIG, you shouldn't be recycling those moneys into elections to try and influence the body that gave you the contracts because there is a greater danger of corruption in the expenditure of those moneys.

Third, we require disclosure. We believe that the voter has the right to know. You would think from the comments from the other side of the aisle we are restricting what people can say. That is not true. You can say anything you want in any ad you want. What you can't do is hide behind the darkness, not tell people who you are. Voters have a right to know when they see an ad going on with a nice-sounding name, the Fund For a Better America, they have the right to know who is paying for it. They have a right to know if BP is paying for it. They have a right to know if any corporation or big-bucks individual is paying for it because it is a way to give them information to assess the credibility of the ad.

You vote ''no'' on this, you are saying go ahead and spend millions of dollars, corporations or individuals, and say whatever you want, which is fine, but we are not going to let the voters know who you are. That is what a lot of these interests want. And the reason the League of Women Voters—no big special interest group there—League of Women Voters, Common Cause, Public Citizen, Democracy 21, all of the organizations that have devoted themselves to clean and fair elections support this legislation because they understand that the American voter has a right to know who is spending all of these moneys on these ads, and they don't want foreign-controlled corporations dumping millions of dollars into U.S. elections.

So, my colleagues, I hope we will move forward on this to make sure that the voice of citizens is not drowned out by secret spending by the biggest corporations, including foreign-controlled corporations.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 2 minutes to the chairman of the Constitution Subcommittee, the gentleman from New York (Mr. NADLER).

Mr. NADLER of New York. Mr. Chairman, I rise in support of the DISCLOSE Act.

Earlier this year, a majority of the Supreme Court reversed decades of precedent and struck down a whole series of reform laws limiting the influence of corporate money in elections. The court ruled that corporations are people, just like you and me, and have a corresponding absolute constitutional right to pump as much money as they want into our elections. It revived the fears of concentrated corporate powers, distorting our democratic process, fears that have been held by believers in a republican form of government from the days of Jefferson and Madison and Jackson.

The very real danger now is that corporations will be able to use vast sums of concentrated money to further corrupt our political process and drown out the voices of everyone else. Without action, as a result of this latest activist Supreme Court decision, our electoral system will once again be at the mercy of large moneyed interests.

This bill takes several critical steps to reclaim our elections. The most important one is that it would require disclosure by corporations and labor unions of donors providing money for political purposes in certain circumstances, and would mandate that corporate CEOs appear in company political ads to say that they ''approve this message,'' just as candidates would do.

With these and several other provisions, the DISCLOSE Act will constitutionally set some limits on the role of big money in politics, not by limiting the corporate money, unfortunately, but by requiring disclosure of the sources of the corporate money, and thus providing voters with valuable information on which wealthy interests are behind which political advertising so voters can better evaluate that advertising.

I know many people on the other side of the aisle who opposed contribution limits previously, in the McCain-Feingold Act, for instance, always said, Don't limit political expenditures. The solution is disclosure. Let people know who is sponsoring the ads, that will safeguard the integrity of our elections. Well, I don't think disclosure is enough, but it is all the Supreme Court will allow us to do. And to hear all of the people on the other side of the aisle now, people who argued for disclosure for years, now suddenly claim that requiring disclosure is a limit on free speech is very disturbing, to put it mildly.

The CHAIR. The time of the gentleman has expired.

Mr. CONYERS. I yield the gentleman an additional 1 minute.

Mr. NADLER of New York. It is important that voters know whether the ad sponsored by Citizens for a Clean Environment are really bank-rolled by British Petroleum, or perhaps by the Sierra Club, in order to judge the ad's credibility.

Now, I know there is a great deal of concern by some people about one part of the legislation which would exempt the category of organizations from the obligation to disclose their contributors, not from other obligations of the bill, but from the obligation to disclose their contributors. By limiting the exemption of this one requirement to include only those organizations which have been in existence for at least a decade, have 500,000 dues-paying members, have dues-paying members in each of the 50 States, and receive no more than 15 percent of their funding from corporations and unions, the bill would still require disclosure from the kind of corporations who seek to buy elections secretly and with unlimited cash. We cannot allow the perfect to become the enemy of the good. The DISCLOSE Act would make a vast and substantial difference in protecting the integrity of our elections, and I cannot think of a more important bill if this country is going to remain a democracy with a small ''d'' and not a captive of large corporations.

I urge all of my colleagues to support this bill despite its imperfections.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. MCCARTHY), a valued member of our committee.

Mr. MCCARTHY of California. Mr. Chairman, just a block away from this Capitol stands the Supreme Court. Like many other courthouses across this country, it bears the image of the Goddess of Justice. Many of you know the statue. She holds a set of scales symbolizing the fairness and equality of law. She wears a blindfold symbolizing impartiality. Unfortunately, this bill does not represent either of those issues.

Like so many other bills this House Democratic leadership has forced onto the floor, this bill suffers the same taint. The provisions in this bill are a result of backroom negotiations and special deals to exempt some powerful interest groups at the expense of smaller ones.

But the unfortunate thing about this bill today is rather than respecting the First Amendment promise to protect the speech of all Americans, it attempts to use the First Amendment as a partisan sledgehammer to silence certain speakers in favor of others, especially unions.

Mr. Chairman, this bill bans corporations with government contracts over $10 million from political speech. The sponsor says that is because those contractors might try to influence decisions by government officials. But this bill does nothing for the labor unions who are parties to collective bargaining agreements with the government. Even though unions have huge amounts of money at stake and every incentive to influence decisions about the contracts by government officials, it does nothing.

We offered an amendment to uphold fairness and equality, but that was rejected in committee.

A second example, Mr. Chairman, is we all agree that foreign citizens shouldn't influence our elections, whether they are foreign citizens that are part of the foreign corporation, or foreign citizens that are part of a union with interests in the United States.

This bill requires CEOs to certify, under penalty of perjury, that their companies are not foreign nationals, under the newly expanded standard of the bill. But the bill does nothing to ensure that when labor unions are spending money on elections, that money did not come from people who are themselves prohibited from spending money to influence American elections.

Again, we offered an amendment to treat corporations and unions equally under the bill by requiring the same certification of labor union chiefs, but again, it was rejected.

Mr. Chairman, a third example: I point to the centerpiece provision of this bill, the so-called disclosure requirement. The bill requires organizations to disclose information about the individuals who gave more than $600. But the Federal Election Committee asked everybody else to do it at $200.

The CHAIR. The time of the gentleman has expired.

Mr. DANIEL E. LUNGREN of California. I yield the gentleman an additional 1 minute.

Mr. MCCARTHY of California. As one of the majority members of our committee asked, Where did that number come from? Well, it is just high enough to make sure that unions will not have to report any of their dues, because as you see, the average for a union is $377 in 2004, so it treats them different than we treat every other American and every other campaign. So while candidates and political parties have to itemize contributions from donors above $200, we have a different rule in this bill, a rule apparently designed for the convenience of unions.

Again, we offered an amendment to make this disclosure requirement the same as how all Federal laws have long required disclosure of donors to candidates and political parties, but again, it was rejected.

□ 1310

Rather than spending time today listening to Americans and addressing the number one priority in this country, helping to create jobs and grow our economy, again and again I watch this Congress mired in its own partisan priorities. I listened to the gentleman from Maryland. He happens also to be the chairman of the Democratic Congressional Committee.

The CHAIR. The time of the gentleman has again expired.

Mr. DANIEL E. LUNGREN of California. I yield the gentleman 30 additional seconds.

Mr. MCCARTHY of California. As I listened, I remembered last week as we sat on this floor thinking this bill would come together, but the backroom deal was not done. As I started the speech, thinking of the Goddess of Justice, and I go through this bill, the blindfold is taken off and the thumb is put on the scale to weigh to one side. This does not honor the First Amendment. This does not honor the fairness of what this building represents.

I ask for a ''no'' vote.

Mr. BRADY of Pennsylvania. Mr. Chairman, I am pleased to yield 2 minutes to the gentlelady from California (Mrs. DAVIS), another valued member of the House Administration Committee.

Mrs. DAVIS of California. Mr. Chairman, I rise today in support of the DISCLOSE Act. Under current law, yes, it is correct that groups must disclose their name in advertisements and file a disclosure form, but, you know, that doesn't tell anyone very much at all.

Right now, voters see TV ads sponsored by organizations they have never heard of, groups like the American Future Fund, American Leadership Project, Citizens for Strength and Security, Common Sense in America, and today I am getting calls from the Campaign for Liberty. But they will not tell us who they are. Does anybody know who they are?

In 2008, there were over 80 of these groups, and they bought $135 million in advertisements. I, for one, don't think our constituents should go through another election cycle in the dark. Voters want to know: Who's behind that ad? Who stands to gain from it? Why isn't an actual person, a corporation, or a union taking responsibility for it? The DISCLOSE Act will finally put that information in voters' hands with tough disclosure and disclaimer requirements.

I want to tell you because the DISCLOSE Act also sets some important limits to protect taxpayer dollars. I ask those opposed to the bill: Do we want ads from banks that still have TARP funds? Do we want subsidiaries of foreign-controlled companies meddling in our elections? Well, I would think the answer is clearly ''no.''

The DISCLOSE Act is just like other consumer protection bills this body has passed. I can think of no single time that I regretted giving my constituents more information so they can make wise, informed decisions.

Mr. BRADY of Pennsylvania. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from New Mexico (Mr. TEAGUE).

Mr. TEAGUE. Mr. Chairman, I rise today in strong support of the DISCLOSE Act, a bill that I am proud to cosponsor. Several months ago, in the Citizens United case, the Supreme Court made a dangerous decision to allow unlimited corporate and union money into our elections. The consequences of this decision for our democracy are dire.

Unless we act, massive corporations can secretly funnel hundreds of millions of dollars through shadowy front groups to influence elections. A foreign company like British Petroleum could even retaliate against Members of Congress who want to hold them accountable by secretly funding millions in attack ads.

If we don't act to stop this injustice, limitless corporate money will flood into our political system and drown out the voice of the American people. Debates between citizens will be replaced by hours of televised ads secretly funded by corporate interests.

Some people say this is a First Amendment free speech issue. Of course it is. The court decision actually lets foreign corporations influence our elections. What this bill does is protect the speech of American citizens.

Mr. Chair, the DISCLOSE Act says free speech is for people. The DISCLOSE Act also says pick a side. Do you support protecting the voice of the American people?

I ask everyone to support the bill.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, at this time I yield 2 minutes to the gentleman from Texas (Mr. SMITH), the ranking member of the Judiciary Committee.

Mr. SMITH of Texas. Mr. Chairman, first of all, I want to thank the ranking member of this committee, and my colleague on the Judiciary Committee, for yielding me time.

Mr. Chairman, earlier this year, in Citizens United v. Federal Election Commission, the Supreme Court struck down several provisions of Federal law on the grounds they violated organizations' First Amendment rights. Yet the DISCLOSE Act would subject corporations and other organizations to yet more regulations that unduly restrict their freedom of speech. It would do this while unfairly sparing unions and other preferred groups from the same regulations.

This legislation is plainly unconstitutional. The DISCLOSE Act would unconstitutionally ban political speech by government contractors and companies with as much as 80 percent ownership by U.S. citizens. It would unconstitutionally limit the amount of information that organizations can include

in ads stating their political opinions. It would unconstitutionally require the disclosure of an organization's donors, in violation of their right to free association. And it would unconstitutionally exempt favored organizations from its requirements.

The DISCLOSE Act is unconstitutional, and it should be soundly rejected by the House today.

Mr. CONYERS. Mr. Chair, I am pleased to yield 1 minute to JARED POLIS of Colorado, a great member of our committee.

Mr. POLIS. Mr. Chairman, I rise in strong support of H.R. 5175, the DISCLOSE Act.

Corporations are not human beings. Corporations may employ and be owned by human beings, all of whom in their individual capacity enjoy their constitutional rights, but corporations themselves are not alive. Their mothers can't die of cancer. Their sons can't be sent off to war. Corporations are political zombies, knowing only the pursuit of the flesh of profit, which is fine in an economic context, which is the economic reason that corporations exist. But in the political context, there is negative civic value to such advocacy, especially without the reasonable restrictions that were tossed out by the recent Supreme Court decision in Citizens United v. FEC.

In a capitalist system, when government gives politically connected corporations an advantage over their less politically connected competitors, everyone suffers, and it undermines the confidence of liberals, conservatives, all citizens. That's why the DISCLOSE Act is so urgently needed: to provide safeguards, disclosure about the flood of special interest money into our elections, and to protect the free speech of individual Americans.

Mr. BRADY of Pennsylvania. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from New York (Mr. HALL).

Mr. HALL of New York. Mr. Chairman, I rise today to strongly support H.R. 5175, the DISCLOSE Act. The Supreme Court's decision in Citizens United was disastrous and gave corporations not just the rights of persons, but way more rights than persons have. You or I as an individual, any citizen, has a limit on how much they can donate in any given campaign cycle; whereas, under the current court decision, corporations have no limit.

One of the most important provisions of the bill we are talking about would prevent foreign-owned companies from buying U.S. elections. And I would like to thank Chairman VAN HOLLEN's willingness to work with me in including a similar provision in the bill to one that I introduced in my Freedom from Foreign-Based Manipulation in American Elections Act, to prevent companies like BP from deciding who is elected to Congress.

This should be about representing our people, and our friends on both sides of the aisle like to say that we represent the people. Well, a poll just came out showing 87 percent of Republicans and 91 percent of Independents—91 percent of Independents—support this bill.

I urge all Members to vote for it.

□ 1320

Mr. DANIEL E. LUNGREN of California. I yield myself such time as I may consume.

Mr. Chairman, there has been a discussion about the different groups that support this bill. Interestingly enough, as debate started on the rule today, we have received word from 18 more groups that they oppose this bill. Now we're up to 456 groups that oppose this bill officially, including the American Civil Liberties Union, National Right to Life, and the Sierra Club.

Let me quote, if I might, from the ACLU's letter that is dated June 17, 2010, because much has been made on the other side of the aisle of groups that support this, but yet why not talk about groups that are known for protecting the First Amendment. The ACLU says in their letter:

''To the extent that restrictions on free speech might be tolerated at all, it is essential that they refrain from discriminating based on the identity of the speaker.'' And they're referring specifically to this bill.

''The ACLU welcomes reforms that improve our democratic elections by improving the information available to voters. While some elements of this bill move in that direction, the system is not strengthened by chilling free speech and invading the privacy of even modest donors to controversial causes.''

That, of course, refers to the seminal case on this by the Supreme Court and I believe in 1948, NCAA v. Alabama where they showed that revelation of members or donors to certain groups that are disfavored can lead to intimidation.

They go on to say here: ''Indeed, our Constitution embraces public discussion of matters that are important to our Nation's future, and it respects the right of individuals to support those conversations without being exposed to unnecessary risks of harassment or embarrassment. Only reforms that promote speech, rather than limit it, and apply evenhandedly, rather than selectively, will bring positive change to our elections. Because the DISCLOSE Act misses both of these targets, the ACLU opposes its passage and urges a 'no' vote on H.R. 5175.''

I made a mistake earlier when I referred to the amount of time we are allowed to debate the naming of post offices in this Congress. As a matter of fact, 41 hours have been granted by the Rules Committee or under suspension under our rules to the debate on the naming of post offices, but we could only give 1 hour to this debate.

Ironic, isn't it, that they talk about this being the DISCLOSE Act. The guts of the bill were not disclosed to those of us on the committee. I even asked if I could see a copy. In fact, I asked a Member of this House who had received a copy, and he was told that he was prohibited from showing it to those of us on the Republican side because the leadership on the Democratic side did not want us to know what they were doing.

The DISCLOSE Act? They didn't disclose the actual bill that we have here until 2 hours before we went to the Rules Committee yesterday. And maybe one of the reasons they didn't want to disclose it is that in addition to those exemptions specifically given to labor unions, allowing labor unions to be exempt from the disclosure that all other—not just the major corporations you keep talking about. Remember, corporations are the usual associated legal apparatus used by most advocacy groups. So that's who you are talking about.

And you keep saying, well, you can have foreign companies and foreign countries under this decision by the Supreme Court control the message and campaign. That's just utterly untrue. It's not allowed by law before. It wasn't changed by the Supreme Court decision, and so at least you ought to talk about what the law is. It is not true. That's a dog that won't hunt, and you keep putting it up here and you keep putting it up here, and either you haven't read your own bill, you haven't read the Supreme Court decision, or there's an attempt to not tell people exactly what is happening.

But one of the reasons I believe that perhaps we didn't get an opportunity to see the latest version of the bill is because it contains a huge, new, big union loophole; and it allows the transfer of all kinds of funds, unlimited funds among affiliated unions so long as not a single member is responsible for $50,000. I doubt that many members are responsible for $50,000, which means there will be no limitation whatsoever with respect to unions here.

So let's get the facts straight. There was an auction in this House behind closed doors. Certain groups won the auction; other groups did not. That's one of the reasons the ACLU is against it. That's why we should be against it.

I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 45 seconds to the gentleman from Georgia (Mr. JOHNSON), the distinguished subcommittee chairman on Courts and Competition.

Mr. JOHNSON of Georgia. Let's get right down to it. Why are the Republicans opposed to restricting campaign donations in American campaigns both local, State, and Federal? Why? It's because Republicans favor Big Business and Big Business favors Republicans. With all of these unlimited dollars flowing through, we'll see more Republicans getting elected, both local, State, and Federal.

What it means is that BP, a corporate wrongdoer, foreign corporation,

can influence elections. It means Goldman Sachs and other corporate miscreants can influence elections, no limit, no boundaries. That's what will happen if we don't pass the DISCLOSE Act.

Mr. BRADY of Pennsylvania. Mr. Chairman, may I inquire how much time is left?

The CHAIR. The gentleman from Pennsylvania (Mr. BRADY) has 6 minutes, the gentleman from Michigan (Mr. CONYERS) has 45 seconds, and the gentleman from California (Mr. DANIEL E. LUNGREN) has 11 minutes remaining.

Mr. BRADY of Pennsylvania. Mr. Chairman, at this time, I am pleased to yield 1½ minutes to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the DISCLOSE Act. I would like to thank Mr. VAN HOLLEN and his office for their work on this as well.

I believe that this is relatively simple. I think that all of us in this country have a right to know who is putting forth ads for or against candidates as the campaigns run on. We do that as elected officials. The political parties do that. We also file all those who contribute money to us above certain amounts, and that I believe also should be done.

This act that we are trying to pass basically is one of transparency. You can call it DISCLOSE, whatever you wish; but it basically indicates that foreign corporations cannot spend dollars in U.S. elections, and Federal contractors cannot get involved. But those who can, the corporations, unions, not-for-profits, must disclose who is paying for it in terms of the CEO coming forward and major contributors being posted so that people know who is paying for it.

It does not limit what they can say. I do not believe it's in any way a violation of the First Amendment as has been stated here on repeated occasions.

I will be the first to tell you I do not like the manager's amendment that was in the rule with respect to the exemptions for certain entities—not because there's anything wrong with the entities—but my judgment is this should be applicable to everybody who would fall into these categories. Perhaps that will be fixed in the Senate.

□ 1330

But the bottom line is, this is a disclosure act so that the people of this country will know who is advertising. We've all been subjected to it. We've all seen these ads where you wonder just who is running that ad, and now we'll have a pretty good idea. I hope our body will support it.

Mr. DANIEL E. LUNGREN of California. I would extend 1 minute of my time to the gentleman from Michigan, who I understand needs more time.

Mr. CONYERS. Could the gentleman spare us a couple minutes?

Mr. DANIEL E. LUNGREN of California. Well, let's start with 1 minute and we'll see where we go from there.

The CHAIR. The gentleman from Michigan is recognized for 1 minute.

Mr. CONYERS. I am very pleased now to yield 1 minute to the distinguished senior member of the Judiciary Committee, SHEILA JACKSON LEE of Texas.

Ms. JACKSON LEE of Texas. Thank you very much, Mr. Chairman, for your leadership and boldness on this issue.

Mr. Chairman, I hold in my hand a version of the Constitution that is in this very distinct book of rules. And clearly I think it is important for the American people to understand really the action items of this legislation.

Can you imagine a government contractor being paid by your tax dollars—they might be doing the right thing, we don't know—but advocating with your tax dollars for a position you do not want without you knowing that that is occurring?

This bill is under the First Amendment because it says that we give you more transparency. If we read the Constitution in its entirety, the opening says that ''We have come together to form a more perfect Union.'' That means if people are dissatisfied with this bill, they have a right to petition the courts. But we believe we are erring on the side of rightness, breaking those bold chains of big money around your neck and allowing people to either be elected or run for office, dominated, slammed down on the basis of big money.

This is a good change. I ask for my colleagues to support this legislation.

Mr. Chair, I rise in strong support of the DISCLOSE Act, H.R. 5175. I have said repeatedly that this has been one of the most difficult decisions of my political career. However, I strongly believe that if we do not support H.R. 5175, we will be overwhelmed during this election cycle by the richest corporations and individuals in the U.S. I do not believe we will be able to even begin to estimate how much might be spent in the mid-term elections.

I do know that without some mechanism to prevent political opponents from tapping into an unlimited supply of cash, we will be setting the stage for our own demise, as well as a dangerous precedent for future elections. U.S. politics will never be the same after the mid-term elections if we do not pass the DISCLOSE Act.

Of course, arguments have been made involving the First Amendment. Many arguments opposing the bill on constitutional grounds are legitimate. Yet, these arguments negate the fact that the DISCLOSE Act will actually expand First Amendment rights that might otherwise be drowned out because the legislation provides fair access for all parties, while breaking the chain big money has in American politics. Sitting on the fence on this bill might be considered tempting, although if we sit on the fence today we will pay a price tomorrow.

While the DISCLOSE Act exempts large established 501(c)(4) from some of the bill's disclosure requirements, it addresses the fundamental issue of eliminating the possibility that a rich corporation or individual can hide behind their money. Transparency as it relates to campaign financing is the principle behind the DISCLOSE Act.

After years of the Abramoff scandal, special interests lobbyists writing legislation and an explosion of earmarks, the New Direction Congress is working to restore honest leadership and open government.

Congressional Republicans support Wall Street banks, credit card companies, Big Oil, and insurance companies—special interests that benefited from Bush's policies and created the worst financial crisis since the Great Depression—and are working to be rewarded by their corporate friends.

The DISCLOSE ACT will accomplish a number of things, including:

Prevent Large Government Contractors from Spending Money on Elections: Prevents government contractors with over $10 million in contract money from making independent expenditures and electioneering communications. Before the Citizens United case, corporations could not make political expenditures in federal elections.

Prevent TARP recipients from Spending Money on Elections: Prohibits bailout beneficiaries from making independent expenditures or electioneering communications in federal elections until the government money is repaid.

Limit Foreign Influence in American Elections: Extends existing prohibitions on campaign contributions and expenditures by foreign nationals to domestic corporations in which foreign nationals own more than 20% of voting shares, make up a majority of the board of directors, and/or have the power to dictate decision-making of the domestic corporation.

Strengthen Disclosure of Election Ads: Expands electioneering communications that must be disclosed under the bill to broadcast ads referring to a candidate in the 120 days before the general election, expanded from 60 days before the general under current law.

Mr. BRADY of Pennsylvania. Mr. Chairman, I am pleased again to yield 2 minutes to the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. I thank the chairman for yielding.

I just want to emphasize again, as Justice Stevens pointed out in his dissent, that the Supreme Court decision did open the door to foreign-controlled corporations spending money directly in U.S. elections. If you have a U.S. subsidiary of a foreign corporation that's controlled by that corporation, when the Supreme Court essentially said all corporations could spend money directly in U.S. elections, they opened the door very clearly to that. And it's an area where it's also clear Congress can move to legislate.

Number two, it's no surprise that you have lots of organizations on the right and the left—love what they stand for or hate what they stand for—that are opposing this bill because they don't want voters in many instances to know who is funding their ads. That's not a surprise at all. That's why those organizations who are devoted solely to clean campaign elections, like the League of Women Voters and Common Cause, are for this bill while all the others are against it.

Let me say something with respect to unions. There is no such thing as a U.S. subsidiary of a foreign union. So this is a red herring issue.

Second, under U.S. law, we have never defined collective bargaining agreements as Federal contracts like those contracts that go to the corporations themselves.

Number three, I draw to the attention of the body a statement that was made by Trevor Potter, President of the Campaign Legal Center, who was the Republican Commissioner on the FEC, the Federal Election Commission, from 1991 to 1995, who said, ''This bill requires funding disclosure for all election advertising—union and corporate,'' and goes on to say, ''Based on the legislative language's equality of treatment, claims of union favoritism seem to be unsupported efforts to discredit the bill and stave off its primary goal: disclosure of those underwriting the massive independent expenditure campaigns that are coming to dominate our elections.'' That's the Republican commissioner.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I find it instructive that one of the Members on the other side of the aisle, when she got down here to talk about the Constitution, said, I have this version of the Constitution. As far as I know there's only one version of the Constitution, except if you happen to be on the majority side dealing with this bill. Why do I say that? Because the Constitution very clearly in the First Amendment says, ''Congress shall make no law''—no law—''abridging free speech.'' What is it about ''no'' that you don't understand—I would say rhetorically because I can't address the majority on this floor. But I would say, if I could, what is it about ''no'' that you don't understand? It says no law.

Now, if some would say, well, wait a second, the courts do allow some laws in the area of campaign finance and disclosure and so forth; yes, they do. But what are they predicated on? They say the countervailing principle or concern about corruption or the appearance of corruption. That's the only basis upon which you can create these laws. And they, therefore, say you can not distinguish between two sets of groups where that same analysis would come forward. In other words, you can't say we're going to favor unions but disfavor corporations who stand essentially in the same shoes in the area of potential corruption. They say if you have a government contract over $10 million—and they started at $5 million, now they're up to $10 million to include certain groups, we're not sure exactly who they are, but there have been some whispers as to who they are—but the whole argument is that there is a potential corruption between those who have government contracts and those who might have influence in giving those contracts. So we said, okay, what about unions that represent the workers for those companies whose pay comes from the taxpayers by virtue of these contracts? It's the same argument. And they said, oh, no, we can't do that, that would be unfair to unions. And we said, what about the fact where you have union bargaining agreements with government entities, wouldn't that be the same? Oh, no, no, that's different than corporations. What's the basis? There is no basis. And what they do, by the terms of the bill, is render this bill unconstitutional because the courts say you can't distinguish among different groups unless you use the same basis.

And they use the highest level of scrutiny, strict scrutiny. Why? Because it involves an essential right protected under the Constitution. That's what is so disturbing here today, not because we disagree on the legislation because we do that often, but the fact of the matter is that we are so cavalierly dealing with the First Amendment. We are so cavalierly dealing with free speech. We are so cavalierly dealing with essential political free speech, particularly when it's involved in elections. That's when it's most important. And yet we have seen a bidding war here, an auction—not on the floor because it took place behind closed doors—and yet we're told—just look at the title, look at the title. You know, if you put the name Cadillac on a Yugo, it would still be a Yugo. If it can't drive, putting another name on it is not going to make it better.

And to say this is the DISCLOSE Act when you refuse to disclose the parts of it to us until 2 hours before the Rules Committee yesterday undercuts everything you argue that this bill is about. This is not sunlight. This is putting some in the cellar where there is no light and others get the light. This is allowing some to be involved in the debate and others not.

Our Founding Fathers did not think the antidote to bad speech was to prohibit speech. It was to encourage robust debate and give others the opportunity. We can agree on disclosure, but not when you bring it in this form because it isn't disclosure that is fairly imposed on all parties.

And I am sure of this; this will be declared unconstitutional. But the dirty little secret in this is you have put in here the appellate process so it won't be decided until after this election, so that those who should be able to exercise their First Amendment rights will be afraid to exercise them for fear they might make a mistake. What a tragedy. What a travesty.

We should do better on this floor. We owe it to ourselves. And if we don't think we're worthy, maybe the Constitution is worthy. Maybe our constituents are worthy. To hide behind the words ''disclosure'' and ''disclose'' when in fact that's not what you're doing is the ultimate in insult to the Constitution.

□ 1340

Mr. CONYERS. Mr. Chairman, I yield myself the balance of my time.

Members of the House, I have been on the Judiciary Committee longer than anyone in the House of Representatives. Save one other court decision, there has been no decision that they have ever rendered that I have considered more abhorrent and more onerous than the results that will flow from this measure of the Citizens United decision. I say that because what we are doing is a matter of whether corporate control of the body politic now goes completely and totally without any halt or reservation whatsoever.

So, please, support this measure.

The CHAIR. The time of the gentleman has expired.

Mr. BRADY of Pennsylvania. Mr. Chairman, I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, at this time, it is my distinct honor to yield 1 minute to the distinguished leader of the Republicans here in the House, the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. I want to thank my colleague for yielding.

''Congress shall make no law abridging the freedom of speech.''

We all know that that is part of our First Amendment to the Constitution. It is first for a reason, because freedom of speech is the basis for our democracy, but today, the majority wants to pass a bill restricting speech, violating that very First Amendment to the Constitution. Oh, no, they don't want to restrict it for everyone. They want to use their majority here in the House to silence their political opponents, pure and simple, for just one election.

Is there any other explanation for this bill? Is there any other reason why, under this bill, small businesses will get muffled, but big businesses are going to be fine? Labor unions, they're not going to have to comply with this. They are exempted from this. They are going to get their rights protected.

Why is the National Rifle Association protected but not the National Right to Life organization? Obviously, no one wants to answer.

The National Rifle Association is carved out of this bill, and they get a special deal. Now, the NRA is a big defender of the Second Amendment of the Constitution—the right to bear arms. Yet they think it's all right to throw everybody else under the table, so they can get a special deal, while requiring everyone else to comply with all of the rules outlined in this bill. Frankly, I think it is disappointing.

Why does the Humane Society of America get to speak freely but not the national Farm Bureau? Why does AARP get protected under this bill, but if you belong to 60 Plus, no, you've got to comply with all of this?

Since the Supreme Court's decision to uphold the First Amendment, Democrats here have maintained their bill would apply equally across the board to corporations, to labor unions, and to advocacy organizations alike. Instead, they have produced a bill that is full of loopholes, designed to help their friends while silencing their political opponents.

We in this House take an oath to preserve, to protect, and to defend our Constitution. Anyone who votes for this bill today, I'll tell you, is violating the oath that they took when they became Members of this organization.

Mr. BRADY of Pennsylvania. Mr. Chairman, I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. I yield myself the balance of my time.

Mr. Chairman, I have been privileged to serve in this House for a number of years. During that period of time, I have had the opportunity to vote, probably, thousands of times on many, many, many different issues. Sometimes the result of the votes, of the collective votes of this House and the Senate and the signature of the President during the course of time that I have been here, has resulted in legislation which subsequently was ruled to be, in part or in whole, unconstitutional.

I have had conversations on the floor of the House with Members who have said at times, I'm not concerned about the Constitution. I mean don't let me worry about that. The courts decide that.

I've always said to them in response, We have an obligation when we take an oath of office to uphold the Constitution, and we ought to do it as we consider legislation.

Though, I am not sure that I have ever seen a frontal assault on the Constitution as this bill is. Why do I say that? I say that because this deals with the First Amendment. It deals with political speech. It deals with political speech at its most effective, which is in the context of a political campaign, and we ought to deal with that very, very carefully.

I would say to my friend from Michigan, if we were so concerned about the Constitution, why did our committee waive jurisdiction here after only having this bill for a day? Other times, we insist on dealing with constitutional questions, but yet we gave it up.

You look at this bill, and you see that it violates the contours of the decision by the Supreme Court. If you want to amend the Constitution, bring an amendment to the floor. It violates it in so many ways, and it is a continual violation, as the auction block was established on the other side of the aisle. We kept hearing day after day, week after week, They don't have the votes. They don't have the votes. They're going to make this deal. They're going to make that deal.

What did they do? They expanded the exemption.

They decided, yes, the National Rifle Association got a special exemption. I guess AARP did. I guess the Humane Society did. We don't know who else did because they've just changed the definition in the last couple of days from a million members to a half a million members, but we know that most groups now will not be exempt, just a privileged few. That violates what the decisions of the courts going back decades tell us. You cannot discriminate among groups. You cannot have disfavored and favored groups, and that is what we are doing right here on the floor, not just about something dealt with by the Constitution, but the essential of the First Amendment.

I am surprised that my liberal friends are not down here on this floor, condemning provisions of this bill. They say it's not a perfect bill. No, it's not perfect. It's unconstitutional. It is unconstitutional by its very terms. In the last 2 weeks and even yesterday, it became more unconstitutional because they carved out exemptions even further for unions and for selected groups of large size.

Mr. Chairman, we should do better than this. We should do better than this. If we are not concerned about protecting the Constitution, who is?

You know, as was said basically by our leader, we take an oath to protect and to defend all parts of the Constitution—the First Amendment as well as the Second Amendment. The fact of the matter is we take an oath to uphold the Constitution. To only allow an hour's worth of debate when we give far more time to naming post offices is a disgrace in this House—a disgrace. To not allow amendments that deal with some of the very subjects that my friends on the other side talk about is a disgrace.

Mr. Chairman, I ask for a ''no'' vote on this bill.

The CHAIR. The time of the gentleman has expired.

Mr. BRADY of Pennsylvania. Mr. Chairman, I yield myself the balance of my time.

First, let me thank the staff of House Administration—Jamie Fleet, Matt Pinkus, Tom Hicks, and Jennifer Daehn—for the hard work they've done on this bill. There was a lot of moving around and a lot of moving parts to be able to put it back together so we could be here today.

I would also like to thank Karen Robb, who I am sure, right now, is probably the most relieved person in knowing that this is finally coming to an end, and I appreciate all her help.

□ 1350

Despite all the rhetoric that we've heard about this bill, the simple purpose, Mr. Chairman, is: Who's saying it; who's paying it. All I want to know when I run or if I run or anybody runs for reelection, if somebody's running an ad against me, I'd like to know who that person is, or if somebody is writing an ad in my favor, I'd like to know who that person is.

We talked about the unions as opposed to corporations. The unions pay dues and they take out at an hourly rate a checkoff to go to a PAC committee, a PAC fund. They also have the right not to do that. They can say, I don't want to send any money to a PAC fund. But if they do, they now vote. They sit and vote for every single candidate that that union is supporting, whether or not they want to support that candidate or not, and every union puts a tagline saying who they're supporting and they're paying for that.

Corporations. I could be a member and a stockholder of a corporation like AT&T and have stocks, and they can run against me and I don't even know it. Also, those corporations don't vote. I'm a stockholder; I don't vote. I can't vote to say what they do with my money, even though they spend the money for an opponent against me. Again, Mr. Chairman, all we're saying is, who's saying it and who's paying for it.

With that, Mr. Chairman, I urge my colleagues to support this legislation.

Mr. DINGELL. Mr. Chair, I rise in support of H.R. 5175, the DISCLOSE Act, as a cosponsor and strong proponent of this legislation.

The DISCLOSE Act is a bipartisan response to the Supreme Court's reckless decision in Citizens United v. Federal Election Commission to give corporations the same rights as American citizens with respect to political speech. The decision overturned decades of precedent upholding common-sense campaign finance laws that kept special interests at bay in our elections. Corporations—think Big Oil and Wall Street—can now speak louder and more forcefully than the ordinary American without any restrictions. Moreover, Citizens United opened up the very real possibility that other countries—many of which do not have America's best interest in mind—can spend money to influence our elections. Maybe the opponents of this legislation don't understand that by voting ''no'' they've allowed China Telecom or Venezuela's CITGO the same rights as ordinary Americans when it comes to spending money in our elections.

Since we are not yet politically at a point where we have the votes to overturn this reckless Supreme Court decision, the DISCLOSE Act is a step towards ensuring corporations now have these rights, they must spend money in the light of day. For one thing, corporations cannot hide behind shadow groups that do not have to disclose their donors to the public. If corporations choose to advertise close to Election Day, they must report their donors to the Federal Election Commission and include a hyperlink to their disclosure report on their websites. Moreover, chief executive officers will have to stand behind their ads and top donors will be listed on advertisements. American citizens have the right to know and deserve to know who it is exactly that is telling them to vote for or against a candidate.

The DISCLOSE Act prevents foreign cash in our elections, and also prevents corporations receiving large government contracts, and corporations that are using money out of the Troubled Asset Relief Fund from spending taxpayer money out of their general treasuries on American elections. These practical limitations are necessary to ensure that American elections are not co-opted by foreign entities and special interests looking out only for their own interests and bottom lines.

Mr. Chair, the DISLCOSE Act represents months of hard work and compromise so that American citizens would still have a strong

voice in our elections. Most Americans, in fact, did not agree with the Supreme Court's decision because they understand that corporations and individuals are not one in the same. I strongly urge my colleagues to join me in voting ''yes'' on this legislation and ensure that American's voices are still heard in our elections.

Mr. STARK. Mr. Chair, I rise today to support taking a first step in repairing our broken election system. The cornerstone of our democracy is that voters—not corporations and special interests—should decide elections. Congress must act to reserve the Supreme Court's mistaken decision in Citizens United and prevent corporations from completely taking over our elections.

Earlier this year, the Supreme Court overturned important campaign finance reform laws that limited the ability of corporations to fund and influence federal elections. By overturning these restrictions, the Supreme Court has freed corporations to secretly spend millions of dollars on political campaigns and advertisements without any public disclosure of those expenditures. The American people have a right to know who is paying for all the expensive advertising during campaigns. The DISCLOSE Act (H.R. 5175) would remedy this situation.

This bill requires corporations, unions, and special interest groups to disclose both the identity of their organization and those of their top donors when they engage in electioneering. Campaign contributions from corporations with government contracts and those made by foreign nationals or foreign-controlled domestic corporations would be prohibited. Individuals spending more than $10,000 on electioneering communications are required to file an electronic report with the Federal Elections Commission (FEC) that will be publicly available.

I oppose the inclusion of a donor disclosure exemption that primarily benefits the National Rifle Association. The NRA still has the ability to kill a bill in Congress. The overall impact of the bill is still positive and an improvement on the status quo.

We must go further on campaign finance reform and rid our politics of corporate money. I am a cosponsor of the Fair Elections Now Act (H.R. 1826), which would provide public financing for federal campaigns. Candidates who raise a specified number of small donations would be eligible for matching funds. This would return fundraising to its proper place—from community support rather than special interests.

I will keep working for public financing. The DISCLOSE Act is a first step in the right direction. Special interests representing oil companies, Wall Street, and health insurance companies should not be able to buy elections. I will vote for the DISCLOSE Act and urge all of my colleagues to support stronger campaign finance laws.

Mrs. CAPPS. Mr. Chair, I rise today in strong support of H.R. 5175, the DISCLOSE Act.

Fair, free elections are the foundation of our democracy. As Members of Congress, it is our duty to uphold the Constitution and ensure the voices of our constituents are heard. But in its Citizens United ruling, the Supreme Court overturned nearly a century of precedent and threatened the legitimacy of our elections by opening the flood gates to unlimited corporate spending on elections.

This ruling is sadly just a continuation of the failed policies that thrived under Republican leadership, when special interests dominated Washington. Fueled by big donations from special interests, for years Republicans allowed Big Oil to run amok, stood by and watched as Wall Street's greed nearly destroyed our financial system, and sat on their hands as health insurers raked in record profits at the expense of struggling American families.

Thankfully, things have changed under Democratic leadership. Under Democratic leadership, corporate influence in Washington is diminishing. Health Reform. Wall Street Reform. Energy Reform. Special interests have fought these efforts tooth and nail from the start, and they have failed.

The DISCLOSE Act is Democrats' latest effort to fight back against corporate special interests. This legislation begins to roll back the gaping loopholes in Citizens United that threaten the integrity of our elections and will drown out the voices of everyday American voters.

It prevents corporations controlled by foreign—or even hostile—governments from dumping in secret money to influence U.S. elections and drown out the voice of American voters.

It prohibits government contractors and TARP recipients from making political expenditures with taxpayer dollars.

And it throws a little sunshine on who is behind the ads in our elections. It does that by requiring disclosure by corporations, unions and advocacy groups that spend money on elections. It requires corporate CEOs to show their face and stand by their ads just like candidates must do.

The DISCLOSE Act helps ensure transparency and accountability in our federal elections. Voters deserve to know when Wall Street, Big Oil or credit card companies are the ones behind political advertisements. Shareholders deserve to know what their companies are spending their investment dollars on. And Americans deserve to know when special interests like health insurers and energy companies set up sham organizations meant to trick and deceive them into voting against their own interests.

Mr. Chair, transparency works. We need look no further than my home state of California, where just weeks ago voters soundly defeated a ballot measure after learning that the sham group ''Californians to Protect the Right to Vote'' that supported it was actually funded by energy giant Pacific Gas & Electric.

Mr. Chair, it is time to act. It is time to stop special interests and their billions of dollars from drowning out the voices of American voters. It is time to put the interests of American voters above those of corporations.

I urge my colleagues to join me in voting yes on the DISCLOSE Act.

Ms. KILPATRICK of Michigan. Mr. Chair, as a member of the House Progressive Caucus, I am proud to say that it has been progressives who have fought the undue influence of corporations in campaigns, beginning since at least the late 1800s. In 1907, the Tillman Act was signed into law, which prohibits any contribution by any corporation and national bank to federal political campaigns. This ban remains in effect to this very day.

Michigan has a particular role in corporations and campaign finance issues. In the Supreme Court case of Austin v. Michigan Chamber of Commerce in 1990, in which the Michigan Chamber of Commerce wanted to use its general funds to run a newspaper ad supporting a specific candidate against Michigan State law, the Court upheld Michigan law. Furthermore, the Court found that the government must prevent ''the corrosive and distorting effects'' of corporate money in politics.

I agree, and I do believe that the ruling in Citizens United will allow wealthy corporations to spend unlimited amounts of money on campaigns. President Barack Obama criticized this decision during his annual State of the Union address, saying, ''. . . last week the Supreme Court reversed a century of law that I believe will open the floodgates for special interests—including foreign corporations—to spend without limit in our elections. I don't think American elections should be bankrolled by America's most powerful interests, or worse, by foreign entities. They should be decided by the American people. And I'd urge Democrats and Republicans to pass a bill that helps to correct some of these problems.''

Unfortunately, this is not that bill. Congress must take action to counteract the negative effect of the Citizens United decision. I believe in the basic principle that Americans have the right to know the identities of groups spending money to influence elections. I believe in transparency. I believe in fairness. This bill, designed to protect against undue, unfair, and unwanted influence by corporations, contains a carve-out or exemption for the National Rifle Association. This exemption is not good policy, is not right, and is not fair. It is simply baffling to me that the party that has led the fight against assault weapons, in support of stronger handgun registration requirements, and helped to see the Brady law come to reality would support such an exemption for the one organization against stronger gun laws.

In Detroit, Michigan, we have regrettably seen too many young people die due to gun violence. This is almost a direct result of simply this—there are too many guns on our streets. Combine the plethora of guns on the street with record high unemployment, home foreclosures, and industries leaving Michigan, and it is no secret why deaths due to gun violence in our nation are soaring.

Like most Americans, I want to keep the light on who, what and how campaigns are financed. Amendments to level the playing field for all organizations were offered, but rejected. Congress should defeat this bill in its current form, and take a stand against the National Rifle Association.

Mr. SHULER. Mr. Chair, there are valid concerns that the DISCLOSE Act, H.R. 5175, could unconstitutionally hinder the free speech of certain long-standing, member-driven organizations that have historically acted in good faith. In an effort to fix this, I filed an amendment with the House Rules Committee to exempt any 501(c)(4) organization that meets certain criteria from the Disclose Act's reporting and disclosure requirements.

A modified version of my amendment was included as part of Representative BRADY's ''manager's amendment'' made in order by the Rules Committee. The manager's amendment creates a special class of exempt 501(c)(4) organizations to which the reporting and disclosure provisions of H.R. 5175 do not apply.

These ''exempt 501(c)(4) organizations'' would need to:

Be a 501(c)(4) organization for each of the past 10 years;

Have at least 500,000 dues-paying members;

Have at least one dues-paying member in each of the 50 states;

Receives no more than 15 percent of its annual revenue from corporations, excluding revenue from commercial transactions occurring in the ordinary course of business;

Not use any funds received from corporations for electioneering communications.

The organization's CEO would need to certify to the Federal Election Commission (FEC) that it meets these qualifications. To protect individuals rights of freedom of speech the FEC would not be allowed to require any donor lists, or financial or membership information of any kind from organizations seeking exemption. Such compelled disclosure to the FEC would raise serious First Amendment questions.

There is no question that we need to prevent enormous amounts of corporate and foreign money from flooding campaigns without transparency, and to prevent illegitimate shadow organizations from cropping up and overpowering the voice of Americans. However, many organizations exist solely to give individuals with common interests a voice in the political process. This narrowly tailored exemption for this special class of exempt 501(c)(4) organizations is necessary to achieve the compelling government interest that non-profit membership organizations funded largely by individuals be allowed to speak freely in the political arena. Long-standing, member-driven, non-profit organizations are at the heart of the First Amendment's protections of political speech and association and are distinct from for-profit corporations, just as media corporations are distinct from other for-profit corporations.

Including this exemption for exempt 501(c)(4) organizations is critical to passage and enactment of H.R. 5175. Were a court to try and sever the exemption from the bill and leave the remainder of its provisions intact, it would violate the clear intent of Congress. We need to ensure that these long-standing, nonprofit membership organizations funded largely by individuals can continue to speak freely on behalf of their members.

Mr. LEVIN. Mr. Chair, I rise today in support of the Democracy is Strengthened by Casting Light on Spending in Elections Act, known as the DISCLOSE Act. This legislation, quite simply, is about giving voters information on who is trying to influence an election and how much money they are spending to do so. The American people deserve the benefit of this information as they decide how to vote.

Unfortunately, the trend in recent years has been toward less transparency in election spending. Organizations hiding behind generic or even misleading names have spent millions of dollars in political advertising, often not to promote their own ideas but to attack a candidate or cause. Posing as grassroots citizens groups, too often advertisements turn out to be astroturf campaigns funded by corporations, industry trade associations, and political interests. Their purposes may be to confuse or even deceive voters and, without the ability to know an advertisement's sponsors, the voters are missing vital information that would help them arrive at their own conclusions.

This trend in political advertisements was already on an unsustainable path when the Supreme Court overturned the prohibition on direct corporate and union spending on elections. This decision opened the floodgates to a wave of new money, all of which could be spent from behind a curtain of secrecy.

The DISCLOSE Act pulls back the curtain. It requires the CEO or President of the sponsoring corporation, union, or advocacy organization to stand by their ad, just as candidates must. The bill requires these organizations to inform their members or shareholders of their election-related spending so that the decision makers can be held accountable. It requires spending amounts to be posted online and, for those shadow groups that seem to form overnight, advertisements will be required to list their top five funders, and the organization will need to make a list of their large donors available to the public.

The DISCLOSE Act also steps in to bar spending from those who should not be able to interfere in elections: corporations controlled by foreigners as well as government contractors and TARP recipients who should not be able to spend taxpayer money on election activities.

There is no doubt that the DISCLOSE Act represents a significant improvement over current law and a step worth taking. It is time to pull back the curtain and I hope my colleagues will join me in supporting this important legislation.

Mr. VAN HOLLEN. Mr. Chair,

INTERNET RULES REMAIN UNCHANGED

H.R. 5175 extends the existing rules on coordination to apply to any ''covered communication,'' and defines the term ''covered communication.'' In so doing, the bill repeats the language of the existing media exemption and incorporates that exemption into the definition of ''covered communication.'' The existing language of the media exemption has been interpreted by FEC regulation to include an exemption for media activities on the Internet. 11 CFR 100.132. By incorporating the existing language of the media exemption into the coordination provisions in the DISCLOSE Act, the sponsors intend to ensure that the media exemption in the DISCLOSE Act will be interpreted by the FEC in the same way that the FEC has interpreted the media exemption in existing law, to include media activities on the Internet within the media exemption.

INDEPENDENT EXPENDITURES INFLUENCE ELECTED OFFICIALS

Independent expenditures and electioneering communications can influence elected officials and produce gratitude, indebtedness, and access. Although such influence is not per se problematic, it may be improper in certain contexts. In particular, such influence is improper if it has the potential to affect the outcome of federal contracting decisions or if it is exercised by a foreign-controlled entity.

According to a recent report by Professor Wilcox of Georgetown University, ''Donors who seek to gain access and influence care primarily that their contribution is noticed and appreciated, not that it is handled directly by the candidate's campaign treasurer.'' The report notes that contributions to groups that make independent expenditures ''can be conceived as indirect contributions—instead of giving the money directly to the candidate's campaign committee, they are given to an independent committee that also helps the candidate win.'' Indeed some experts believe that large independent expenditures on behalf of candidates can produce greater influence than direct campaign contributions that are subject to legal limits: ''With almost all of the 527s associating themselves with the two major parties and their candidates, and with the great majority of contributions coming from donors giving in the millions, rather than thousands or even tens of thousands of dollars, big 527 donors today are positioned to garner more attention and consideration from parties and candidates than those who give the maximum direct contribution of $2,000–$25,000.''

In California, recent legislation limiting direct contributions has produced an ''explosion'' of independent expenditures. According to Ross Johnson, Chairman of the California Fair Political Practices Commission and a former Republican Party leader in both houses of the California legislature, ''independent expenditures have provided sophisticated wealthy individuals and special interests the means to circumvent [contribution] limits and create the appearance of corruption, or gain undue influence on, candidates and officeholders.''

Recent examples illustrate that independent expenditures are used to try to influence elected officials.

In 1998 a group with an interest in gaming issues attempted to bribe former Republican Kansas Congressman Snowbarger by signaling that they would conduct an independent spending campaign on his behalf. According to Snowbarger's campaign manager, the offer ''was an attempt to get him to change his position by offering to do independent spending that would help him win re-election.'' Congressman Snowbarger rejected the offer. His campaign manager later explained the rationale behind the proposal: ''[T]he people behind th[e] effort offered to do an independent expenditure rather than make contributions because contributions are limited. If only a small number of people are involved, they are unable to promise to give that much. Even a corrupt Congressman would not risk accepting a bribe of only $5,000.00 or $6,000.00. Independent expenditures, on the other hand, can involve sums of money of an entirely different magnitude.''

Former Wisconsin State Senate Majority Leader Chvala was convicted on corruption charges in 2005 for illegally soliciting funds in exchange for political favors. According to Wisconsin lobbyist Michael Bright, who lobbied Chvala on numerous occasions, ''[t]here was essentially a 'menu' of different ways that clients could contribute: they could give directly to candidates in contested races, to the parties, or to groups that made independent expenditures or independent candidate-focused 'issue' ads . . . These were all acceptable ways to meet Chvala's contribution expectations, to get 'credit' in Chvala's world.'' (emphasis added). Chvala would indicate to interested parties that ''whichever bucket [they] put the money into, it would be used effectively to support Democratic senate candidates and would be appreciated by those candidates.'' According to Bright, ''there was not any ambiguity about it: he was suggesting that the candidates benefited would properly credit the client for the contributions no matter which entity they were made to, and the candidate would be just as appreciative as if the money had all been given directly to the candidate's campaign.''

Recent polling reveals that independent expenditures also create an appearance of influence. A 2008 Zogby poll found that 82 percent

of respondents believe ''that if an individual contributed $100,000 or more to a group to spend on an advertising campaign supporting a congressional candidate it is likely that the candidate will do a political favor for the contributor once elected to office.''

THE UNIQUE CONTEXTS OF GOVERNMENT CONTRACTING AND FOREIGN INFLUENCE

Although Citizens United prohibits restrictions on independent expenditures that apply to corporations and unions generally, independent expenditures and electioneering communications by government contractors and foreign-controlled entities pose unique concerns. Congress has a substantial interest in protecting a merit-based government contracting process and in protecting U.S. interests from foreign influence, and Congress therefore has the power to regulate independent expenditures and electioneering communications in these particular domains.

Independent expenditures and electioneering communications by government contractors warrant distinct concern. Government contracting decisions should be based on an objective evaluation of how well potential contractors meet the relevant legal criteria. Elaborate federal regulations reflect this commitment to a fairly and impartially-administered contracting system. However, contractors may seek to improperly influence elected officials in order to maximize their chances of receiving contracts. Contractors may also feel pressure, whether explicitly exerted by government officials or not, to make expenditures in order to obtain contracts. A company seeking to renew an existing contract may be especially vulnerable to such pressure because it is likely to have significant reliance interests in maintaining its business relationship with the government.

The need to protect the integrity of government contracting is evidenced by recent pay-to-play scandals. Former Illinois Gov. George Ryan went to federal prison in 2007 for issuing state contracts in exchange for financial contributions and gifts over a period of 10 years. In Connecticut, a pay-to-play probe brought down former Governor Rowland, who admitted taking gifts from state contractors. In 1998, New Jersey awarded a seven-year, $392 million contract to Parsons Infrastructure & Technology Group Inc. to privatize automobile inspections. A subsequent state investigation found that Parsons had tainted the competitive bidding process by contributing more than a half million dollars to state officials and that the ''mammoth boondoggle'' cost taxpayers an additional $200 million after the contract was awarded. Randy ''Duke'' Cunningham resigned from Congress in 2005 after pleading guilty to using his official position to extract bribes from multiple defense contractors. In March, 2010, the New York state pension fund's former chief investment officer pleaded guilty to directing public dollars to firms that made political contributions to former Democratic state comptroller Alan G. Hevesi. Financial companies have so far paid $120 million in settlements to resolve their roles in the ongoing pay to play scandal. Even when a direct quid-pro-quo cannot be definitively proven, the relationship between political expenditures and contract awards can still give rise to the appearance of improper influence. For instance, a University of Michigan study found that donors to former Wisconsin Governor Tommy Thompson's campaign were awarded an average of $20 million in contracts, while non-contributors were only awarded an average of $870,000.

Independent expenditures and electioneering communications by foreign-controlled domestic corporations also warrant distinct concern. In 2005, the general treasuries of these companies totaled approximately $3.5 trillion. After Citizens United, these companies are now free to spend unlimited sums from their general treasuries to influence federal elections, and undermine U.S. interests. The DISCLOSE Act would prevent this foreign intervention in U.S. elections.

Mr. PENCE. Mr. Chair, I rise in opposition to H.R. 5175, the Democracy is Served by Casting Light on Spending in Elections—DISCLOSE—Act.

However, I must say, rarely has a bill fallen so short of doing what its title says. In fact, this bill does the opposite of its name by limiting free speech in the political process.

The First Amendment says ''Congress shall make no law . . . abridging the freedom of speech.'' That right is cherished by all Americans and is to be protected by this Congress. Unfortunately, this bill is a naked attempt to cloud the free speech rights of millions of Americans; rights that were clearly affirmed in January by the Supreme Court.

It's for that reason that I am profoundly disappointed that the Democratic majority is trying to overturn the High Court's Citizens United decision. The justices were clear about the freedom of Americans to collectively participate in the political process through organizations. And the fact that the Court overturned a 20-year precedent speaks volumes about the importance of this issue.

But, instead of standing on the side of free speech and the American people, this bill will cloud the court's decision and cause uncertainty about federal election law. And that would happen during the months leading up to the November midterm elections.

Democrats suggest that the bill deals with corporations and unions even-handedly. That is false. In the interest of full disclosure, the American people should know that this legislation is sponsored by the two Democrats who are chiefly responsible for the election of Democrats to the House and Senate this fall.

Perhaps that explains why this bill's provisions include enormous exclusions for union expenditures but place extraordinary limits on corporations to hinder their ability to participate in the political process, despite the clear directive of the Citizens United case.

Corporations will have to make burdensome new identifying disclaimers.

Companies that are government contractors or that received TARP bailout money will be banned from political speech. And this bill will suppress speech by those who choose to speak out through associations, a fundamental right guaranteed by the Constitution.

This legislation is nothing more than an attempt to bring confusion to the political process and to discourage millions of Americans and thousands of organizations from becoming involved in the political debate.

Campaign finance is an issue that I've been committed to since I first came to Congress. I've worked with Republicans and Democrats alike in an effort to bring more freedom to everyone involved in the political process.

This bill sets back the freedoms affirmed just months ago by the Supreme Court.

Mr. Chair, I believe that instead of greater government control of political speech, more freedom is the answer. And while such liberty may be a bit more chaotic and inconvenient for some in the political class, as Thomas Jefferson said, ''I would rather be exposed to the inconveniences attending too much liberty than those attending too small a degree of it.''

The answer to problems in politics in a free society is more freedom, not less.

I urge this body not to diminish the First Amendment for the sake of politics. Let's reject this bill and allow the American people to exercise their right of free speech and participate fully in the political process, as our Constitution intended.

Mr. TIAHRT. Mr. Chair, the passage today of the so-called DISCLOSE Act, is a travesty. This bill is a hasty, ill-conceived, un-Constitutional response to the near unanimous decision of the U.S. Supreme Court in Citizens United vs The Federal Election Committee. The DISLOSE Act takes us down a familiar road of the Democratic majority attempting to remove the First Amendment rights of the minority, including the rights of those who are fighting to defend the sanctity of life. For over a year, the Democrat majority in Congress and the White House have held the voice of the American people in contempt, whether at town halls or on the National Mall. Instead of listening, they would rather find ways to silence us. This bill is a direct attack on our rights and will not stand up to the scrutiny of the courts. This hallowed body should not have even considered it. I urge the Senate to send this bill back to where it deserves to go, the trash bin.

Mr. BRADY of Pennsylvania. I yield back the balance of my time.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

The committee amendment in the nature of a substitute modified by the amendment printed in part A of House Report 111–511 is adopted. The bill, as amended, shall be considered as an original bill for the purpose of further amendment under the 5-minute rule and shall be considered read.

The text of the bill, as amended, is as follows:

H.R. 5175

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Democracy is Strengthened by Casting Light on Spending in Elections Act'' or the ''DISCLOSE Act''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.

TITLE I—REGULATION OF CERTAIN POLITICAL SPENDING

Sec. 101. Prohibiting independent expenditures and electioneering communications by government contractors.
Sec. 102. Application of ban on contributions and expenditures by foreign nationals to foreign-controlled domestic corporations.
Sec. 103. Treatment of payments for coordinated communications as contributions.

Sec. 104. Treatment of political party communications made on behalf of candidates.
Sec. 105. Restriction on internet communications treated as public communications.
TITLE II—PROMOTING EFFECTIVE DISCLOSURE OF CAMPAIGN-RELATED ACTIVITY
Subtitle A—Treatment of Independent Expenditures and Electioneering Communications Made by All Persons
Sec. 201. Independent expenditures.
Sec. 202. Electioneering communications.
Sec. 203. Mandatory electronic filing by persons making independent expenditures or electioneering communications exceeding $10,000 at any time.
Subtitle B—Expanded Requirements for Corporations and Other Organizations
Sec. 211. Additional information required to be included in reports on disbursements by covered organizations.
Sec. 212. Rules regarding use of general treasury funds by covered organizations for campaign-related activity.
Sec. 213. Optional use of separate account by covered organizations for campaign-related activity.
Sec. 214. Modification of rules relating to disclaimer statements required for certain communications.
Subtitle C—Reporting Requirements for Registered Lobbyists
Sec. 221. Requiring registered lobbyists to report information on independent expenditures and electioneering communications.
TITLE III—DISCLOSURE BY COVERED ORGANIZATIONS OF INFORMATION ON CAMPAIGN-RELATED ACTIVITY
Sec. 301. Requiring disclosure by covered organizations of information on campaign-related activity.
TITLE IV—OTHER PROVISIONS
Sec. 401. Judicial review.
Sec. 402. Severability.
Sec. 403. Effective date.

TITLE I—REGULATION OF CERTAIN POLITICAL SPENDING

SEC. 101. PROHIBITING INDEPENDENT EXPENDITURES AND ELECTIONEERING COMMUNICATIONS BY GOVERNMENT CONTRACTORS.

(a) PROHIBITION APPLICABLE TO GOVERNMENT CONTRACTORS.—

(1) PROHIBITION.—

(A) IN GENERAL.—Section 317(a)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441c(a)(1)) is amended by striking ''purpose or use; or'' and inserting the following: ''purpose or use, to make any independent expenditure, or to disburse any funds for an electioneering communication; or''.

(B) CONFORMING AMENDMENT.—The heading of section 317 of such Act (2 U.S.C. 441c) is amended by striking ''CONTRIBUTIONS'' and inserting ''CONTRIBUTIONS, INDEPENDENT EXPENDITURES, AND ELECTIONEERING COMMUNICATIONS''.

(2) THRESHOLD FOR APPLICATION OF BAN.—Section 317 of such Act (2 U.S.C. 441c) is amended—

(A) by redesignating subsections (b) and (c) as subsections (c) and (d); and

(B) by inserting after subsection (a) the following new subsection:

''(b) To the extent that subsection (a)(1) prohibits a person who enters into a contract described in such subsection from making any independent expenditure or disbursing funds for an electioneering communication, such subsection shall apply only if the value of the contract is equal to or greater than $10,000,000.''.

(b) APPLICATION TO RECIPIENTS OF ASSISTANCE UNDER TROUBLED ASSET PROGRAM.—Section 317(a) of such Act (2 U.S.C. 441c(a)) is amended—

(1) by striking ''or'' at the end of paragraph (1);

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following new paragraph:

''(2) who enters into negotiations for financial assistance under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211 et seq.) (relating to the purchase of troubled assets by the Secretary of the Treasury), during the period—

''(A) beginning on the later of the commencement of the negotiations or the date of the enactment of the Democracy is Strengthened by Casting Light on Spending in Elections Act; and

''(B) ending with the later of the termination of such negotiations or the repayment of such financial assistance;

directly or indirectly to make any contribution of money or other things of value, or to promise expressly or impliedly to make any such contribution to any political party, committee, or candidate for public office or to any person for any political purpose or use, to make any independent expenditure, or to disburse any funds for an electioneering communication; or''.

(c) TECHNICAL AMENDMENT.—Section 317 of such Act (2 U.S.C. 441c) is amended by striking ''section 321'' each place it appears and inserting ''section 316''.

SEC. 102. APPLICATION OF BAN ON CONTRIBUTIONS AND EXPENDITURES BY FOREIGN NATIONALS TO FOREIGN-CONTROLLED DOMESTIC CORPORATIONS.

(a) APPLICATION OF BAN.—Section 319(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e(b)) is amended—

(1) by striking ''or'' at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting ''; or''; and

(3) by adding at the end the following new paragraph:

''(3) any corporation which is not a foreign national described in paragraph (1) and—

''(A) in which a foreign national described in paragraph (1) or (2) directly or indirectly owns 20 percent or more of the voting shares;

''(B) with respect to which the majority of the members of the board of directors are foreign nationals described in paragraph (1) or (2);

''(C) over which one or more foreign nationals described in paragraph (1) or (2) has the power to direct, dictate, or control the decision-making process of the corporation with respect to its interests in the United States; or

''(D) over which one or more foreign nationals described in paragraph (1) or (2) has the power to direct, dictate, or control the decision-making process of the corporation with respect to activities in connection with a Federal, State, or local election, including—

''(i) the making of a contribution, donation, expenditure, independent expenditure, or disbursement for an electioneering communication (within the meaning of section 304(f)(3)); or

''(ii) the administration of a political committee established or maintained by the corporation.''.

(b) CERTIFICATION OF COMPLIANCE.—Section 319 of such Act (2 U.S.C. 441e) is amended by adding at the end the following new subsection:

''(c) CERTIFICATION OF COMPLIANCE REQUIRED PRIOR TO CARRYING OUT ACTIVITY.—Prior to the making in connection with an election for Federal office of any contribution, donation, expenditure, independent expenditure, or disbursement for an electioneering communication by a corporation during a year, the chief executive officer of the corporation (or, if the corporation does not have a chief executive officer, the highest ranking official of the corporation), shall file a certification with the Commission, under penalty of perjury, that the corporation is not prohibited from carrying out such activity under subsection (b)(3), unless the chief executive officer has previously filed such a certification during the year. Nothing in this subsection shall be construed to apply to any contribution, donation, expenditure, independent expenditure, or disbursement from a separate segregated fund established and administered by a corporation under section 316(b)(2)(C).''.

(c) NO EFFECT ON CERTAIN ACTIVITIES OF DOMESTIC CORPORATIONS.—Section 319 of such Act (2 U.S.C. 441e), as amended by subsection (b), is further amended by adding at the end the following new subsection:

''(d) NO EFFECT ON CERTAIN ACTIVITIES OF DOMESTIC CORPORATIONS.—

''(1) SEPARATE SEGREGATED FUNDS.—Nothing in this section shall be construed to prohibit any corporation which is not a foreign national described in paragraph (1) of subsection (b) from establishing, administering, and soliciting contributions to a separate segregated fund under section 316(b)(2)(C), so long as none of the amounts in the fund are provided by any foreign national described in paragraph (1) or (2) of subsection (b) and no foreign national described in paragraph (1) or (2) of subsection (b) has the power to direct, dictate, or control the establishment or administration of the fund.''.

''(2) STATE AND LOCAL ELECTIONS.—Nothing in this section shall be construed to prohibit any corporation which is not a foreign national described in paragraph (1) of subsection (b) from making a contribution or donation in connection with a State or local election to the extent permitted under State or local law, so long as no foreign national described in paragraph (1) or (2) of subsection (b) has the power to direct, dictate, or control such contribution or donation.

''(3) OTHER PERMISSIBLE CORPORATE CONTRIBUTIONS AND EXPENDITURES.—Nothing in this section shall be construed to prohibit any corporation which is not a foreign national described in paragraph (1) of subsection (b) from carrying out any activity described in subparagraph (A) or (B) of section 316(b)(2), so long as none of the amounts used to carry out the activity are provided by any foreign national described in paragraph (1) or (2) of subsection (b) and no foreign national described in paragraph (1) or (2) of subsection (b) has the power to direct, dictate, or control such activity.''

(d) NO EFFECT ON OTHER LAWS.—Section 319 of such Act (2 U.S.C. 441e), as amended by subsections (b) and (c), is further amended by adding at the end the following new subsection:

''(e) NO EFFECT ON OTHER LAWS.—Nothing in this section shall be construed to affect the determination of whether a corporation is treated as a foreign national for purposes of any law other than this Act.''.

SEC. 103. TREATMENT OF PAYMENTS FOR COORDINATED COMMUNICATIONS AS CONTRIBUTIONS.

(a) IN GENERAL.—Section 301(8)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(A)) is amended—

(1) by striking ''or'' at the end of clause (i);

(2) by striking the period at the end of clause (ii) and inserting ''; or''; and

(3) by adding at the end the following new clause:

''(iii) any payment made by any person (other than a candidate, an authorized committee of a candidate, or a political committee of a political party) for a coordinated communication (as determined under section 324).''.

(b) COORDINATED COMMUNICATIONS DESCRIBED.—Section 324 of such Act (2 U.S.C. 441k) is amended to read as follows:

''SEC. 324. COORDINATED COMMUNICATIONS.

''(a) COORDINATED COMMUNICATIONS DEFINED.—

''(1) IN GENERAL.—For purposes of this Act, the term 'coordinated communication' means—

''(A) a covered communication which, subject to subsection (c), is made in cooperation, consultation, or concert with, or at the request or

suggestion of, a candidate, an authorized committee of a candidate, or a political committee of a political party; or

''(B) any communication that republishes, disseminates, or distributes, in whole or in part, any broadcast or any written, graphic, or other form of campaign material prepared by a candidate, an authorized committee of a candidate, or their agents.

''(2) EXCEPTION.—The term 'coordinated communication' does not include—

''(A) a communication appearing in a news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication, unless such facilities are owned or controlled by any political party, political committee, or candidate; or

''(B) a communication which constitutes a candidate debate or forum conducted pursuant to the regulations adopted by the Commission to carry out section 304(f)(3)(B)(iii), or which solely promotes such a debate or forum and is made by or on behalf of the person sponsoring the debate or forum.''.

''(b) COVERED COMMUNICATION DEFINED.—

''(1) IN GENERAL.—Except as provided in paragraph (4), for purposes of this subsection, the term 'covered communication' means, for purposes of the applicable election period described in paragraph (2) and with respect to the coordinated communication involved, a public communication (as defined in section 301(22)) that refers to the candidate described in subsection (a)(1)(A) or an opponent of such candidate and is publicly distributed or publicly disseminated during such period.

''(2) APPLICABLE ELECTION PERIOD.—For purposes of paragraph (1), the 'applicable election period' with respect to a communication means—

''(A) in the case of a communication which refers to a candidate for the office of President or Vice President, the period—

''(i) beginning with the date that is 120 days before the date of the first primary election, preference election, or nominating convention for nomination for the office of President which is held in any State; and

''(ii) ending with the date of the general election for such office; or

''(B) in the case of a communication which refers to a candidate for any other Federal office, the period—

''(i) beginning with the date that is 90 days before the earliest of the primary election, preference election, or nominating convention with respect to the nomination for the office that the candidate is seeking; and

''(ii) ending with the date of the general election for such office.

''(3) SPECIAL RULE FOR PUBLIC DISTRIBUTION OF COMMUNICATIONS INVOLVING CONGRESSIONAL CANDIDATES.—For purposes of paragraph (1), in the case of a communication involving a candidate for an office other than President or Vice President, the communication shall be considered to be publicly distributed or publicly disseminated only if the dissemination or distribution occurs in the jurisdiction of the office that the candidate is seeking.

''(c) NO FINDING OF COORDINATION BASED SOLELY ON SHARING OF INFORMATION REGARDING LEGISLATIVE OR POLICY POSITION.—For purposes of subsection (a)(1), a covered communication shall not be considered to be made in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, an authorized committee of a candidate, or a political committee of a political party solely on the grounds that a person or an agent thereof engaged in discussions with the candidate or committee regarding that person's position on a legislative or policy matter (including urging the candidate or party to adopt that person's position), so long as there is no discussion between the person and the candidate or committee regarding the candidate's campaign plans, projects, activities, or needs.

''(d) PRESERVATION OF CERTAIN SAFE HARBORS AND FIREWALLS.—Nothing in this section may be construed to affect 11 CFR 109.21(g) or (h), as in effect on the date of the enactment of the Democracy is Strengthened by Casting Light on Spending in Elections Act.

''(e) TREATMENT OF COORDINATION WITH POLITICAL PARTIES FOR COMMUNICATIONS REFERRING TO CANDIDATES.—For purposes of this section, if a communication which refers to any clearly identified candidate or candidates of a political party or any opponent of such a candidate or candidates is determined to have been made in cooperation, consultation, or concert with or at the request or suggestion of a political committee of the political party but not in cooperation, consultation, or concert with or at the request or suggestion of such clearly identified candidate or candidates, the communication shall be treated as having been made in cooperation, consultation, or concert with or at the request or suggestion of the political committee of the political party but not with or at the request or suggestion of such clearly identified candidate or candidates.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—This section and the amendments made by this section shall apply with respect to payments made on or after the expiration of the 30-day period which begins on the date of the enactment of this Act, without regard to whether or not the Federal Election Commission has promulgated regulations to carry out such amendments.

(2) TRANSITION RULE FOR ACTIONS TAKEN PRIOR TO ENACTMENT.—No person shall be considered to have made a payment for a coordinated communication under section 324 of the Federal Election Campaign Act of 1971 (as amended by subsection (b)) by reason of any action taken by the person prior to the date of the enactment of this Act. Nothing in the previous sentence shall be construed to affect any determination under any other provision of such Act which is in effect on the date of the enactment of this Act regarding whether a communication is made in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, an authorized committee of a candidate, or a political committee of a political party.

SEC. 104. TREATMENT OF POLITICAL PARTY COMMUNICATIONS MADE ON BEHALF OF CANDIDATES.

(a) TREATMENT OF PAYMENT FOR PUBLIC COMMUNICATION AS CONTRIBUTION IF MADE UNDER CONTROL OR DIRECTION OF CANDIDATE.—Section 301(8)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(A)), as amended by section 103(a), is amended—

(1) by striking ''or'' at the end of clause (ii);

(2) by striking the period at the end of clause (iii) and inserting ''; or''; and

(3) by adding at the end the following new clause:

''(iv) any payment by a political committee of a political party for the direct costs of a public communication (as defined in paragraph (22)) made on behalf of a candidate for Federal office who is affiliated with such party, but only if the communication is controlled by, or made at the direction of, the candidate or an authorized committee of the candidate.''.

(b) REQUIRING CONTROL OR DIRECTION BY CANDIDATE FOR TREATMENT AS COORDINATED PARTY EXPENDITURE.—

(1) IN GENERAL.—Paragraph (4) of section 315(d) of such Act (2 U.S.C. 441a(d)) is amended to read as follows:

''(4) SPECIAL RULE FOR DIRECT COSTS OF COMMUNICATIONS.—The direct costs incurred by a political committee of a political party for a communication made in connection with the campaign of a candidate for Federal office shall not be subject to the limitations contained in paragraphs (2) and (3) unless the communication is controlled by, or made at the direction of, the candidate or an authorized committee of the candidate.''.

(2) CONFORMING AMENDMENT.—Paragraph (1) of section 315(d) of such Act (2 U.S.C. 441a(d)) is amended by striking ''paragraphs (2), (3), and (4)'' and inserting ''paragraphs (2) and (3)''.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall apply with respect to payments made on or after the expiration of the 30-day period which begins on the date of the enactment of this Act, without regard to whether or not the Federal Election Commission has promulgated regulations to carry out such amendments.

SEC. 105. RESTRICTION ON INTERNET COMMUNICATIONS TREATED AS PUBLIC COMMUNICATIONS.

(a) IN GENERAL.—Section 301(22) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(22)) is amended by adding at the end the following new sentence: ''A communication which is disseminated through the Internet shall not be treated as a form of general public political advertising under this paragraph unless the communication was placed for a fee on another person's Web site.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

TITLE II—PROMOTING EFFECTIVE DISCLOSURE OF CAMPAIGN-RELATED ACTIVITY

Subtitle A—Treatment of Independent Expenditures and Electioneering Communications Made by All Persons

SEC. 201. INDEPENDENT EXPENDITURES.

(a) REVISION OF DEFINITION.—Subparagraph (A) of section 301(17) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(17)) is amended to read as follows:

''(A) that, when taken as a whole, expressly advocates the election or defeat of a clearly identified candidate, or is the functional equivalent of express advocacy because it can be interpreted by a reasonable person only as advocating the election or defeat of a candidate, taking into account whether the communication involved mentions a candidacy, a political party, or a challenger to a candidate, or takes a position on a candidate's character, qualifications, or fitness for office; and''.

(b) UNIFORM 24-HOUR REPORTING FOR PERSONS MAKING INDEPENDENT EXPENDITURES EXCEEDING $10,000 AT ANY TIME.—Section 304(g) of such Act (2 U.S.C. 434(g)) is amended by striking paragraphs (1) and (2) and inserting the following:

''(1) INDEPENDENT EXPENDITURES EXCEEDING THRESHOLD AMOUNT.—

''(A) INITIAL REPORT.—A person (including a political committee) that makes or contracts to make independent expenditures in an aggregate amount equal to or greater than the threshold amount described in paragraph (2) shall electronically file a report describing the expenditures within 24 hours.

''(B) ADDITIONAL REPORTS.—After a person files a report under subparagraph (A), the person shall electronically file an additional report within 24 hours after each time the person makes or contracts to make independent expenditures in an aggregate amount equal to or greater than the threshold amount with respect to the same election as that to which the initial report relates.

''(C) THRESHOLD AMOUNT DESCRIBED.—In this paragraph, the 'threshold amount' means—

''(i) during the period up to and including the 20th day before the date of an election, $10,000; or

''(ii) during the period after the 20th day, but more than 24 hours, before the date of an election, $1,000.

''(2) PUBLIC AVAILABILITY.—Notwithstanding any other provision of this section, the Commission shall ensure that the information required to be disclosed under this subsection is publicly available through the Commission website not later than 24 hours after receipt in a manner

that is downloadable in bulk and machine readable.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply with respect to contributions and expenditures made on or after the expiration of the 30-day period which begins on the date of the enactment of this Act, without regard to whether or not the Federal Election Commission has promulgated regulations to carry out such amendments.

(2) REPORTING REQUIREMENTS.—The amendment made by subsection (b) shall apply with respect to reports required to be filed after the date of the enactment of this Act.

SEC. 202. ELECTIONEERING COMMUNICATIONS.

(a) EXPANSION OF PERIOD COVERING GENERAL ELECTION.—Section 304(f)(3)(A)(i)(II)(aa) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(f)(3)(A)(i)(II)(aa)) is amended by striking ''60 days'' and inserting ''120 days''.

(b) EFFECTIVE DATE; TRANSITION FOR COMMUNICATIONS MADE PRIOR TO ENACTMENT.—The amendment made by subsection (a) shall apply with respect to communications made on or after the date of the enactment of this Act, without regard to whether or not the Federal Election Commission has promulgated regulations to carry out such amendments, except that no communication which is made prior to the date of the enactment of this Act shall be treated as an electioneering communication under section 304(f)(3)(A)(i)(II) of the Federal Election Campaign Act of 1971 (as amended by subsection (a)) unless the communication would be treated as an electioneering communication under such section if the amendment made by subsection (a) did not apply.

SEC. 203. MANDATORY ELECTRONIC FILING BY PERSONS MAKING INDEPENDENT EXPENDITURES OR ELECTIONEERING COMMUNICATIONS EXCEEDING $10,000 AT ANY TIME.

Section 304(d)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(d)(1)) is amended—

(1) by striking ''or (g)''; and

(2) by adding at the end the following: ''Notwithstanding any other provision of this section, any person who is required to file a statement under subsection (f) or subsection (g) shall file the statement in electronic form accessible by computers, in a manner which ensures that the information provided is searchable, sortable, and downloadable.''.

Subtitle B—Expanded Requirements for Corporations and Other Organizations

SEC. 211. ADDITIONAL INFORMATION REQUIRED TO BE INCLUDED IN REPORTS ON DISBURSEMENTS BY COVERED ORGANIZATIONS.

(a) INDEPENDENT EXPENDITURE REPORTS.—Section 304(g) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(g)) is amended by adding at the end the following new paragraph:

''(5) DISCLOSURE OF ADDITIONAL INFORMATION BY COVERED ORGANIZATIONS MAKING PAYMENTS FOR PUBLIC INDEPENDENT EXPENDITURES.—

''(A) ADDITIONAL INFORMATION.—If a covered organization makes or contracts to make public independent expenditures in an aggregate amount equal to or exceeding $10,000 in a calendar year, the report filed by the organization under this subsection shall include, in addition to the information required under paragraph (3), the following information subject to Subparagraph (B)(iv)):

''(i) If any person made a donation or payment to the covered organization during the covered organization reporting period which was provided for the purpose of being used for campaign-related activity or in response to a solicitation for funds to be used for campaign-related activity—

''(I) subject to subparagraph (C), the identification of each person who made such donations or payments in an aggregate amount equal to or exceeding $600 during such period, presented in the order of the aggregate amount of donations or payments made by such persons during such period (with the identification of the person making the largest donation or payment appearing first); and

''(II) if any person identified under subclause (I) designated that the donation or payment be used for campaign-related activity with respect to a specific election or in support of a specific candidate, the name of the election or candidate involved, and if any such person designated that the donation or payment be used for a specific public independent expenditure, a description of the expenditure.

''(ii) The identification of each person who made unrestricted donor payments to the organization during the covered organization reporting period—

''(I) in an aggregate amount equal to or exceeding $600 during such period, if any of the disbursements made by the organization for any of the public independent expenditures which are covered by the report were not made from the organization's Campaign-Related Activity Account under section 326; or

''(II) in an aggregate amount equal to or exceeding $6,000 during such period, if the disbursements made by the organization for all of the public independent expenditures which are covered by the report were made exclusively from the organization's Campaign-Related Activity Account under section 326 (but only if the organization has made deposits described in subparagraph (D) of section 326(a)(2) into that Account during such period in an aggregate amount equal to or greater than $10,000),

presented in the order of the aggregate amount of payments made by such persons during such period (with the identification of the person making the largest payment appearing first).

''(B) TREATMENT OF TRANSFERS MADE TO OTHER PERSONS.—

''(i) IN GENERAL.—Subject to clause (iii), for purposes of the requirement to file reports under this subsection (including the requirement under subparagraph (A) to include additional information in such reports), a covered organization which transfers amounts to another person (other than the covered organization itself) for the purpose of making a public independent expenditure by that person or by any other person, or (in accordance with clause (ii)) which is deemed to have transferred amounts to another person (other than the covered organization itself) for the purpose of making a public independent expenditure by that person or by any other person, shall be considered to have made a public independent expenditure.

''(ii) RULES FOR DEEMING TRANSFERS MADE FOR PURPOSE OF MAKING EXPENDITURES.—For purposes of clause (i), in determining whether a covered organization which transfers amounts to another person shall be deemed to have transferred the amounts for the purpose of making a public independent expenditure, the following rules apply:

''(I) The covered organization shall be deemed to have transferred the amounts for the purpose of making a public independent expenditure if—

''(aa) the covered organization designates, requests, or suggests that the amounts be used for public independent expenditures and the person to whom the amounts were transferred agrees to do so;

''(bb) the person making the public independent expenditure or another person acting on that person's behalf expressly solicited the covered organization for a donation or payment for making or paying for any public independent expenditures;

''(cc) the covered organization and the person to whom the amounts were transferred engaged in written or oral discussion regarding the person either making, or paying for, any public independent expenditure, or donating or transferring the amounts to another person for that purpose;

''(dd) the covered organization which transferred the funds knew or had reason to know that the person to whom the amounts were transferred intended to make public independent expenditures; or

''(ee) the covered organization which transferred the funds or the person to whom the amounts were transferred made one or more public independent expenditures in an aggregate amount of $50,000 or more during the 2-year period which ends on the date on which the amounts were transferred.''.

''(II) The covered organization shall not be deemed to have transferred the amounts for the purpose of making a public independent expenditure if—

''(aa) the transfer was a commercial transaction occurring in the ordinary course of business between the covered organization and the person to whom the amounts were transferred, unless there is affirmative evidence that the amounts were transferred for the purpose of making a public independent expenditure; or

''(bb) the covered organization and the person to whom the amounts were transferred mutually agreed (as provided in section 325(b)(1)) that the person will not use the amounts for campaign-related activity.''.

''(iii) SPECIAL RULE REGARDING TRANSFERS AMONG AFFILIATES.—

''(I) SPECIAL RULE.—In the case of an amount transferred by one covered organization to another covered organization which is treated as a transfer between affiliates under subclause (II), clause (i) and (ii) shall apply to the covered organization which transfers the amount only if the aggregate amount transferred during the year by such covered organization is equal to or greater than $50,000.

''(II) DESCRIPTION OF TRANSFERS BETWEEN AFFILIATES.—A transfer of amounts from one covered organization to another covered organization shall be treated as a transfer between affiliates if—

''(aa) one of the organizations is an affiliate of the other organization; or

''(bb) each of the organizations is an affiliate of the same organization,

except that the transfer shall not be treated as a transfer between affiliates if one of the organizations is established for the purpose of disbursing funds for campaign-related activity.

''(III) DETERMINATION OF AFFILIATE STATUS.—For purposes of subclause (II), a covered organization is an affiliate of another covered organization if—

''(aa) the governing instrument of the organization requires it to be bound by decisions of the other organization;

''(bb) the governing board of the organization includes persons who are specifically designated representatives of the other organization or are members of the governing board, officers, or paid executive staff members of the other organization, or whose service on the governing board is contingent upon the approval of the other organization; or

''(cc) the organization is chartered by the other organization.

''(IV) COVERAGE OF TRANSFERS TO AFFILIATED SECTION 501(C)(3) ORGANIZATIONS.—This clause shall apply with respect to an amount transferred by a covered organization to an organization described in paragraph (3) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code in the same manner as this clause applies to an amount transferred by a covered organization to another covered organization.

''(iv) SPECIAL THRESHOLD FOR DISCLOSURE OF DONORS.— Notwithstanding clause (i) or (ii) of subparagraph (A), if a covered organization is required to include the identification of a person described in such clause in a report filed under this subsection because the covered organization is deemed (in accordance with clause (ii)) to have transferred amounts for the purpose of

making a public independent expenditure, the organization shall include the identification of the person only if the person made donations or payments (in the case of a person described in clause (i)(I) of subparagraph (A)) or unrestricted donor payments (in the case of a person described in clause (ii) of subparagraph (A)) to the covered organization during the covered organization reporting period involved in an aggregate amount equal to or exceeding $10,000.

''(v) WAIVER OF REQUIREMENT TO FILE REPORT.—Notwithstanding clause (i), a covered organization which is considered to have made a public independent expenditure under such clause shall not be required to file a report under this subsection if—

''(I) the organization would be required to file the report solely because the organization is deemed (in accordance with clause (ii)) to have transferred amounts for the purpose of making a public independent expenditure;

''(II) no person made donations or payments (in the case of a person described in clause (i)(I) of subparagraph (A)) or unrestricted donor payments (in the case of person described in clause (ii) of subparagraph (A)) to the covered organization during the covered organization reporting period involved in an aggregate amount equal to or exceeding $10,000; and

''(III) all of the persons who made donations or payments (in the case of a person described in clause (i)(I) of subparagraph (A)) or unrestricted donor payments (in the case of a person described in clause (ii) of subparagraph (A)) to the covered organization during the covered organization reporting period in any amount were individuals.''.

''(C) EXCLUSION OF AMOUNTS DESIGNATED FOR OTHER CAMPAIGN-RELATED ACTIVITY.—For purposes of subparagraph (A)(i), in determining the amount of a donation or payment made by a person which was provided for the purpose of being used for campaign-related activity or in response to a solicitation for funds to be used for campaign-related activity, there shall be excluded any amount which was designated by the person to be used—

''(i) for campaign-related activity described in clause (i) of section 325(d)(2)(A) (relating to independent expenditures) with respect to a different election, or with respect to a candidate in a different election, than an election which is the subject of any of the public independent expenditures covered by the report involved; or

''(ii) for any campaign-related activity described in clause (ii) of section 325(d)(2)(A) (relating to electioneering communications).

''(D) EXCLUSION OF AMOUNTS PAID FROM SEPARATE SEGREGATED FUND.—In determining the amount of public independent expenditures made by a covered organization for purposes of this paragraph, there shall be excluded any amounts paid from a separate segregated fund established and administered by the organization under section 316(b)(2)(C).

''(E) DETERMINATION OF AMOUNT OF CERTAIN PAYMENTS AMONG AFFILIATES.—For purposes of determining the amount of any donation, payment, or transfer under this subsection which is made by a covered organization to another covered organization which is an affiliate of the covered organization or each of which is an affiliate of the same organization (as determined in accordance with subparagraph (B)(iii)), to the extent that the donation, payment, or transfer consists of funds attributable to dues, fees, or assessments which are paid by individuals on a regular, periodic basis in accordance with a per-individual calculation which is made on a regular basis, the donation, payment, or transfer shall be attributed to the individuals paying the dues, fees, or assessments and shall not be attributed to the covered organization.''.

''(F) COVERED ORGANIZATION REPORTING PERIOD DESCRIBED.—In this paragraph, the 'covered organization reporting period' is, with respect to a report filed by a covered organization under this subsection—

''(i) in the case of the first report filed by a covered organization under this subsection which includes information required under this paragraph, the shorter of—

''(I) the period which begins on the effective date of the Democracy is Strengthened by Casting Light on Spending in Elections Act and ends on the last day covered by the report, or

''(II) the 12-month period ending on the last day covered by the report; and

''(ii) in the case of any subsequent report filed by a covered organization under this subsection which includes information required under this paragraph, the period occurring since the most recent report filed by the organization which includes such information.

''(G) COVERED ORGANIZATION DEFINED.—In this paragraph, the term 'covered organization' means any of the following:

''(i) Any corporation which is subject to section 316(a) '', other than a corporation which is an organization described in paragraph (3) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.''.

''(ii) Any labor organization (as defined in section 316).

''(iii) Any organization described in paragraph (4), (5), or (6) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code '', other than an exempt section 501(c)(4) organization (as defined in section 301(27)).''.

''(iv) Any political organization under section 527 of the Internal Revenue Code of 1986, other than a political committee under this Act.

''(H) OTHER DEFINITIONS.—In this paragraph—

''(i) the terms 'campaign-related activity' and 'unrestricted donor payment' have the meaning given such terms in section 325; and

''(ii) the term 'public independent expenditure' means an independent expenditure for a public communication (as defined in section 301(22)).''.

(b) ELECTIONEERING COMMUNICATION REPORTS.—

(1) IN GENERAL.—Section 304(f) of such Act (2 U.S.C. 434(f)) is amended—

(A) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8); and

(B) by inserting after paragraph (5) the end the following new paragraph:

''(6) DISCLOSURE OF ADDITIONAL INFORMATION BY COVERED ORGANIZATIONS.—

''(A) ADDITIONAL INFORMATION.—If a covered organization files a statement under this subsection, the statement shall include, in addition to the information required under paragraph (2), the following information (subject to subparagraph (B)(iv)):''.

''(i) If any person made a donation or payment to the covered organization during the covered organization reporting period which was provided for the purpose of being used for campaign-related activity or in response to a solicitation for funds to be used for campaign-related activity—

''(I) subject to subparagraph (C), the identification of each person who made such donations or payments in an aggregate amount equal to or exceeding $1,000 during such period, presented in the order of the aggregate amount of donations or payments made by such persons during such period (with the identification of the person making the largest donation or payment appearing first); and

''(II) if any person identified under subclause (I) designated that the donation or payment be used for campaign-related activity with respect to a specific election or in support of a specific candidate, the name of the election or candidate involved, and if any such person designated that the donation or payment be used for a specific electioneering communication, a description of the communication.

''(ii) The identification of each person who made unrestricted donor payments to the organization during the covered organization reporting period—

''(I) in an aggregate amount equal to or exceeding $1,000 during such period, if the organization made any of the disbursements which are described in subclause (II) from a source other than the organization's Campaign-Related Activity Account under section 326; or

''(II) in an aggregate amount equal to or exceeding $10,000 during such period, if the organization made from its Campaign-Related Activity Account under section 326 all of its disbursements for electioneering communications during such period which are, on the basis of a reasonable belief by the organization, subject to treatment as disbursements for an exempt function for purposes of section 527(f) of the Internal Revenue Code of 1986 (but only if the organization has made deposits described in subparagraph (D) of section 326(a)(2) into that Account during such period in an aggregate amount equal to or greater than $10,000),''

presented in the order of the aggregate amount of payments made by such persons during such period (with the identification of the person making the largest payment appearing first).

''(B) TREATMENT OF TRANSFERS MADE TO OTHER PERSONS.—

''(i) IN GENERAL.—Subject to clause (iii), for purposes of the requirement to file statements under this subsection (including the requirement under subparagraph (A) to include additional information in such statements), a covered organization which transfers amounts to another person (other than the covered organization itself) for the purpose of making an electioneering communication by that person or by any other person, or (in accordance with clause (ii)) which is deemed to have transferred amounts to another person (other than the covered organization itself) for the purpose of making an electioneering communication by that person or by any other person, shall be considered to have made a disbursement for an electioneering communication.

''(ii) RULES FOR DEEMING TRANSFERS MADE FOR PURPOSE OF MAKING COMMUNICATIONS.—For purposes of clause (i), in determining whether a covered organization which transfers amounts to another person shall be deemed to have transferred the amounts for the purpose of making an electioneering communication, the following rules apply:

''(I) The covered organization shall be deemed to have transferred the amounts for the purpose of making an electioneering communication if—

''(aa) the covered organization designates, requests, or suggests that the amounts be used for electioneering communications and the person to whom the amounts were transferred agrees to do so;

''(bb) the person making the electioneering communication or another person acting on that person's behalf expressly solicited the covered organization for a donation or payment for making or paying for any electioneering communications;

''(cc) the covered organization and the person to whom the amounts were transferred engaged in written or oral discussion regarding the person either making, or paying for, any electioneering communications, or donating or transferring the amounts to another person for that purpose;

''(dd) the covered organization which transferred the funds knew or had reason to know what the person to whom the amounts wee transferred intended to make electioneering communications; or

''(ee) the covered organization which transferred the funds or the person to whom the amounts were transferred made one or more electioneering communications in an aggregate amount of $50,000 or more during the 2-year period which ends on the date on which the amounts were transferred.''.

''(II) The covered organization shall not be deemed to have transferred the amounts for the

purpose of making an electioneering communication if—

''(aa) the transfer was a commercial transaction occurring in the ordinary course of business between the covered organization and the person to whom the amounts were transferred, unless there is affirmative evidence that the amounts were transferred for the purpose of making an electioneering communication; or

''(bb) the covered organization and the person to whom the amounts were transferred mutually agreed (as provided in section 325(b)(1)) that the person will not use the amounts for campaign-related activity.''.

''(iii) SPECIAL RULE REGARDING TRANSFERS AMONG AFFILIATES.—

''(I) SPECIAL RULE.—In the case of an amount transferred by one covered organization to another covered organization which is treated as a transfer between affiliates under subclause (II), clause (i) and (ii) shall apply to the covered organization which transfers the amount only if the aggregate amount transferred during the year by such covered organization to that same covered organization is equal to or greater than $50,000.

''(II) DESCRIPTION OF TRANSFERS BETWEEN AFFILIATES.—A transfer of amounts from one covered organization to another covered organization shall be treated as a transfer between affiliates if—

''(aa) one of the organizations is an affiliate of the other organization; or

''(bb) each of the organizations is an affiliate of the same organization,

except that the transfer shall not be treated as a transfer between affiliates if one of the organizations is established for the purpose of disbursing funds for campaign-related activity.

''(III) DETERMINATION OF AFFILIATE STATUS.—For purposes of subclause (II), a covered organization is an affiliate of another covered organization if—

''(aa) the governing instrument of the organization requires it to be bound by decisions of the other organization;

''(bb) the governing board of the organization includes persons who are specifically designated representatives of the other organization or are members of the governing board, officers, or paid executive staff members of the other organization, or whose service on the governing board is contingent upon the approval of the other organization; or

''(cc) the organization is chartered by the other organization.

''(IV) COVERAGE OF TRANSFERS TO AFFILIATED SECTION 501(C)(3) ORGANIZATIONS.—This clause shall apply with respect to an amount transferred by a covered organization to an organization described in paragraph (3) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code in the same manner as this clause applies to an amount transferred by a covered organization to another covered organization.

''(iv) SPECIAL THRESHOLD FOR DISCLOSURE OF DONORS.—Notwithstanding clause (i) or (ii) of subparagraph (A), if a covered organization is required to include the identification of a person described in such clause in a statement filed under this subsection because the covered organization is deemed (in accordance with clause (ii)) to have transferred amounts for the purpose of making an electioneering communication, the organization shall include the identification of the person only if the person made donations or payments (in the case of a person described in clause (i)(I) of subparagraph (A)) or unrestricted donor payments (in the case of a person described in clause (ii) of subparagraph (A)) to the covered organization during the covered organization reporting period involved in an aggregate amount equal to or exceeding $10,000.

''(v) WAIVER OF REQUIREMENT TO FILE STATEMENT.—Notwithstanding clause (i), a covered organization which is considered to have made a disbursement for an electioneering communication under such clause shall not be required to file a report under this subsection if—

''(I) the organization would be required to file the report solely because the organization is deemed (in accordance with clause (ii) to have transferred amounts for the purpose of making an electioneering communication;

''(II) no person made donations or payments (in the case of a person described in clause (i)(I) of subparagraph (A)) or unrestricted donor payments (in the case of a person described in clause (ii) of subparagraph (A)) to the covered organization during the covered organization reporting period involved in an aggregate amount equal to or exceeding $10,000; and

''(III) all of the persons who made donations or payments (in the case of a person described in clause (i)(I) of subparagraph (A)) or unrestricted donor payments (in the case of a person described in clause (ii) of subparagraph (A)) to the covered organization during the covered organization reporting period in any amount were individuals.''.

''(C) EXCLUSION OF AMOUNTS DESIGNATED FOR OTHER CAMPAIGN-RELATED ACTIVITY.—For purposes of subparagraph (A)(i), in determining the amount of a donation or payment made by a person which was provided for the purpose of being used for campaign-related activity or in response to a solicitation for funds to be used for campaign-related activity, there shall be excluded any amount which was designated by the person to be used—

''(i) for campaign-related activity described in clause (ii) of section 325(d)(2)(A) (relating to electioneering communications) with respect to a different election, or with respect to a candidate in a different election, than an election which is the subject of any of the electioneering communications covered by the statement involved; or

''(ii) for any campaign-related activity described in clause (i) of section 325(d)(2)(A) (relating to independent expenditures consisting of a public communication).

''(D) DETERMINATION OF AMOUNT OF CERTAIN PAYMENTS AMONG AFFILIATES.—For purposes of determining the amount of any donation, payment, or transfer under this subsection which is made by a covered organization to another covered organization which is an affiliate of the covered organization or each of which is an affiliate of the same organization (as determined in accordance with subparagraph (B)(iii)), to the extent that the donation, payment, or transfer consists of funds attributable to dues, fees, or assessments which are paid by individuals on a regular, periodic basis in accordance with a per-individual calculation which is made on a regular basis, the donation, payment, or transfer shall be attributed to the individuals paying the dues, fees, or assessments and shall not be attributed to the covered organization.''.

''(E) COVERED ORGANIZATION REPORTING PERIOD DESCRIBED.—In this paragraph, the 'covered organization reporting period' is, with respect to a statement filed by a covered organization under this subsection—

''(i) in the case of the first statement filed by a covered organization under this subsection which includes information required under this paragraph, the shorter of—

''(I) the period which begins on the effective date of the Democracy is Strengthened by Casting Light on Spending in Elections Act and ends on the disclosure date for the statement, or

''(II) the 12-month period ending on the disclosure date for the statement; and

''(ii) in the case of any subsequent statement filed by a covered organization under this subsection which includes information required under this paragraph, the period occurring since the most recent statement filed by the organization which includes such information.

''(F) COVERED ORGANIZATION DEFINED.—In this paragraph, the term 'covered organization' means any of the following:

''(i) Any corporation which is subject to section 316(a), other than a corporation which is an organization described in paragraph (3) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

''(ii) Any labor organization (as defined in section 316).

''(iii) Any organization described in paragraph (4), (5), or (6) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, other than an exempt section 501(c)(4) organization (as defined in section 301(27)).

''(iv) Any political organization under section 527 of the Internal Revenue Code of 1986, other than a political committee under this Act.

''(G) OTHER DEFINITIONS.—In this paragraph, the terms 'campaign-related activity' and 'unrestricted donor payment' have the meaning given such terms in section 325.''.

(2) CONFORMING AMENDMENT.—Section 304(f)(2) of such Act (2 U.S.C. 434(f)(2)) is amended by striking ''If the disbursements'' each place it appears in subparagraphs (E) and (F) and inserting the following: ''Except in the case of a statement which is required to include additional information under paragraph (6), if the disbursements''.

(c) EXEMPTION OF CERTAIN SECTION 501(c)(4) ORGANIZATIONS.—Section 301 of such Act (2 U.S.C. 431) is amended by adding at the end the following:

''(27) EXEMPT SECTION 501(C)(4) ORGANIZATION.—The term 'exempt section 501(c)(4) organization' means, with respect to disbursements made by an organization during a calendar year, and organization for which the chief executive officer of the organization certifies to the Commission (prior to the first disbursement made by the organization during the year) that each of the following applies:

''(A) The organization is described in paragraph (4) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, and was so described and so exempt during each of the 10 previous calendar years.

''(B) The organization has at least 500,000 individuals who paid membership dues during the previous calendar year (determined as of the last day of that year).

''(C) The dues-paying membership of the organization includes at least one individual from each State. For purposes of this subparagraph, the term 'State' means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

''(D) During the previous calendar year, the portion of funds provided to the organization by corporations (as described in section 316) or labor organizations (as defined in section 316), other than funds provided pursuant to commercial transactions occurring in the ordinary course of business, did not exceed 15 percent of the total amount of all funds provided to the organization from all sources.

''(E) The organization does not use any of the funds provided to the organization by corporations (as described in section 316) or labor organizations (as defined in section 316) for campaign-related activity (as defined in section 325).''.

SEC. 212. RULES REGARDING USE OF GENERAL TREASURY FUNDS BY COVERED ORGANIZATIONS FOR CAMPAIGN-RELATED ACTIVITY.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following new section:

''SEC. 325. SPECIAL RULES FOR USE OF GENERAL TREASURY FUNDS BY COVERED ORGANIZATIONS FOR CAMPAIGN-RELATED ACTIVITY.

''(a) USE OF FUNDS FOR CAMPAIGN-RELATED ACTIVITY.—

''(1) IN GENERAL.—Subject to any applicable restrictions and prohibitions under this Act, a covered organization may make disbursements for campaign-related activity using—

''(A) amounts paid or donated to the organization which are designated by the person providing the amounts to be used for campaign-related activity;

''(B) unrestricted donor payments made to the organization; and

''(C) other funds of the organization, including amounts received pursuant to commercial activities in the regular course of a covered organization's business.

''(2) NO EFFECT ON USE OF SEPARATE SEGREGATED FUND.—Nothing in this section shall be construed to affect the authority of a covered organization to make disbursements from a separate segregated fund established and administered by the organization under section 316(b)(2)(C).

''(b) MUTUALLY AGREED RESTRICTIONS ON USE OF FUNDS FOR CAMPAIGN-RELATED ACTIVITY.—

''(1) AGREEMENT AND CERTIFICATION.—If a covered organization and a person mutually agree, at the time the person makes a donation, payment, or transfer to the organization which would require the organization to disclose the person's identification under section 304(g)(5)(A)(ii) or section 304(f)(6)(A)(ii), that the organization will not use the donation, payment, or transfer for campaign-related activity, then not later than 30 days after the organization receives the donation, payment, or transfer the organization shall transmit to the person a written certification by the chief financial officer of the covered organization (or, if the organization does not have a chief financial officer, the highest ranking financial official of the organization) that—

''(A) the organization will not use the donation, payment, or transfer for campaign-related activity; and

''(B) the organization will not include any information on the person in any report filed by the organization under section 304 with respect to independent expenditures or electioneering communications, so that the person will not be required to appear in a significant funder statement or a Top 5 Funders list under section 318(e).

''(2) EXCEPTION FOR PAYMENTS MADE PURSUANT TO COMMERCIAL ACTIVITIES.—Paragraph (1) does not apply with respect to any payment or transfer made pursuant to commercial activities in the regular course of a covered organization's business.

''(c) CERTIFICATIONS REGARDING DISBURSEMENTS FOR CAMPAIGN-RELATED ACTIVITY.—

''(1) CERTIFICATION BY CHIEF EXECUTIVE OFFICER.—If, at any time during a calendar quarter, a covered organization makes a disbursement of funds for campaign-related activity using funds described in subsection (a)(1), the chief executive officer of the covered organization or the chief executive officer's designee (or, if the organization does not have a chief executive officer, the highest ranking official of the organization or the highest ranking official's designee) shall file a statement with the Commission which contains the following certifications:

''(A) None of the campaign-related activity for which the organization disbursed the funds during the quarter was made in cooperation, consultation, or concert with, or at the request or suggestion of, any candidate or any authorized committee or agent of such candidate, or political committee of a political party or agent of any political party.

''(B) The chief executive officer or highest ranking official of the covered organization (as the case may be) has reviewed and approved each statement and report filed by the organization under section 304 with respect to any such disbursement made during the quarter.

''(C) Each statement and report filed by the organization under section 304 with respect to any such disbursement made during the quarter is complete and accurate.

''(D) All such disbursements made during the quarter are in compliance with this Act.

''(E) No portion of the amounts used to make any such disbursements during the quarter is attributable to funds received by the organization ''that were subject to a mutual agreement (as provided in subsection (b)(1)) that the organization will not use the funds for campaign-related activity'', by the person who provided the funds from being used for campaign-related activity pursuant to subsection (b).

''(2) APPLICATION OF ELECTRONIC FILING RULES.—Section 304(d)(1) shall apply with respect to a statement required under this subsection in the same manner as such section applies with respect to a statement under subsection (c) or (g) of section 304.

''(3) DEADLINE.—The chief executive officer or highest ranking official of a covered organization (as the case may be) shall file the statement required under this subsection with respect to a calendar quarter not later than 15 days after the end of the quarter.

''(d) DEFINITIONS.—For purposes of this section, the following definitions apply:

''(1) COVERED ORGANIZATION.—The term 'covered organization' means any of the following:

''(A) Any corporation which is subject to section 316(a), other than a corporation which is an organization described in paragraph (3) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.''.

''(B) Any labor organization (as defined in section 316).

''(C) Any organization described in paragraph (4), (5), or (6) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code '', other than an exempt section 501(c)(4) organization (as defined in section 301(27).''.

''(D) Any political organization under section 527 of the Internal Revenue Code of 1986, other than a political committee under this Act.

''(2) CAMPAIGN-RELATED ACTIVITY.—

''(A) IN GENERAL.—The term 'campaign-related activity' means—

''(i) an independent expenditure consisting of a public communication (as defined in section 301(22)), a transfer of funds to another person (other than the transferor itself) for the purpose of making such an independent expenditure by that person or by any other person (subject to subparagraph (c)), or (in accordance with subparagraph (B) and subject to subparagraph (C)) a transfer of funds to another person (other than the transferor itself) which is deemed to have been made for the purpose of making such an independent expenditure by that person or by any other person; or

''(ii) an electioneering communication, a transfer of funds to another person (other than the transferor itself) for the purpose of making an electioneering communication by that person or by any other person (subject to subparagraph C)), or in accordance with subparagraph (B) and subject to subparagraph (C)) a transfer of funds to another person (other than the transferor itself) which is deemed to have been made for the purpose of making an electioneering communication by that person or by any other person.

''(B) RULE FOR DEEMING TRANSFERS MADE FOR PURPOSE OF CAMPAIGN-RELATED ACTIVITY.—For purposes of subparagraph (A), in determining whether a transfer of funds by a covered organization to another person shall be deemed to have been made for the purpose of making an independent expenditure consisting of a public communication or an electioneering communication, the following rules apply:

''(i) The transfer shall be deemed to have been made for the purpose of making such an independent expenditure or an electioneering communication if—

''(I) the covered organization designates, requests, or suggests that the amounts be used for such independent expenditures or electioneering communications and the person to whom the amounts were transferred agrees to do so;

''(II) the person making such independent expenditures or electioneering communications or another person acting on that person's behalf expressly solicited the covered organization for a donation or payment for making or paying for any such independent expenditure or electioneering communication;

''(III) the covered organization and the person to whom the amounts were transferred engaged in written or oral discussion regarding the person either making, or paying for, such independent expenditures or electioneering communications, or donating or transferring the amounts to another person for that purpose;

''(IV) the covered organization which transferred the funds knew or had reason to know that the person to whom the amounts were transferred intended to make such independent expenditures or electioneering communications; or

''(V) the covered organization which transferred the funds or the person to whom the amounts were transferred made one or more such independent expenditures or electioneering communications in an aggregate amount of $50,000 or more during the 2-year period which ends on the date on which the amounts were transferred''.

''(ii) The transfer shall not be deemed to have been made for the purpose of making such an independent expenditure or an electioneering communication if—

''(I) the transfer was a commercial transaction occurring in the ordinary course of business between the covered organization and the person to whom the amounts were transferred, unless there is affirmative evidence that the amounts were transferred for the purpose of making such an independent expenditure or electioneering communication; or

''(II) the covered organization and the person to whom the amounts were transferred mutually agreed (as provided in subsection (b)(1)) that the person will not use the amounts for campaign-related activity.

''(C) SPECIAL RULE REGARDING TRANSFERS AMONG AFFILIATES.—

''(I) SPECIAL RULE.—In the case of a transfer of an amount by one covered organization to another covered organization which is treated as a transfer between affiliates under clause (ii), subparagraphs (A) and (B) shall apply to the transfer only if the aggregate amount transferred during the year by such covered organization to that same covered organization is equal to or greater than $50,000.

''(ii) DETERMINATION OF AMOUNT OF CERTAIN TRANSFERS AMONG AFFILIATES.—In determining the amount of a transfer between affiliates for purposes of clause (I), to the extent that the transfer consists of funds attributable to dues, fees, or assessments which are paid by individuals on a regular, periodic basis in accordance with a per-individual calculation which is made on a regular basis, the transfer shall be attributed to the individuals paying the dues, fees, or assessments and shall not be attributed to the covered organization.

''(iii) DESCRIPTION OF TRANSFERS BETWEEN AFFILIATES.—A transfer of amounts from one covered organization to another covered organization shall be treated as a transfer between affiliates if—

''(I) one of the organizations is an affiliate of the other organization; or

''(II) each of the organizations is an affiliate of the same organization, except that the transfer shall not be treated as a transfer between affiliates if one of the organizations is established for the purpose of disbursing funds for campaign-related activity.

''(iv) DETERMINATION OF AFFILIATE STATUS.—For purposes of clause (ii), a covered organization is an affiliate of another covered organization if—

''(I) the governing instrument of the organization requires it to be bound by decisions of the other organization;

''(II) the governing board of the organization includes persons who are specifically designated representatives of the other organization or are members of the governing board, officers, or paid executive staff members of the other organization, or whose service on the governing board is contingent upon the approval of the other organization; or

''(III) the organization is chartered by the other organization.

''(v) COVERAGE OF TRANSFERS TO AFFILIATED SECTION 501(C)(3) ORGANIZATIONS.—This subparagraph shall apply with respect to an amount transferred by a covered organization to an organization described in paragraph (3) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code in the same manner as this subparagraph applies to an amount transferred by a covered organization to another covered organization.

''(3) UNRESTRICTED DONOR PAYMENT.—The term 'unrestricted donor payment' means a payment to a covered organization which consists of a donation or payment from a person other than the covered organization, except that such term does not include—

''(A) any payment made pursuant to commercial activities in the regular course of a covered organization's business; or

''(B) any donation or payment which is designated by the person making the donation or payment to be used for campaign-related activity or made in response to a solicitation for funds to be used for campaign-related activity.''.

SEC. 213. OPTIONAL USE OF SEPARATE ACCOUNT BY COVERED ORGANIZATIONS FOR CAMPAIGN-RELATED ACTIVITY.

(a) IN GENERAL.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), as amended by section 212, is further amended by adding at the end the following new section:

''SEC. 326. OPTIONAL USE OF SEPARATE ACCOUNT BY COVERED ORGANIZATIONS FOR CAMPAIGN-RELATED ACTIVITY.

''(a) OPTIONAL USE OF SEPARATE ACCOUNT.—

''(1) ESTABLISHMENT OF ACCOUNT.—

''(A) IN GENERAL.—At its option, a covered organization may make disbursements for campaign-related activity using amounts from a bank account established and controlled by the organization to be known as the Campaign-Related Activity Account (hereafter in this section referred to as the 'Account'), which shall be maintained separately from all other accounts of the organization and which shall consist exclusively of the deposits described in paragraph (2).

''(B) MANDATORY USE OF ACCOUNT AFTER ESTABLISHMENT.—If a covered organization establishes an Account under this section, it may not make disbursements for campaign-related activity from any source other than amounts from the Account, other than disbursements for campaign-related activity which, on the basis of a reasonable belief by the organization, would not be treated as disbursements for an exempt function for purposes of section 527(f) of the Internal Revenue Code of 1986.''.

''(C) EXCLUSIVE USE OF ACCOUNT FOR CAMPAIGN-RELATED ACTIVITY.—Amounts in the Account shall be used exclusively for disbursements by the covered organization for campaign-related activity. After such disbursements are made, information with respect to deposits made to the Account shall be disclosed in accordance with section 304(g)(5) or section 304(f)(6).

''(2) DEPOSITS DESCRIBED.—The deposits described in this paragraph are deposits of the following amounts:

''(A) Amounts donated or paid to the covered organization by a person other than the organization for the purpose of being used for campaign-related activity, and for which the person providing the amounts has designated that the amounts be used for campaign-related activity with respect to a specific election or specific candidate.

''(B) Amounts donated or paid to the covered organization by a person other than the organization for the purpose of being used for campaign-related activity, and for which the person providing the amounts has not designated that the amounts be used for campaign-related activity with respect to a specific election or specific candidate.

''(C) Amounts donated or paid to the covered organization by a person other than the organization in response to a solicitation for funds to be used for campaign-related activity.

''(D) Amounts transferred to the Account by the covered organization from other accounts of the organization, including from the organization's general treasury funds.

''(3) NO TREATMENT AS POLITICAL COMMITTEE.—The establishment and administration of an Account in accordance with this subsection shall not by itself be treated as the establishment or administration of a political committee for any purpose of this Act.

''(b) REDUCTION IN AMOUNTS OTHERWISE AVAILABLE FOR ACCOUNT IN RESPONSE TO DEMAND OF GENERAL DONORS.—

''(1) IN GENERAL.—If a covered organization which has established an Account obtains any revenues during a year which are attributable to a donation or payment from a person other than the covered organization, and if the organization and any such person have mutally agreed (as provided in section 325(b)(1)) that the organization will not use the person's donation, payment, or transfer for campaign-related activity, the organization shall reduce the amount of its revenues available for deposits to the Account which are described in subsection (a)(3)(D) during the year by the amount of the donation or payment which is subject to the mutual agreement.''.

''(2) EXCEPTION.—Paragraph (1) does not apply with respect to any payment made pursuant to commercial activities in the regular course of a covered organization's business.

''(c) COVERED ORGANIZATION DEFINED.—In this section, the term 'covered organization' means any of the following:

''(1) Any corporation which is subject to section 316(a), other than a corporation which is an organization described in paragraph (3) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such code.''.

''(2) Any labor organization (as defined in section 316).

''(3) Any organization described in paragraph (4), (5), or (6) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, other than an exempt section 501(c)(4) organization (as defined in section 301(27)).''.

''(4) Any political organization under section 527 of the Internal Revenue Code of 1986, other than a political committee under this Act.

''(d) CAMPAIGN-RELATED ACTIVITY DEFINED.—In this section, the term 'campaign-related activity' has the meaning given such term in section 325.''.

(b) CLARIFICATION OF TREATMENT AS SEPARATE SEGREGATED FUND.—A Campaign-Related Activity Account (within the meaning of section 326 of the Federal Election Campaign Act of 1971, as added by subsection (a)) may be treated as a separate segregated fund for purposes of section 527(f)(3) of the Internal Revenue Code of 1986.

SEC. 214. MODIFICATION OF RULES RELATING TO DISCLAIMER STATEMENTS REQUIRED FOR CERTAIN COMMUNICATIONS.

(a) APPLYING REQUIREMENTS TO ALL INDEPENDENT EXPENDITURE COMMUNICATIONS.—Section 318(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d(a)) is amended by striking ''for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate'' and inserting ''for an independent expenditure consisting of a public communication''.

(b) STAND BY YOUR AD REQUIREMENTS.—

(1) MAINTENANCE OF EXISTING REQUIREMENTS FOR COMMUNICATIONS BY POLITICAL PARTIES AND OTHER POLITICAL COMMITTEES.—Section 318(d)(2) of such Act (2 U.S.C. 441d(d)(2)) is amended—

(A) in the heading, by striking ''OTHERS'' and inserting ''POLITICAL COMMITTEES'';

(B) by striking ''subsection (a)'' and inserting ''subsection (a) which is paid for by a political committee (including a political committee of a political party), other than a political committee which is described in subsection (e)(7)(B)''; and

(C) by striking ''or other person'' each place it appears.

(2) SPECIAL DISCLAIMER REQUIREMENTS FOR CERTAIN COMMUNICATIONS.—Section 318 of such Act (2 U.S.C. 441d) is amended by adding at the end the following new subsection:

''(e) COMMUNICATIONS BY OTHERS.—

''(1) IN GENERAL.—Any communication described in paragraph (3) of subsection (a) which is transmitted through radio or television (other than a communication to which subsection (d)(2) applies because the communication is paid for by a political committee, including a political committee of a political party, other than a political committee which is described in paragraph (7)(b)) shall include, in addition to the requirements of that paragraph, the following:

''(A) The individual disclosure statement described in paragraph (2) (if the person paying for the communication is an individual) or the organizational disclosure statement described in paragraph (3) (if the person paying for the communication is not an individual).

''(B) If the communication is an electioneering communication or an independent expenditure consisting of a public communication and is paid for in whole or in part with a payment which is treated as a disbursement by a covered organization for campaign-related activity under section 325, the significant funder disclosure statement described in paragraph (4) (if applicable), unless, on the basis of criteria established in regulations promulgated by the Commission, the communication is of such short duration that including the statement in the communication would constitute a hardship to the person paying for the communication by requiring a disproportionate amount of the communication's content to consist of the statement.

''(C) If the communication is an electioneering communication or an independent expenditure consisting of a public communication and is paid for in whole or in part with a payment which is treated as a disbursement by a covered organization for campaign-related activity under section 325, the Top Five Funders list described in paragraph (5) (if applicable), unless, on the basis of criteria established in regulations promulgated by the Commission, the communication is of such short duration that including the Top Five Funders list in the communication would constitute a hardship to the person paying for the communication by requiring a disproportionate amount of the communication's content to consist of the Top Five Funders list.

''(2) INDIVIDUAL DISCLOSURE STATEMENT DESCRIBED.—The individual disclosure statement described in this paragraph is the following: 'I am _____, and I approve this message.', with the blank filled in with the name of the applicable individual.

''(3) ORGANIZATIONAL DISCLOSURE STATEMENT DESCRIBED.—The organizational disclosure statement described in this paragraph is the following: 'I am _____, the _____ of _____, and _____ approves this message.', with—

''(A) the first blank to be filled in with the name of the applicable individual;

''(B) the second blank to be filled in with the title of the applicable individual; and

''(C) the third and fourth blank each to be filled in with the name of the organization or other person paying for the communication.

''(4) SIGNIFICANT FUNDER DISCLOSURE STATEMENT DESCRIBED.—

''(A) STATEMENT IF SIGNIFICANT FUNDER IS AN INDIVIDUAL.—If the significant funder of a communication paid for in whole or in part with a payment which is treated as a disbursement by a covered organization for campaign-related activity under section 325 is an individual, the significant funder disclosure statement described in this paragraph is the following: 'I am _____. I helped to pay for this message, and I approve it.', with the blank filled in with the name of the applicable individual.

''(B) STATEMENT IF SIGNIFICANT FUNDER IS NOT AN INDIVIDUAL.—If the significant funder of a communication paid for in whole or in part with a payment which is treated as a disbursement by a covered organization for campaign-related activity under section 325 is not an individual, the significant funder disclosure statement described in this paragraph is the following: 'I am _____, the _____ of _____. _____ helped to pay for this message, and _____ approves it.', with—

''(i) the first blank to be filled in with the name of the applicable individual;

''(ii) the second blank to be filled in with the title of the applicable individual; and

''(iii) the third, fourth, and fifth blank each to be filled in with the name of the significant funder of the communication.

''(C) SIGNIFICANT FUNDER DEFINED.—

''(i) INDEPENDENT EXPENDITURES.—For purposes of this paragraph, the 'significant funder' with respect to an independent expenditure consisting of a public communication paid for in whole or in part with a payment which is treated as a disbursement by a covered organization for campaign-related activity under section 325 shall be determined as follows:

''(I) If any report filed by any organization with respect to the independent expenditure under section 304 during the 12-month period which ends on the date of disbursement includes information on any person who made a payment to the organization in an amount equal to or exceeding $100,000 which was designated by the person to be used for campaign-related activity consisting of that specific independent expenditure (as required to be included in the report under section 304(g)(5)(A)(i)), the person who is identified among all such reports as making the largest such payment.

''(II) If any report filed by any organization with respect to the independent expenditure under section 304 during the 12-month period which ends on the date of disbursement includes information on any person who made a payment to the organization in an amount equal to or exceeding $100,000 which was designated by the person to be used for campaign-related activity with respect to the same election or in support of the same candidate (as required to be included in the report under section 304(g)(5)(A)(i)) but subclause (I) does not apply, the person who is identified among all such reports as making the largest such payment.

''(III) If any report filed by any organization with respect to the independent expenditure under section 304 during the 12-month period which ends on the date of disbursement includes information on any person who made a payment to the organization in an amount equal to or exceeding $10,000 which was provided for the purpose of being used for campaign-related activity or in response to a solicitation for funds to be used for campaign-related activity (as required to be included in the report under section 304(g)(5)(A)(i)) but subclause (I) or subclause (II) does not apply, the person who is identified among all such reports as making the largest such payment.

''(IV) If none of the reports filed by any organization with respect to the independent expenditure under section 304 during the 12-month period which ends on the date of the disbursement includes information on any person (other than the organization) who made a payment to the organization in an amount equal to or exceeding $10,000 which was provided for the purpose of being used for campaign-related activity or in response to a solicitation for funds to be used for campaign-related activity, but any of such reports includes information on any person who made an unrestricted donor payment to the organization (as required to be included in the report under section 304(g)(5)(A)(ii)) in an amount equal to or exceeding $10,000, the person who is identified among all such reports as making the largest such unrestricted donor payment.

''(ii) ELECTIONEERING COMMUNICATIONS.—For purposes of this paragraph, the 'significant funder' with respect to an electioneering communication paid for in whole or in part with a payment which is treated as a disbursement by a covered organization for campaign-related activity under section 325, shall be determined as follows:

''(I) If any report filed by any organization with respect to the electioneering communication under section 304 during the 12-month period which ends on the date of the disbursement includes information on any person who made a payment to the organization in an amount equal to or exceeding $100,000 which was designated by the person to be used for campaign-related activity consisting of that specific electioneering communication (as required to be included in the report under section 304(f)(6)(A)(i)), the person who is identified among all such reports as making the largest such payment.

''(II) If any report filed by any organization with respect to the electioneering communication under section 304 during the 12-month period which ends on the date of the disbursement includes information on any person who made a payment to the organization in an amount equal to or exceeding $100,000 which was designated by the person to be used for campaign-related activity with respect to the same election or in support of the same candidate (as required to be included in the report under section 304(f)(6)(A)(i)) but subclause (I) does not apply, the person who is identified among all such reports as making the largest such payment.

''(III) If any report filed by any organization with respect to the electioneering communication under section 304 during the 12-month period which ends on the date of the disbursement includes information on any person who made a payment to the organization in an amount equal to or exceeding $10,000 which was provided for the purpose of being used for campaign-related activity or in response to a solicitation for funds to be used for campaign-related activity (as required to be included in the report under section 304(f)(6)(A)(i)) but subclause (I) or subclause (II) does not apply, the person who is identified among all such reports as making the largest such payment.

''(IV) If none of the reports filed by any organization with respect to the electioneering communication under section 304 during the 12-month period which ends on the date of the disbursement includes information on any person (other than the organization) who made a payment to the organization in an amount equal to or exceeding $10,000 which was provided for the purpose of being used for campaign-related activity or in response to a solicitation for funds to be used for campaign-related activity, but any of such reports includes information on any person who made an unrestricted donor payment to the organization (as required to be included in the report under section 304(f)(6)(A)(ii)) in an amount equal to or exceeding $10,000, the person who is identified among all such reports as making the largest such unrestricted donor payment.

''(5) TOP 5 FUNDERS LIST DESCRIBED.—With respect to a communication paid for in whole or in part with a payment which is treated as a disbursement by a covered organization for campaign-related activity under section 325, the Top 5 Funders list described in this paragraph is—

''(A) in the case of a disbursement for an independent expenditure consisting of a public communication, a list of the 5 persons (or, in the case of a communication transmitted through radio, the 2 persons) who provided the largest payments of any type in an aggregate amount equal to or exceeding $10,000 which are required under section 304(g)(5)(A) to be included in the reports filed by any organization with respect to that independent expenditure under section 304 during the 12-month period which ends on the date of the disbursement, together with the amount of the payments each such person provided; or

''(B) in the case of a disbursement for an electioneering communication, a list of the 5 persons (or, in the case of a communication transmitted through radio, the 2 persons) who provided the largest payments of any type in an aggregate amount equal to or exceeding $10,000 which are required under section 304(f)(6)(A) to be included in the reports filed by any organization with respect to that electioneering communication under section 304 during the 12-month period which ends on the date of the disbursement, together with the amount of the payments each such person provided.

''(6) METHOD OF CONVEYANCE OF STATEMENT.—

''(A) COMMUNICATIONS TRANSMITTED THROUGH RADIO.—In the case of a communication to which this subsection applies which is transmitted through radio, the disclosure statements required under paragraph (1) shall be made by audio by the applicable individual in a clearly spoken manner.

''(B) COMMUNICATIONS TRANSMITTED THROUGH TELEVISION.—In the case of a communication to which this subsection applies which is transmitted through television, the information required under paragraph (1)—

''(i) shall appear in writing at the end of the communication in a clearly readable manner, with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 6 seconds; and

''(ii) except in the case of a Top 5 Funders list described in paragraph (5), shall also be conveyed by an unobscured, full-screen view of the applicable individual, or by the applicable individual making the statement in voice-over accompanied by a clearly identifiable photograph or similar image of the individual.

''(7) APPLICATION TO CERTAIN PACS.—

''(A) APPLICATION.—This subsection shall apply with respect to an electioneering communication, and to an independent expenditure consisting of a public communication, which is paid for in whole or in part with a payment by a political committee described in subparagraph

(B) in the same manner as this subsection applies with respect to an electioneering communication and an independent expenditure consisting of a public communication which is paid for in whole or in part with a payment which is treated as a disbursement by a covered organization under section 325, except that—

''(i) in applying paragraph (4)(C), the 'significant funder' with respect to such an electioneering communication or such an independent expenditure shall be the person who is identified as providing the largest aggregate amount of contributions, donations, or payments to the political committee during the 12-month period which ends on the date the committee made the disbursement for the electioneering communication or independent expenditure (as determined on the basis of the information contained in all reports filed by the committee under section 304 during such period); and

''(ii) in applying paragraph (5), the ''Top 5 Funders list' shall be a list of the 5 persons who are identified as providing the largest aggregate amounts of contributions, donations, or payments to the political committee during such 12-

month period (as determined on the basis of the information contained in all such reports).

''(B) POLITICAL COMMITTEE DESCRIBED.—A political committee described in this subparagraph is a political committee which receives or accepts contributions or donations which do not comply with the contribution limits or source prohibitions of this Act.''.

''(8) APPLICABLE INDIVIDUAL DEFINED.—In this subsection, the term 'applicable individual' means, with respect to a communication to which this paragraph applies—

''(A) if the communication is paid for by an individual or if the significant funder of the communication under paragraph (4) is an individual, the individual involved;

''(B) if the communication is paid for by a corporation or if the significant funder of the communication under paragraph (4) is a corporation, the chief executive officer of the corporation (or, if the corporation does not have a chief executive officer, the highest ranking official of the corporation);

''(C) if the communication is paid for by a labor organization or if the significant funder of the communication under paragraph (4) is a labor organization, the highest ranking officer of the labor organization; or

''(D) if the communication is paid for by any other person or if the significant funder of the communication under paragraph (4) is any other person, the highest ranking official of such person.

''(9) COVERED ORGANIZATION DEFINED.—In this subsection, the term 'covered organization' means any of the following:

''(A) Any corporation which is subject to section 316(a), other than a corporation which is an organization described in paragraph (3) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.''.

''(B) Any labor organization (as defined in section 316).

''(C) Any organization described in paragraph (4), (5), or (6) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, other than an exempt section 501(c)(4) organization (as defined in section 301(27)).''.

''(D) Any political organization under section 527 of the Internal Revenue Code of 1986, other than a political committee under this Act.

''(10) OTHER DEFINITIONS.—In this subsection, the terms 'campaign-related activity' and 'unrestricted donor payment' have the meaning given such terms in section 325.''.

(3) APPLICATION TO CERTAIN MASS MAILINGS.—Section 318(a)(3) of such Act (2 U.S.C. 441d(a)(3)) is amended to read as follows:

''(3) if not authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state—

''(A) the name and permanent street address, telephone number, or World Wide Web address of the person who paid for the communication;

''(B) if the communication is an independent expenditure consisting of a mass mailing (as defined in section 301(23)) which is paid for in whole or in part with a payment which is treated as a disbursement by a covered organization for campaign-related activity under section 325, or which is paid for in whole or in part by a political committee described in subsection (e)(7)(B), the name and permanent street address, telephone number, or World Wide Web address of—

''(i) the significant funder of the communication, if any (as determined in accordance with subsection (e)(4)(C)(i) or (e)(7)(A)(i)); and

''(ii) each person who would be included in the Top 5 Funders list which would be submitted with respect to the communication if the communication were transmitted through television, if any (as determined in accordance with subsection (e)(5)) or (e)(7)(A)(ii)); and

''(C) that the communication is not authorized by any candidate or candidate's committee.''.

(4) APPLICATION TO POLITICAL ROBOCALLS.—Section 318 of such Act (2 U.S.C. 441d), as amended by paragraph (2), is further amended by adding at the end the following new subsection:

''(f) SPECIAL RULES FOR POLITICAL ROBOCALLS.—

''(1) REQUIRING COMMUNICATIONS TO INCLUDE CERTAIN DISCLAIMER STATEMENTS.—Any communication consisting of a political robocall which would be subject to the requirements of subsection (e) if the communication were transmitted through radio or television shall include the following:

''(A) The individual disclosure statement described in subsection (e)(2) (if the person paying for the communication is an individual) or the organizational disclosure statement described in subsection (e)(3) (if the person paying for the communication is not an individual).

''(B) If the communication is an electioneering communication or an independent expenditure consisting of a public communication and is paid for in whole or in part with a payment which is treated as a disbursement by a covered organization for campaign-related activity under section 325 or which is paid for in whole or in part by a political committee described in subsection (e)(7)(B), the significant funder disclosure statement described in subsection (e)(4) or (e)(7) (if applicable).

''(2) TIMING OF CERTAIN STATEMENT.—The statements required to be included under paragraph (1) shall be made at the beginning of the political robocall, unless, on the basis of criteria established in regulations promulgated by the Commission, the communication is of such short duration that including the statement in the communication would constitute a hardship to the person paying for the communication by requiring a disproportionate amount of the communication's content to consist of the statement.''.

''(3) POLITICAL ROBOCALL DEFINED.—In this subsection, the term 'political robocall' means any outbound telephone call—

''(A) in which a person is not available to speak with the person answering the call, and the call instead plays a recorded message; and

''(B) which promotes, supports, attacks, or opposes a candidate for election for Federal office.''.

SEC. 215. INDEXING OF CERTAIN AMOUNTS.

Title III of the Federal Election Campaign Act of 1971, as amended by section 213, is amended by adding at the end the following new section:

''SEC. 327. INDEXING OF CERTAIN AMOUNTS.

''(a) INDEXING.—In any calendar year after 2010—

''(1) each of the amounts referred to in subsection (b) shall be increased by the percent difference determined under subparagraph (A) of section 315(c)(1), except that for purposes of this paragraph, such percent difference shall be determined as if the base year referred to in such subparagraph were 2009;

''(2) each amount so increased shall remain in effect for the calendar year; and

''(3) if any amunt after adjustment under paragraph (1) is not a multiple of $100, such amount shall be rounded to the nearest multiple of $100.

''(b) AMOUNTS DESCRIBED.—The amounts referred to in this subsection are as follows:

''(1) The amount referred to in section 304(g)(5)(A)(i)(I).

''(2) The amount referred to in section 304(g)(5)(A)(ii)(I).

''(3) Each of the amounts referred to in section 304(g)(5)(A)(ii)(II).

''(4) The amount referred to in section 304(g)(5)(B)(ii)(I)(ee).

''(5) The amount referred to in section 304(g)(5)(B)(iii)(I).

''(6) The amount referred to in section 304(f)(6)(A)(i)(I).

''(7) The amount referred to in section 304(f)(6)(A)(ii)(I).

''(8) Each of the amounts referred to in section 304(f)(6)(A)(ii)(II).

''(9) The amount referred to in section 304(f)(6)(B)(ii)(I)(ee).

''(10) The amount referred to in section 304(f)(6)(B)(iii)(I).

''(11) The amount referred to in section 317(b).

''(12) Each of the amounts referred to in section 318(e)(4)(C).

''(13) The amount referred to in section 325(d)(2)(B)(i)(V).

''(14) The amount referred to in section 325(d)(2)(C)(i).''.

Subtitle C—Reporting Requirements for Registered Lobbyists

SEC. 221. REQUIRING REGISTERED LOBBYISTS TO REPORT INFORMATION ON INDEPENDENT EXPENDITURES AND ELECTIONEERING COMMUNICATIONS.

(a) IN GENERAL.—Section 5(d)(1) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604(d)(1)) is amended—

(1) by striking ''and'' at the end of subparagraph (F);

(2) by redesignating subparagraph (G) as subparagraph (I); and

(3) by inserting after subparagraph (F) the following new subparagraphs:

''(G) the amount of any independent expenditure (as defined in section 301(17) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(17)) equal to or greater than $1,000 made by such person or organization, and for each such expenditure the name of each candidate being supported or opposed and the amount spent supporting or opposing each such candidate;

''(H) the amount of any electioneering communication (as defined in section 304(f)(3) of such Act (2 U.S.C. 434(f)(3)) equal to or greater than $1,000 made by such person or organization, and for each such communication the name of the candidate referred to in the communication; and''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to reports for semiannual periods described in section 5(d)(1) of the Lobbying Disclosure Act of 1995 that begin after the date of the enactment of this Act.

TITLE III—DISCLOSURE BY COVERED ORGANIZATIONS OF INFORMATION ON CAMPAIGN-RELATED ACTIVITY

SEC. 301. REQUIRING DISCLOSURE BY COVERED ORGANIZATIONS OF INFORMATION ON CAMPAIGN-RELATED ACTIVITY.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), as amended by section 215, is amended by adding at the end the following new section:

''SEC. 328. DISCLOSURES BY COVERED ORGANIZATIONS TO SHAREHOLDERS, MEMBERS, AND DONORS OF INFORMATION ON DISBURSEMENTS FOR CAMPAIGN-RELATED ACTIVITY.

''(a) INCLUDING INFORMATION IN REGULAR PERIODIC REPORTS.—

''(1) IN GENERAL.—A covered organization which submits regular, periodic reports to its shareholders, members, or donors on its finances or activities shall include in each such report the information described in paragraph (2) with respect to the disbursements made by the organization for campaign-related activity during the period covered by the report.

''(2) INFORMATION DESCRIBED.—The information described in this paragraph is, for each disbursement for campaign-related activity—

''(A) the date of the independent expenditure or electioneering communication involved;

''(B) the amount of the independent expenditure or electioneering communication involved;

''(C) the name of the candidate identified in the independent expenditure or electioneering communication involved and the office sought by the candidate;

''(D) in the case of a transfer of funds to another person, the information required by subparagraphs (A) through (C), as well as the name

of the recipient of the funds and the date and amount of the funds transferred;

''(E) the source of such funds; and

''(F) such other information as the Commission determines is appropriate to further the purposes of this subsection.

''(b) HYPERLINK TO INFORMATION INCLUDED IN REPORTS FILED WITH COMMISSION.—

''(1) REQUIRING POSTING OF HYPERLINK.—If a covered organization maintains an Internet site, the organization shall post on such Internet site a hyperlink from its homepage to the location on the Internet site of the Commission which contains the following information:

''(A) The information the organization is required to report under section 304(g)(5)(A) with respect to public independent expenditures.

''(B) The information the organization is required to include in a statement of disbursements for electioneering communications under section 304(f)(6).

''(2) DEADLINE; DURATION OF POSTING.—The covered organization shall post the hyperlink described in paragraph (1) not later than 24 hours after the Commission posts the information described in such paragraph on the Internet site of the Commission, and shall ensure that the hyperlink remains on the Internet site of the covered organization until the expiration of the 1-year period which begins on the date of the election with respect to which the public independent expenditures or electioneering communications are made.

''(c) COVERED ORGANIZATION DEFINED.—In this section, the term 'covered organization' means any of the following:

''(1) Any corporation which is subject to section 316(a), other than a corporation which is an organization described in paragraph (3) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.''.

''(2) Any labor organization (as defined in section 316).

''(3) Any organization described in paragraph (4), (5), or (6) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, other than an exempt section 501(c)(4) organization (as defined in section 301(27)).

''(4) Any political organization under section 527 of the Internal Revenue Code of 1986, other than a political committee under this Act.''.

TITLE IV—OTHER PROVISIONS

SEC. 401. JUDICIAL REVIEW.

(a) SPECIAL RULES FOR ACTIONS BROUGHT ON CONSTITUTIONAL GROUNDS.—If any action is brought for declaratory or injunctive relief to challenge the constitutionality of any provision of this Act or any amendment made by this Act, the following rules shall apply:

(1) The action shall be filed in the United States District Court for the District of Columbia, and an appeal from a decision of the District Court may be taken to the Court of Appeals for the District of Columbia Circuit.

(2) A copy of the complaint shall be delivered promptly to the Clerk of the House of Representatives and the Secretary of the Senate.

(b) INTERVENTION BY MEMBERS OF CONGRESS.—In any action in which the constitutionality of any provision of this Act or any amendment made by this Act is raised, any member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) or Senate who satisfies the requirements for standing under Article III of the constitution shall have the right to intervene either in support of or opposition to the position of a party to the case regarding the constitutionality of the provision or amendment. To avoid duplication of efforts and reduce the burdens placed on the parties to the action, the court in any such action may make such orders as it considers necessary, including orders to require intervenors taking similar positions to file joint papers or to be represented by a single attorney at oral argument.

(c) CHALLENGE BY MEMBERS OF CONGRESS.—Any Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) or Senate may bring an action, subject to the special rules described in subsection (a), for declaratory or injunctive relief to challenge the constitutionality of any provision of this Act or any amendment made by this Act.

SEC. 402. NO EFFECT ON PROTECTIONS AGAINST THREATS, HARASSMENTS, AND REPRISALS.

Nothing in this Act or in any amendment made by this Act shall be construed to affect any provision of law or any rule or regulation which waives a requirement to disclose information relating to any person in any case in which there is a reasonable probability that the disclosure of the information would subject the person to threats, harassments, or reprisals.

SEC. 403. SEVERABILITY.

If any provision of this Act or amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and amendments made by this Act, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

SEC. 404. EFFECTIVE DATE.

Except as otherwise provided, this Act and the amendments made by this Act shall take effect upon the expiration of the 30-day period which begins on the date of the enactment of this Act, and shall take effect without regard to whether or not the Federal Election Commission has promulgated regulations to carry out such amendments.

The CHAIR. No further amendment to the bill, as amended, is in order except those printed in part B of the report. Each further amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. ACKERMAN

The CHAIR. It is now in order to consider amendment No. 1 printed in part B of House Report 111–511.

Mr. ACKERMAN. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 85, line 10, strike ''such report'' and insert ''such report, in a clear and conspicuous manner,''.

The CHAIR. Pursuant to House Resolution 1468, the gentleman from New York (Mr. ACKERMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. ACKERMAN. Mr. Chairman, I rise in strong support of the DISCLOSE Act and offer a very simple but also very important amendment which simply adds the words ''clear and conspicuous'' as a requirement to the disclosures that covered organizations are required to submit to shareholders, members, or donors under the bill.

In the wake of the Supreme Court's ruling in Citizens United, corporations now have a First Amendment right to spend millions or even billions of dollars of shareholder money to defeat or support candidates for public political office. While this ruling is now United States law, the DISCLOSE Act takes the appropriate step of mandating that corporations tell their shareholders how they're using the money. After all, investors in a company have a right to know how their company is using their money. But the underlying bill fails to ensure that these corporate disclosures are made clearly and understandably or that they are printed in such a way that allows shareholders to see them.

Mr. Chairman, Congress has insisted on disclosure requirements for corporations before, and anyone who receives a credit card offer knows that this is what we get—tiny, unreadable text in 5-point font. Even if you could read it, which you can't without a magnifying glass, you would have to have degrees in law or advanced mathematics to be able to understand it.

The central theme of the DISCLOSE Act is empowering American investors by mandating that companies disclose their political expenditures. My amendment very simply imposes and adds the words ''clear and conspicuous'' as a requirement for all organizations covered under the bill so that American investors have a chance to actually see and understand those disclosures. As Congress takes the very reasonable approach of mandating corporate disclosures of political expenditures, we must ensure that corporations present that information clearly and understandably to all of their shareholders.

I thank the Rules Committee for making my very straightforward, commonsense amendment in order.

I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. DANIEL E. LUNGREN of California. Mr. ACKERMAN's amendment is an interesting amendment because, among other things, it was allowed to be considered on this floor, while any amendment offered by any Republican Member on the committee of jurisdiction was disallowed. We had, on our side, several amendments which would make it clear that the disclosure requirements in this bill are required equally of unions as of corporations.

As I listened carefully to Mr. ACKERMAN's statement concerning his amendment, I noticed he referred only to corporations and to the obligation of corporations to make reports to their shareholders. There was not a single mention of the responsibility of unions to inform their members of how they spend their money in a political way in a ''clear and conspicuous'' manner.

He said his amendment is fairly straightforward, almost as if it's unnecessary or so obvious. And yet that amendment was allowed to be in order, but one that would make it clear that

his ''clear and conspicuous'' requirement and every other requirement of disclosure contained in this law which would affect corporations of all types—and remember, I'm talking about not just for-profit corporations but corporations of any type—would equally apply to the unions was not allowed. And so the gentleman has made the case that we have been making all along: This bill does not, in fact, treat unions the same as it does other organizations, many of whom, as I say, have a corporate structure but they would not be identified by the average person as a corporation. They'd be identified as an advocacy organization.

And so, once again, we see in this amendment an attempt to unbalance the playing field by ensuring that a particular obligation that may be an appropriate obligation with respect to corporations is not placed on unions, once again. And, for that reason, I would have to oppose the gentleman's amendment. But we can't have time to discuss whether unions ought to be dealt with.

The argument that the potential corruption is there with contractors would certainly be there with representatives of union member public employees. I'm not saying they're corrupt. What I am saying is the legal analysis is the same. I don't think my friends on the other side of the aisle would suggest that every corporation is corrupt, but it is because of the possibilities of corruption that we're allowed, under the Supreme Court's interpretation of the First Amendment, to have these kinds of disclosure requirements.

All I'm saying is, once again, the gentleman's amendment proves the point we've been trying to make on the floor. This bill does not fairly treat everybody. There are those that are favored by the majority and there's the rest of the world. Those favored by the majority get special treatment. Those not favored by the majority do not get that special treatment. It will render this bill unconstitutional, as it should.

With that, I yield back the balance of my time.

Mr. ACKERMAN. Mr. Chairman, the purpose of this bill, as I understand it, is for transparency and for people to understand what's happening out there as people spend lots of money—other people's money, very often—to advocate for or against candidates. In the case of unions, unions are very transparent in who they're supporting and who they're not supporting when they decide to take that kind of action. Union members pay voluntarily with their dues money, and the unions disclose who they are and who they're supporting.

People who invest in corporations, presumably for the purpose of investing money and furthering America's economic and their own economic interest, have a right to know how those corporations are spending their money that they thought was being invested for the purpose of capitalism and free enterprise rather than to be diverted into anybody's personal political agendas. Unions do that because their members vote; corporations do not. And I would have no idea of a corporation that I may invest in, whether they're spending my initial investment money to work against my interests or even your interests—or for them, for that matter. This is just to let people know.

The second point, the amendment that I offer covers every organization that is covered under the bill equally.

I yield back the balance of my time.

□ 1400

The CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. ACKERMAN).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. KING OF IOWA

The Acting CHAIR (Mr. SERRANO). It is now in order to consider amendment No. 2 printed in part B of House Report 111–511.

Mr. KING of Iowa. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add at the end of title I the following new section:

SEC. 106. REMOVAL OF LIMITATIONS ON FEDERAL ELECTION CAMPAIGN CONTRIBUTIONS.

Section 315(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)) is amended by adding at the end the following new paragraph:

''(9) The limitations established under this subsection shall not apply to contributions made during calendar years beginning after 2009.''.

The Acting CHAIR. Pursuant to House Resolution 1468, the gentleman from Iowa (Mr. KING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. KING of Iowa. Mr. Chairman, my amendment is simple in its language and is perhaps a little more complicated when one starts to understand all the freedom that would be exercised, should my amendment become law. And it simply does this: my amendment eliminates—it strikes all limitations on Federal election campaign contributions. It takes out the $2,000 limit, the $5,000 limit, all of the limits set there because it reverts us back to the constitutional principle that contributions to campaigns are free speech, funding is free speech. And to limit our ability as individual Americans with constitutional rights, to make contributions to political campaigns is an unconstitutional limitation.

And by the way, to react to a Supreme Court decision by bringing a piece of legislation like this, which is an immediate and exactly a reaction to the Citizens United case, I think tells America where this Congress would like to go in limiting the constitutional rights of the people in this country. I am for reestablishing those rights to the maximum amount. That's what this allows, the individuals and the corporations that choose to donate.

We don't touch anything that has to do with disclosure. I am for full disclosure. I am for sunshine. And I think the American people and the voters can discern where they want to place their vote and where they want to place their political contributions if we just allow for the disclosure. But the limitations are unconstitutional limitations, and this amendment simply strikes all of those limitations that are in statute that are unconstitutional, Mr. Chairman.

I reserve the balance of my time.

Ms. ZOE LOFGREN of California. I claim the time in opposition.

The Acting CHAIR. The gentlewoman is recognized for 5 minutes.

Ms. ZOE LOFGREN of California. Mr. Chairman, Representative KING's amendment would, as he has indicated, eliminate all limitations on Federal election campaign contributions, corporations and unions. Individuals could donate unlimited amounts of money to candidates, political parties, and committees. I think this is a fairly cynical amendment designed to undermine all support for additional disclosure and reasonable regulation.

Since the Federal Election Campaign Act of 1971 was first challenged, the Supreme Court has always upheld reasonable contribution limits to candidates and political parties, and they did so as a reasonable means to prevent corruption. Even the Citizens United decision itself did not question the Federal Election Campaign Act's limits on direct contributions to candidates, and they reaffirmed that the Court was concerned that large contributions could be given to secure a political quid pro quo.

I quote the Court decision where they refer favorably to the Buckley court: ''Nevertheless, sustained limits on direct contributions in order to ensure against the reality or appearance of corruption.'' That case did not extend the rationale to independent expenditures, and the Court didn't do so in Citizens United. But it did quote the Buckley court favorably on the limitation of expenditures when it came to candidates or political parties.

Money has a corrosive effect on the electoral process, and eliminating campaign limits would start a political arms war. Candidates have to raise millions of dollars to run competitive campaigns; and if Mr. KING's amendment passes, candidates are going to turn to wealthy donors, special interests, corporations to get their money, and the voices of average Americans will not be heard. If this amendment is passed, the voices of the American people will be drowned out by wealthy corporations and other interest groups. This isn't what we should do. It's not what the Court suggested we do. And I would urge that we oppose the King amendment.

I reserve the balance of my time.

Mr. KING of Iowa. Mr. Chairman, I yield myself such time as I may consume.

I would make a point in response to the remarks of the gentlelady from California that—and of course my recollection of the Citizens United case is that they didn't challenge those constitutional limits. There may have been a comment in the decision, but I don't believe they challenged them before the Court.

And I would add to this that to put arbitrary limits on PAC contributions at $5,000, and let inflation then over time render those contributions to be of minimal value, even though they've indexed individual contributions to increase supposedly with inflation, distorts the balance that they tried to create in the very legislation itself. It shows what's wrong with contribution limits.

Additionally, we just need full disclosure. We have that disclosure. But what's happening is, people like George Soros are pouring money into their entities and their organizations. Their voice is heard. They're not limited. They're exactly advantaged by the current scenario that we have. If we eliminate the limits, what we're able to do then is hold the candidates accountable for the expenditure of those dollars and directly analyze the positions of the candidates and their contributors. This way it's distorted.

The real sunlight is to require the candidates to report when they do that reporting. Then we'll be able to evaluate their positions rather than having that money laundered through, or I'll say diffused through, a whole series of entities that are structured out there, like 527s, for example, that have added to the acrimony of our campaigns, and they've diminished the honesty that we have in our elections.

Mr. Chairman, I reserve the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Chairman, I would like to note, going back again to the Court decision, that although the Citizens United case did not attack—it was not about the constraint on individual contributions to candidates—the Court did, as I mentioned to you earlier and quoted, reference favorably the Buckley court, sustaining the constitutionality of those constraints.

It's worth noting that the Federal Election Campaign Act of 1971 has been the law for nearly 40 years. It's 39 years. It's helped clean up the role of money in politics. It's been improved over the years. I mentioned earlier under general debate the case of how much is spent in any given year; and I used the example 2008, the last big election, where 435 Members of Congress spent about $840 million. That's the equivalent of 1 percent of the profits of Exxon-Mobil for 1 year.

What Mr. KING's amendment would allow would be for an oil corporation Member of Congress to go to the oil corporation and say, Write me a check that's half a percent of your profit; and that would be legal. That's not what we want in America. We don't want corporations pouring money into individual campaigns, disclosed or not. That's going to drown out the voices of regular Americans. It's not what the law permits today. The Court decision does not ask us to change the law, and I would urge that we defeat Mr. KING's amendment.

I reserve the balance of my time.

Mr. KING of Iowa. Mr. Chairman, I yield myself such time as I may consume.

Of course I disagree with the gentlelady from California. We need to allow these contributions to go into the campaign accounts rather than be laundered through a whole series of entities that are set up to diffuse and confuse the actual source of the voice. And the distortion that comes with this—it may be that this has been law for 41 years. But Citizens United, the ink is barely dry, and the Democrats are here on the floor seeking to gain a legislative advantage when the Supreme Court has said, Give the people an opportunity to have their voice heard in the elections.

□ 1410

Even so far as in the underlying bill, this bill requires CEOs of organizations to appear in the ads and state their name and organization two different times. CEOs. The President of the United States himself said: I don't want to talk to the CEOs; they'll just tell me what they want me to hear.

So now we are legislating, telling the CEOs what they have to say twice in an ad. I don't know how we can afford to buy commercials and ads to run in a political campaign if our CEOs have to spend all of their time in them. And especially when the President says he doesn't want to listen to the CEOs. I think it is an ironic situation that we have.

I want to eliminate the limits. That is what my amendment does. It strikes all of the limits that are there in the current statute, 441(a) limitations on contributions and expenditures, a dollar limitation of the contributions, strikes them all, and it leaves all of the reporting intact so that the people in the country can make that determination that it is not constricted by amounts that are unnecessarily plugged into this legislation, and it lets people in America have a full-throated vote of liberty when they go to the polls to decide who they want to direct the destiny of the United States of America here in the United States Congress.

I yield to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. I would just point out that 441(b) is the section that prohibits corporate contributions. So the gentleman's amendment does not do what the gentlelady from California said, which would allow corporations to give contributions.

Ms. ZOE LOFGREN of California. Mr. Chairman, I urge opposition to the amendment. From the gentleman's comments, he favors disclosure. I hope, therefore, he votes for the DISCLOSE Act. But we didn't need to open the door to unlimited funds by corporations to candidates. We know it will be sleazy. In order to get disclosure, vote ''no'' on the King amendment and ''yes'' on the DISCLOSE Act.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. KING of Iowa. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Iowa will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. KUCINICH

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in part B of House Report 111–511.

Mr. KUCINICH. Mr. Chairman, I rise to offer an amendment to the DISCLOSE Act.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 15, insert after line 15 the following:

(c) APPLICATION TO PERSONS HOLDING LEASES FOR DRILLING IN OUTER CONTINENTAL SHELF.—Section 317(a) of such Act (2 U.S.C. 441c(a)) is amended—

(1) by striking ''or'' at the end of paragraph (1);

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following new paragraph:

''(2) who enters into negotiations for a lease for exploration for, and development and production of, oil and gas under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), during the period—

''(A) beginning on the later of the commencement of the negotiations or the date of the enactment of the Democracy is Strengthened by Casting Light on Spending in Elections Act; and

''(B) ending with the later of the termination of such negotiations or the termination of such lease;

directly or indirectly to make any contribution of money or other things of value, or to promise expressly or impliedly to make any such contribution to any political party, committee, or candidate for public office or to any person for any political purpose or use, to make any independent expenditure, or to disburse any funds for an electioneering communication; or''.

Page 15, line 16, strike ''(c)'' and insert ''(d)''.

The Acting CHAIR. Pursuant to House Resolution 1468, the gentleman from Ohio (Mr. KUCINICH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. KUCINICH. Mr. Chairman, the underlying bill would extend an existing ban on campaign contributions by

government contractors to also include independent expenditures and electioneering communications by contractors.

My amendment would clarify that this provision applies to companies with leases with the Federal Government allowing them to drill for oil and gas in the Outer Continental Shelf. If we ever needed a stark reminder of one of the many problems that arise from our addiction to oil, we have it now, as many as a half-million gallons of oil is erupting from an underwater volcano of oil into one of the most fragile ecosystems on Earth every single day from the Deepwater Horizon drilling site alone.

This disaster was preventable. We had a warning of the consequences of our dependence on oil in the 1970s; we ignored it. We could have built upon the increased awareness to continue on a path of weaning ourselves off oil, but we squandered it. There can be no doubt that the oil industry has strategically and brilliantly used its powerful influence to maintain or even worsen the addiction.

They are not entirely to blame, though. Blame does rest with Congress for being addicted to oil company contributions. We have to begin to break the addiction and do it now. According to opensecrets.org, the oil and gas industry has given close to a quarter-of-a-billion dollars to candidates and parties since the 1990 election cycle. In the 2008 cycle alone, the oil and gas industry donated $36 million. In the 2010 cycle, they are on track to exceed that with $13 million donated so far. The mere perception of undue influence by the companies whose products are so profoundly destructive to our water, air, and health is toxic to our democracy.

Mr. Chairman, I am urging a ''yes'' vote for the Kucinich amendment that relates to the Outer Continental Shelf leaseholder status.

I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I rise to claim the time in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. DANIEL E. LUNGREN of California. Well, here we go again, Mr. Chairman. Let's make sure this bill is unconstitutional. Why not just tear up the First Amendment right here in front of everybody so they know what we are doing?

The court has said you cannot establish disfavored groups over favored group. The gentleman has just expressed, perhaps an appropriately conditioned animus, toward those who are engaged in offshore drilling. So we are going to say they, those corporations, because they engage in offshore drilling, with leases, cannot participate in the political process in the way anybody else can. Now, he doesn't do it with leases for those who are on shore. He doesn't do it for those who have mineral leases on U.S. land.

So what is the justification? The justification can't be what the gentleman just said in terms of the fragile ecological infrastructure. That is not the legal basis for which you can make a distinction. It is, why is the group that you are saying is singled out for this special treatment uniquely involved in corruption or the appearance of corruption, as opposed to all other groups similarly situated?

And the gentleman, instead of arguing that point, talks about this terrible tragedy in the gulf, about which we all agree, but then says that is the basis for creating this distinction under the narrow allowance the Supreme Court has articulated over really two centuries of jurisprudence.

And so what we are doing here is, we are finding what disfavored group do we have today, and let us treat them differently than everybody else; not in terms of whether they can negotiate for contract, but whether they can be involved in political speech as identified by the Supreme Court in their decision interpreting the First Amendment.

Now, I realize that many on that side of the aisle love to refer to, I guess, a movie called ''The Inconvenient Truth,'' but the true inconvenient truth in this body today is the First Amendment. The Constitution is inconvenient. There are things that you wish you could do but you are not allowed to do. And the fact of the matter is once again I find it incredible that my friend from Ohio would be fearful of robust debate and rather would say, well, this is an area in which we can refuse to allow debate. I mean, that is basically what the court has said to us. They said the cure for bad speech, intemperate speech, dishonest speech, speech we don't like, is not to somehow suppress that speech, but to allow more speech. To allow greater robust debate. And that's the tragedy here; we are confined by a rule that allows very few amendments, confined by a rule that limits debate about that great Constitution which enhances the idea of robust debate.

□ 1420

So, once again, we are seeking to have an amendment adopted here which will move in the direction of less debate rather than more debate, create favored groups versus disfavored groups, give an advantage to some over the others rather than say let's have an equal playing field and make sure that everybody has the opportunity to be heard.

I reserve the balance of my time.

Mr. KUCINICH. I ask the Chair how much time is remaining.

The Acting CHAIR. The gentleman from California has 1 minute remaining. The gentleman from Ohio has 3 minutes remaining.

Mr. KUCINICH. I yield myself 1 minute.

I would let my friend from California know that there is no First Amendment right to drill for oil and gas in the Outer Continental Shelf. There is no constitutional right that anyone has to a government contract. This provision relates to the Outer Continental Shelf leases, and not all oil and gas leases, because these leases in the Outer Continental Shelf are inherently more dangerous, more risky. It's especially true as we have seen with deepwater drilling. It's true of all drilling in the Outer Continental Shelf. These spills are impossible to clean up.

We are still living with the effects of the Valdez catastrophe. We will be living with the effects of the Deepwater Horizon catastrophe for generations. We are not just talking about mopping up the shores and spreading toxic dispersants and then everyone goes home happy. This oil is going to be in the water column, on the sea floor for a very long time, ramifications for our delicate ecosystem, forcing a lot of persistent toxic compounds like metals into our food supply. These oil companies could conceivably intervene in our political process, using money that they are getting from leases with the Federal Government to place our environment at further risk.

Mr. DANIEL E. LUNGREN of California. I yield myself the balance of my time.

Mr. Chairman, once again, the gentleman's response is off the target. If you want to ban offshore oil drilling, ban offshore oil drilling, but you are trying to ban speech. The idea is to cap the well, not cap speech. The idea here is to honor the First Amendment, not tear it up. The idea is not to use to your advantage a tragedy of enormous proportions to somehow render asunder the First Amendment.

We are talking about debate. We are talking about speech. We are not talking about whether they can drill or not. The gentleman from Ohio has been one of those who has expressed himself with controversial at times and disfavored positions, and yet he honors this House by being here and arguing his position. I am surprised that someone who has been so proud of his ability to speak out on controversial issues would want to deny others the opportunity.

This has nothing to do with drilling in the gulf. It has everything to do with selecting disfavored groups, which is something the Constitution does not allow us to do. Let's not tear up the Constitution as the environment is torn up by an offshore drilling mess.

Mr. KUCINICH. I yield myself the balance of my time.

To my good friend from California, the Buckley v. Valeo decision equated money with free speech. The oil and gas industry, over a period of 20 years, has contributed close to a quarter of a billion dollars to the political process. There is no question of the influence they have had. There is no question of the incestuous relationship between the oil industry and the regulators which led us to this deepwater drilling catastrophe.

What this legislation aims at doing is curbing the influence of these oil companies on our political process so they can't get a lease, use the revenue from that lease, put it back in the political process, and ka-ching, ka-ching, ka-ching. We can't let the oil companies do that anymore. We have to protect our government here; we have to protect the Constitution of the United States, and we can't give them the ability to usurp the Constitution, trying to do it in the name of free speech.

I would like to conclude by saying this: The language that is in this amendment is the same language as that for TARP recipients, so there is nothing special about the language. It's the same one for TARP recipients, saying that someone that gets Federal money, they shouldn't be able to use their position to go back to the government and get people elected who are going to give them more money.

Mr. DANIEL E. LUNGREN of California. Will the gentleman yield?

Mr. KUCINICH. I yield to my good friend.

Mr. DANIEL E. LUNGREN of California. The difference between TARP and this is that recipients of TARP get money. In this case, these people get leases, which allow them to pay money to the Federal Government. It's just the opposite.

Mr. KUCINICH. I thank the gentleman.

Reclaiming my time, the oil companies, let us stipulate, are not eleemosynary or charitable organizations. They make huge profits at the expense of the taxpayers. And they are making even more profit because the fact of the matter is we now have to monetize the cost of all the pollution that's coming out of the gulf. No matter what BP pays, we will be paying for generations to come.

Support the Kucinich amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Ohio (Mr. KUCINICH).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. PASCRELL

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in part B of House Report 111–511.

Mr. PASCRELL. I present an amendment to this legislation.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

In section 319(b)(3) of the Federal Election Campaign Act of 1971, as proposed to be added by section 102(a) of the bill, strike subparagraph (A) and insert the following:

''(A) in which a foreign national described in paragraph (1) or (2) directly or indirectly owns or controls—

''(i) 5 percent or more of the voting shares, if the foreign national is a foreign country, a foreign government official, or a corporation principally owned or controlled by a foreign country or foreign government official; or

''(ii) 20 percent or more of the voting shares, if the foreign national is not described in clause (i);

''(B) in which two or more foreign nationals described in paragraph (1) or (2), each of whom owns or controls at least 5 percent of the voting shares, directly or indirectly own or control 50 percent or more of the voting shares;''.

The Acting CHAIR. Pursuant to House Resolution 1468, the gentleman from New Jersey (Mr. PASCRELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. PASCRELL. I yield myself 2 minutes.

The DISCLOSE Act is an important piece of legislation. I want to commend Mr. VAN HOLLEN, Chairman BRADY, and their staff. I also want to thank Mr. PERRIELLO and Mr. GRAYSON for working with me on this important amendment.

One of the most troubling aspects of the Citizens United decision was the opening of a loophole that could allow multinational corporations with significant foreign ownership to spend prolifically in American elections. Who in God's name would want to have foreign governments involved investing in our elections? The DISCLOSE Act, as written, attempts to limit the ability of foreign nationals to launder their cash through these domestic corporations by imposing limitations on foreign ownership, foreign membership on corporate boards, and executive power.

This amendment would strengthen this provision in two important ways. My amendment lowers the allowable foreign ownership percentage from 20 percent to 5 percent when the foreign owner is a foreign government, foreign government official, or foreign government-controlled company like a sovereign wealth fund. I believe it is important to draw this distinction between the average foreign citizen and foreign governments who could seek to exploit this loophole to influence our elections based on the policies of their governments and not the citizens of our country.

The second provision of my amendment would close a potential loophole that could allow a majority foreign-owned corporation to continue to make political expenditures so long as no single shareholder owns more than 20 percent of the company. My amendment would prohibit expenditures by corporations who have a majority of their shares owned by foreign nationals even if no single shareholder meets the 20 percent threshold.

I believe this is an important amendment. These commonsense provisions will ensure strong protections for our elections from unprecedented foreign influence and spending.

I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I rise to claim the time in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. DANIEL E. LUNGREN of California. I believe the gentleman said at the very end of his comments that his amendment was necessary if the shares owned by foreign nationals added up to over 20 percent. I believe that is a reasonable interpretation of the bill as it stands and not that it would have to be an individual organization that had 20 percent.

Mr. Chairman, once again, you can see the selective nature of the amendments that are allowed. We offered to present a number of amendments which would even the playing field between unions and corporations, and it was rejected outright both in the committee and before the Rules Committee.

□ 1430

They said it would be too hard for unions to be able to determine who their membership is, that is, the nationality of their members, so they wouldn't be able to determine whether over 20 percent of the union were individuals who were not American citizens, that is, foreign nationals. And it's just again, Mr. Chairman, a continued example of how this bill is not even-handed.

There are at least five provisions under this bill which treat unions differently than corporations and, again I say, not just for-profit corporations. We're talking about corporations. Many advocacy groups have a corporate structure, and so they are treated differently than unions. This has been recognized by any number of individuals. I've already read into the RECORD the serious disability with this bill, and this amendment continues that disability as expressed by the American Civil Liberties Union.

Another letter dated May 19, 2010, signed by eight former members of the FEC going back to the beginning of that commission's existence, talks about how the act abandons the historical matching treatment of unions and corporations, and they say that this will in itself cause a substantial portion of the public to doubt the law's fairness and impartiality.

So once again, Mr. Chairman, we have an example of where we have disparate treatment depending on whether you happen to be members of a favored class or otherwise.

I offered amendments in the full committee to try and really define very well what we meant by foreign interests. In fact, we actually replicated current law, making it sure, making it absolutely sure that if you were a corporate structure that was dominated by foreign interests, you could not participate in this way to make decisions. If you were a U.S. wholly-owned subsidiary of a foreign corporation, only moneys that were made in the United States and decisions made by American nationals would allow for any kind of participation in the political process as viewed and anticipated by this law and by the decision by the Supreme Court.

So once again, Mr. Chairman, I just say and somewhat—I don't know—I lament, I guess, the fact that we while we're talking about free speech and

we're talking about influence, undue or otherwise, we have another example on this floor of a denial of Members' consideration of amendments that would make this a fair, balanced, evenhanded bill.

I would hope that when we're dealing with the First Amendment at least there the majority would grant us the ability of fair treatment; at least there the majority might say we have enough time in this body to discuss things because, you know, the Constitution's pretty important and so is the First Amendment. But I've heard criticism after criticism on this floor of the U.S. Supreme Court decision which doesn't match what was in the Court decision, and all I can say is either Members on the other side haven't read the decision or they seek not to repeat what's actually in the decision because I've heard on this floor talk about how that decision allowed foreign countries and foreign-dominated companies to now be directly involved in political processes. That's just not true. They didn't change the other underlying law.

So Mr. PASCRELL's amendment continues in that same direction.

The Acting CHAIR. The time of the gentleman has expired.

Mr. PASCRELL. Mr. Speaker, I yield 10 seconds to the majority leader, Mr. HOYER.

Mr. HOYER. I thank my friend for yielding, and I rise in strong support of this piece of legislation.

For more than a century, Mr. Chairman, America has limited the role of private money in public elections. We've done so because we believe that huge sums of money from unknown sources, from unknown sources—I reference that and emphasize it because I'm going to refer to it in some comments of our Republican leadership in years past regarding money from unknown sources—dominates elections; and especially when it does so in the dark, the interests of ordinary citizens are too often the victim.

America's work toward open and fair elections has been, as it has been in every country, imperfect but better here than almost anyplace in the world; but it took a severe blow this winter when the Supreme Court voted in the Citizens United case to overturn longstanding precedent, allowing corporations and unions to spend unlimited amounts of their treasury funds—not of private unions that their employees contributed, which I support, but their corporate funds and their union treasury funds—in unrestrained fashion to influence elections directly.

The gentleman who is my friend, former Attorney General of the State of California and a good friend of mine—we've served together for a long time—says correctly that we do not want to limit free speech. I agree with that. The First Amendment is one of the sacred amendments that our Founding Fathers adopted to make our country not only unique but one of the freest countries the world has ever seen.

But without transparency, without knowing the source of the speech that you hear, without having the ability to analyze who is telling me that this is good or this is bad, what is the source of the interest that is saying that this legislation is bad or this legislation is good—obviously all of us have said from time to time, Consider the source. We all say that. When somebody who we know doesn't like A or doesn't like B says something bad about A or B, we say, Consider the source. But if we don't know the source, we can't consider the source, and if we can't consider the source, we do not know the validity of the information that is transmitted to us.

That is the key to this legislation. That is the essence of what we're saying, not that a corporation or a union can't try to influence the American public to support a candidate or a proposition that it believes to be in its best interest. That's the American way. What we are saying, however, is that given the Supreme Court's decision, that we ought to make sure that citizens know who's talking to them; otherwise they will not have the ability to make a judgment on the credibility of the information they are receiving.

Now, as I said a little earlier, that is a goal that many of my colleagues, including my Republican colleagues, have supported in the past. My friend Eric Cantor, who is the minority whip, said this: ''Anything that moves us back towards that notion of transparency and real-time reporting of donations and contributions I think would be a helpful move towards restoring confidence of voters.'' This tries to do exactly that, restore the confidence of voters that they will know who's spending much money to influence their votes, their opinion, their actions.

Former Speaker Gingrich said this, that in an ideal system ''the country knows where the money is coming from. That would be transparent, simple, and fair.''

□ 1440

While he was not speaking on behalf of this bill, that applies to this bill.

Minority Leader BOEHNER said this, ''I think what we ought to do is we ought to have full disclosure, full disclosure of all the money that we raise and how it's spent.'' That's what we're saying in this bill.

When you receive a 1-minute or a 30-second ad on TV, who's talking to me? How are they spending their money? If they spend it through a third party, they do so in many ways to hide the source. Whether it's a special interest on the right or the left or in the middle, a business interest, a labor interest, whatever interest it is, as a voter, I need to know who's talking to me so I can judge the credibility of the information that I am receiving.

I agree with the thoughts that have just been quoted by my three Republican colleagues, and I think they support the passage of this bill. Therefore, Mr. Chairman, I want to thank Chairman BRADY for the outstanding leadership he has shown in bringing this bill to the floor. I want to thank my other friends who have worked so hard on this.

And I would be remiss if I did not mention specifically my friend and colleague from the State of Maryland, CHRIS VAN HOLLEN, who has been tireless in his work on behalf of the DISCLOSE Act. Surely you can do it, surely you can have free speech, you can say anything you want, but tell me who you are. Do not hide under a cloak. Lift that cloak up and find out who's talking. If we do that, America's elections will be better. The people will be better informed and more confident that they can rely on the information they seek.

Consider the source, vote for this bill.

PARLIAMENTARY INQUIRIES

Mr. DANIEL E. LUNGREN of California. Parliamentary inquiry, Mr. Chairman.

The Acting CHAIR. The gentleman from California will state his parliamentary inquiry.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, in the years I've been here in the House, I know there is allowed under the rules a tradition that the leaders of either the majority or minority or the Speaker is granted 1 minute speaking time by their side, taken out of their time, and yet, shall we say, a judicious minute is allowed.

It was my understanding that under the rules and, as interpreted, the tradition that has developed, that it was predicated on a dedication of 1 minute out of the time of the side. And yet, as I understand it, the request has been made for just 10 seconds. My parliamentary inquiry is, is that allowed under the rules? And if it is, when did the rules change?

The Acting CHAIR. The Chair will advise that it is a matter of custom, not rules.

Mr. DANIEL E. LUNGREN of California. Well, then I would ask, if it's a matter of custom, when did the custom change from 1 minute to 10 seconds?

The Acting CHAIR. The Chair is honoring the custom of the various leaders speaking longer than the time allocated, and that is what happened today.

Mr. DANIEL E. LUNGREN of California. I understand that. My question is the time that's taken out of the side. I granted 1 minute to the Republican leader earlier in the debate because I was told that that is both under the rules allowed and that is the tradition.

I know I've only been a Member of this House now for 16 years, but I have never seen this in my time, and I am just wondering whether this is the new rule or the new tradition.

And further parliamentary inquiry, whether I would have been recognized to grant 10 seconds to the distinguished

leader of the Republican side and therefore had only 10 seconds taken out of my time.

The Acting CHAIR. The Chair will advise the gentleman that the nominal time granted is unrelated to the time that the leaders might speak, and here the leader spoke for the longer time that he wished to speak.

Mr. DANIEL E. LUNGREN of California. I appreciate that. I think the Chair misunderstands my inquiry. My inquiry isn't about the amount of time graciously granted to either leader or the Speaker, but rather the time subtracted from that that appears in the rule given to the side granting the time to the leader.

The Acting CHAIR. The nominal amount that a Member chooses to yield to the leader to speak for the time that he or she wishes is not a matter of regulation.

Mr. DANIEL E. LUNGREN of California. Is that amount of time deducted from the side which grants the speaker the time?

The Acting CHAIR. Yes, the nominal amount of time is deducted.

Mr. DANIEL E. LUNGREN of California. So if I would say 5 seconds, it would be 5 seconds rather than if I had said 1 minute; is that correct?

The Acting CHAIR. The gentleman is correct. That is a matter of technique or choice.

Mr. DANIEL E. LUNGREN of California. I see. I shall be much more judicious in my grant of time in the future now that I have had this information conveyed. Thank you.

Mr. PASCRELL. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. PERRIELLO).

Mr. PERRIELLO. Mr. Chairman, where I come from, people stand by their word. If they have something to say, they stand up and say it and they're not afraid to say this is who I am. We do it in our own campaign ads.

The Bible says, ''You shall not hide your light under a bushel.'' Why should the same not apply? If one is going to choose to be part of our sacred democratic process, why on Earth would it not be part of that to say this is who I am? The DISCLOSE Act simply does that. It says I'm willing to stand up and speak and I'm willing to tell you who I am. Back on Main Street, back in rural communities, that's just a basic sense of decency and accountability, and it's a Main Street value that does well in Washington as well.

It's also important that we make sure that ''We the People'' is not ''We the foreign corporations.'' This is an important amendment to make sure that foreign corporations are not allowed to come in and unduly affect our elections. China already owns too much of our debt. Don't let them buy our democracy as well. It's important that no country and no company be able to come in and own this democracy.

The Acting CHAIR. The gentleman from New Jersey has 1 minute and 50 seconds remaining.

Mr. PASCRELL. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. BOCCIERI).

Mr. BOCCIERI. Mr. Chairman, the people of our country have spoken time and time again: They want less money in politics, not more. And what I hear from our colleagues on the other side is that we should roll back 100 years of legislative action by this body.

The regressive decision by the Supreme Court has turned the keys of electoral government over to big corporations in the United States. Make no mistake, it's as if the Supreme Court rolled up to the drive-thru window and just super-sized the campaign contributions of corporate America.

In the Constitution it says ''We the people.'' ''We the People,'' not ''We the corporations.'' ''We the people of the United States of America.'' Corporations don't vote in our electoral process, people do. This is about the people of our country and not having their voices drowned out in the electoral process.

We need to make sure that the DISCLOSE Act gives further teeth so that foreign governments don't influence our domestic elections. We're not going to outsource and offshore our elections. Let's stand up for the American people and the balance of power in our country.

Mr. PASCRELL. Mr. Chairman, I yield myself the balance of my time.

First of all, Mr. Chairman, the courts will apply section 102 of the DISCLOSE Act to labor unions as well as corporations. Unions will be required to certify that they are in compliance with the safeguards against foreign ownership and control.

It is our duty, Mr. Chairman, to pass the strongest possible restrictions to keep foreign money out of our elections, and keep American elections decided by the American people.

The DISCLOSE Act is a good first step towards empowering the American citizens in our elections. I urge the House to approve this amendment and to strengthen this important piece of legislation. And I want to commend Mr. VAN HOLLEN and Mr. BRADY.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. PASCRELL).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. PATRICK J. MURPHY OF PENNSYLVANIA

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in part B of House Report 111–511.

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

In section 318(e) of the Federal Election Campaign Act of 1971, as proposed to be added by section 214(b)(2) of the bill, strike paragraphs (2) and (3) and insert the following:

''(2) INDIVIDUAL DISCLOSURE STATEMENT DESCRIBED.—The individual disclosure statement described in this paragraph is the following: 'I am _____, of _____, _____, and I approve this message.', with—

''(A) the first blank filled in with the name of the applicable individual;

''(B) the second blank filled in with the local jurisdiction in which the applicable individual resides; and

''(C) the third blank filled in with the State in which the applicable individual resides.

''(3) ORGANIZATIONAL DISCLOSURE STATEMENT DESCRIBED.—The organizational disclosure statement described in this paragraph is the following: 'I am _____, the _____ of _____, located in _____, _____, and _____ approves this message.', with—

''(A) the first blank to be filled in with the name of the applicable individual;

''(B) the second blank to be filled in with the title of the applicable individual;

''(C) the third blank to be filled in with the name of the organization or other person paying for the communication;

''(D) the fourth blank to be filled in with the local jurisdiction in which such organization's or person's principal office is located;

''(E) the fifth blank to be filled in with the State in which such organization's or person's principal office is located; and

''(F) the sixth blank to be filled in with the name of such organization or person.''.

In section 318(e)(4) of the Federal Election Campaign Act of 1971, as proposed to be added by section 214(b)(2) of the bill, strike subparagraphs (A) and (B) and insert the following:

''(A) STATEMENT IF SIGNIFICANT FUNDER IS AN INDIVIDUAL.—If the significant funder of a communication paid for in whole or in part with a payment which is treated as a disbursement by a covered organization for campaign-related activity under section 325 is an individual, the significant funder disclosure statement described in this paragraph is the following: 'I am _____, of _____, _____. I helped to pay for this message, and I approve it.', with—

''(i) the first blank filled in with the name of the applicable individual;

''(ii) the second blank filled in with the local jurisdiction in which the applicable individual resides; and

''(iii) the third blank filled in with the State in which the applicable individual resides.

''(B) STATEMENT IF SIGNIFICANT FUNDER IS NOT AN INDIVIDUAL.—If the significant funder of a communication paid for in whole or in part with a payment which is treated as a disbursement by a covered organization for campaign-related activity under section 325 is not an individual, the significant funder disclosure statement described in this paragraph is the following: 'I am _____, the _____ of _____, located in _____, _____. _____ helped to pay for this message, and _____ approves it.', with—

''(i) the first blank to be filled in with the name of the applicable individual;

''(ii) the second blank to be filled in with the title of the applicable individual;

''(iii) the third blank to be filled in with the name of the significant funder of the communication;

''(iv) the fourth blank to be filled in with the local jurisdiction in which the significant funder's principal office is located;

''(v) the fifth blank to be filled in with the State in which the significant funder's principal office is located; and

''(vi) the sixth and seventh blank each to be filled in with the name of the significant funder of the communication.''.

In section 318(e)(5) of the Federal Election Campaign Act of 1971, as proposed to be added by section 214(b)(2) of the bill—

(1) in subparagraph (A), strike ''provided;'' and insert ''provided and the local jurisdiction and State in which each such person lives (in the case of a person who is an individual) or is located (in the case of any other person);''; and

(2) in subparagraph (B), striking ''provided.'' and insert ''provided and the local jurisdiction and State in which each such person lives (in the case of a person who is an individual) or is located (in the case of any other person).''.

The Acting CHAIR. Pursuant to House Resolution 1468, the gentleman from Pennsylvania (Mr. PATRICK J. MURPHY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

□ 1450

Mr. PATRICK J. MURPHY of Pennsylvania. I yield myself such time as I may consume.

Mr. Chairman, I am happy that we are addressing campaign finance reform in this session of Congress by taking up the DISCLOSE Act today. This bill goes a long way toward increasing transparency in campaign spending by forcing individuals and organizations to stand by their television and radio ads that they fund.

I would like to thank my colleagues Mr. VAN HOLLEN, Mr. CASTLE, Mr. JONES, and especially Chairman BOB BRADY for their hard work on this important and critical piece of legislation.

By making funders identify themselves in ads, the DISCLOSE Act takes a significant step in giving people the information they need to understand who is funding the ad. Mr. Chairman, shouldn't people know where these ads and the money to fund them are coming from?

Let me give you an example:

If Halliburton pays for an ad endorsing a politician, shouldn't the voters know that not only is the company paying for the ad but also that it is based in Houston, Texas? People have a right to know if people or companies outside their States are trying to influence their elections.

My amendment, Mr. Chairman, is a commonsense addition that both Republicans and Democrats should support. Whether they are living in Bristol, Pennsylvania, or in Bristol, Tennessee, people should know who is trying to impact their votes.

This amendment is very simple. It enhances the ad disclaimers by including the location of the funder. Specifically, this amendment requires that the city and the State of the funder's residence or principal place of business be included in the disclaimers. It also requires this location information be added to the Top Funders list that will appear on screen, at the end of the ad, under the bill. These simple additions will give people valuable information about the people and organizations funding the ads they are seeing and hearing.

By knowing where the money is coming from, people will have a better understanding of who the funder is and the motivations behind an ad. This is not a Democratic or a Republican idea. All citizens deserve to know if a special interest completely unrelated to their districts and to the issues that affect their daily lives is trying to influence their elections.

I urge my colleagues to support my amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, this would sound like a commonsensical amendment until you actually realize its impact.

By the additional disclaimers required on broadcast ads, we have already determined that, in some cases, very easily, one would have to use 15 to 17 seconds of a 15- or a 30-second ad to make the disclaimer. If you add additional requirements, as the gentleman suggests, you could have as much as 20 seconds, which will mean that you won't be able to do 15-second ads. Now, that may be a good idea, frankly, but I'm not sure we should reach that so indirectly.

Secondly, I ask this. In the State of California, we just had a controversial proposition called Proposition 8. Following the successful passage of Proposition 8, people who were known as funders of the program were intimidated. Actions were taken against them by others who disagreed with the fact that they had been involved in the audacity of presenting a political position. So now you're going to make sure that the hometown, city, and State of the ad funder's residence is known.

Would that be less likely or more likely to lead to intimidation or to retaliation by individuals who disagree? I suspect it would be more likely.

If the idea is you've got to show that you're in the district or out of the district, what does that do to major metropolitan areas?

I'm from Los Angeles. Well, there are about 26 Members of Congress, I think, or something like that, representing LA County. What does that tell you about whether you're in the district or not in the district? It doesn't tell you anything except that you do live in that city, and I suppose someone then could look up the name of the individual and the home address of the individual, perhaps, to protest at that individual's residence.

I mean we're getting a little silly here. We're now talking about disclaimers that are going to take the entire time of a commercial. I don't like these commercials any better than anybody else does. You know, I've had commercials that have been running against me for the last 2 years by the DCCC—radio commercials that are suggesting I've done this, that and the other thing. You know, do I like that? No, but what the heck. That's part of the game.

I have seen people harassed after campaigns. I have seen people, who are at their homes, who have had protesters show up at their houses. Now, maybe you think that's part of the robust debate that we want around here. But what are you really doing by making known the residence and hometown of the individual there? Frankly, I think it is going to lead to the greater possibility of intimidation.

Maybe this is what this is supposed to be. We want to chill speech. We've already done that directly. Now, maybe, we'll do it indirectly. I mean it sounds good. I don't have any trouble with the principal office of a corporation, but the home, the residence, of an individual involved? What are we doing here? You're going to have to subject yourself to the possibility of criminal penalties if you dare allow your corporation to use funds, because we have made sure that the FEC will not have the time to put out regulations during this election period, or we will chill speech by passing this bill, by making it a law and by making people afraid to exercise their First Amendment right.

Man, that's the kind of stuff that our Founding Fathers were against. The Federalist Papers. I guess they actually used assumed names for the Federalist Papers. I don't think they identified what their home residences were. King George should have thought of some of this stuff.

I reserve the balance of my time.

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Chairman, I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. How much time does each side have, Mr. Chair?

The Acting CHAIR. The gentleman from Pennsylvania has 2½ minutes remaining. The gentleman from California has 30 seconds remaining.

Mr. DANIEL E. LUNGREN of California. I would just say, Mr. Chairman, once again, that we are moving down the wrong track here. We are chilling speech already. Now we are creating the possibility of direct intimidation by those by requiring the residence and hometown of the people who might appear there.

Though, if we're going to go part of the way, let's go all the way. We really want to make sure no one is going to be able to use their First Amendment right. This will help seal the deal. So, if that's what you want, vote for this amendment. Otherwise, please support the Constitution and the First Amendment, and defeat this amendment.

The Acting CHAIR. The time of the gentleman has expired.

Mr. PATRICK J. MURPHY of Pennsylvania. I yield myself the balance of my time.

Mr. Chairman, first, your location in your campaign ad takes less than 2 seconds. In that time, voters get valuable information about any special interests which are trying to influence their votes. Second, if the ad is short and if timing is an issue, funders may be able to get a hardship exemption which makes sure that there is always time for the substantive message in their ads.

Mr. Chairman, quite simply, a vote to oppose the Murphy amendment will be a vote to keep your constituents in the dark about the sources of their campaign spending. Campaign ads can now be funded from unlimited corporate sources. At the very least, we must give people the facts that they need about these ads and about the special interests that are sometimes behind them.

□ 1500

This amendment is a critical edition to the DISCLOSE Act because it does exactly that—it provides people with a key piece of information about the source of the ad. Knowing whether the ads are promoting an interest in the voter's own district or State will allow voters to better evaluate those ads and make informed decisions when they go to the polling place. The more information that's available, the more transparent and fair all elections will be, and I urge my colleagues to support this commonsense amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. PATRICK J. MURPHY).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Pennsylvania will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part B of House Report 111–511 on which further proceedings were postponed, in the following order:

Amendment No. 2 by Mr. KING of Iowa;

Amendment No. 5 by Mr. PATRICK J. MURPHY of Pennsylvania.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MR. KING OF IOWA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Iowa (Mr. KING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 57, noes 369, not voting 12, as follows:

[Roll No. 388]

AYES—57

Bartlett
Bishop (UT)
Blackburn
Brady (TX)
Broun (GA)
Burton (IN)
Campbell
Cantor
Carter
Chaffetz
Conaway
Culberson
Dreier
Ehlers
Flake
Franks (AZ)
Garrett (NJ)
Gingrey (GA)
Goodlatte
Granger
Graves (GA)
Hall (TX)
Hastings (WA)
Hensarling
Herger
Hunter
Issa
Johnson, Sam
Jordan (OH)
King (IA)
Kingston
Lamborn
Lummis
Lungren, Daniel E.
Mack
McCaul
McClintock
McHenry
Miller, Gary
Neugebauer
Nunes
Olson
Paul
Poe (TX)
Price (GA)
Rehberg
Rohrabacher
Royce
Sessions
Shadegg
Shimkus
Smith (NE)
Thompson (PA)
Thornberry
Tiahrt
Westmoreland
Young (AK)

NOES—369

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Buyer
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gerlach
Giffords
Gonzalez
Gordon (TN)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Heinrich
Heller
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inglis
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lynch
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOT VOTING—12

Barrett (SC)
Blunt
Brown (SC)
Faleomavaega
Gohmert
Hoekstra
Moore (WI)
Norton
Pence
Rothman (NJ)
Visclosky
Wamp

□ 1530

Messrs. BERRY, BISHOP of New York, ROE of Tennessee, SIRES, GUTIERREZ, Ms. CASTOR of Florida, Messrs. THOMPSON of California, BURGESS, Ms. FALLIN, Messrs. DAVIS of Illinois, CARSON of Indiana, GRAYSON, PERRIELLO, ELLSWORTH, Mrs. LOWEY, Messrs. DAVIS of Tennessee, SULLIVAN, FRANK of Massachusetts, and CRENSHAW changed their vote from ''aye'' to ''no.''

Messrs. CARTER and OLSON changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MR. PATRICK J. MURPHY OF PENNSYLVANIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Pennsylvania (Mr.

PATRICK J. MURPHY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 274, noes 152, not voting 12, as follows:

[Roll No. 389]

AYES—274

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bonner
Bordallo
Boren
Boswell
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Burgess
Butterfield
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Fudge
Garamendi
Gerlach
Giffords
Gonzalez
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hoyer
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rooney
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Whitfield
Wilson (OH)
Woolsey
Yarmuth
Young (AK)
Young (FL)

NOES—152

Aderholt
Akin
Alexander
Austria
Bachmann
Barrow
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Bono Mack
Boozman
Boucher
Boustany
Brady (TX)
Bright
Broun (GA)
Brown-Waite, Ginny
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Critz
Culberson
Davis (KY)
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Dreier
Duncan
Ehlers
Fallin
Flake
Fleming
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves (GA)
Graves (MO)
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Holden
Hunter
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kline (MN)
Kratovil
Lamborn
Lance
Latham
Latta
Lee (NY)
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Nye
Olson
Owens
Paul
Petri
Pitts
Poe (TX)
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shuster
Simpson
Smith (NE)
Smith (TX)
Snyder
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Upton
Walden
Westmoreland
Wilson (SC)
Wittman
Wolf
Wu

NOT VOTING—12

Barrett (SC)
Blunt
Boehner
Brown (SC)
Faleomavaega
Gordon (TN)
Hoekstra
Norton
Pence
Rothman (NJ)
Visclosky
Wamp

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. There are 2 minutes remaining in this vote.

□ 1540

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. NORTON. Mr. Chair, on June 24, 2010, I was not able to be present for votes on amendments to H.R. 5175, the Democracy is Strengthened by Casting Light on Spending in Elections Act. Had I been present, I would have voted "no" on rollcall 388 and "aye" on rollcall 389

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PASTOR of Arizona) having assumed the chair, Mr. SERRANO, Acting Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5175) to amend the Federal Election Campaign Act of 1971 to prohibit foreign influence in Federal elections, to prohibit government contractors from making expenditures with respect to such elections, and to establish additional disclosure requirements with respect to spending in such elections, and for other purposes, and pursuant to House Resolution 1468, reported the bill, as amended pursuant to that resolution, back to the House with sundry further amendments adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Pursuant to House Resolution 1468, the question on adoption of the further amendments will be put en gros.

The question is on the amendments.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. DANIEL E. LUNGREN of California. I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. DANIEL E. LUNGREN of California. I certainly am, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Daniel E. Lungren of California moves to recommit the bill H.R. 5175 to the Committee on House Administration with instructions to report the same back to the House forthwith with the following amendment:

Strike section 401 and insert the following:

SEC. 401. TREATMENT OF CERTAIN LOBBYISTS AS FOREIGN NATIONALS.

Section 319(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e(b)), as amended by section 102(a), is further amended—

(1) by striking ''or'' at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting ''; or''; and

(3) by adding at the end the following new paragraph:

''(4) any person who is a registered lobbyist under the Lobbying Disclosure Act of 1995 whose clients under such Act include—

''(A) a country the government of which the Secretary of State has determined, for purposes of section 6(j) of the Export Administration Act of 1979 (as continued in effect pursuant to the International Emergency Economic Powers Act), section 40 of the

Arms Export Control Act, section 620A of the Foreign Assistance Act of 1961, or any other provision of law, is a government that has repeatedly provided support for acts of international terrorism; or

''(B) any other foreign national described in this subsection.''.

SEC. 402. PROHIBITING USE OF CAMPAIGN FUNDS FOR POLITICAL ROBOCALLS MADE TO INDIVIDUALS ON DO-NOT-CALL REGISTRY.

Section 318(f) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d(f)), as added by section 214(b)(4), is further amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph:

''(3) COMPLIANCE WITH DO-NOT-CALL REGISTRY.—No contribution, independent expenditure, electioneering communication, or other donation of funds which is subject to the requirements of this Act may be used for a political robocall which is made to a telephone number which is registered on the national do-not-call registry implemented by the Federal Trade Commission.''.

SEC. 403. JUDICIAL REVIEW.

(a) SPECIAL RULES FOR ACTIONS BROUGHT ON CONSTITUTIONAL GROUNDS.—If any action is brought for declaratory or injunctive relief to challenge the constitutionality of any provision of this Act or any amendment made by this Act, including an action brought to challenge the constitutionality of granting an unfair advantage in representation in the House of Representatives to residents of the District of Columbia, the following rules shall apply:

(1) The action shall be filed in the United States District Court for the District of Columbia and shall be heard by a 3-judge court convened pursuant to section 2284 of title 28, United States Code.

(2) A copy of the complaint shall be delivered promptly to the Clerk of the House of Representatives and the Secretary of the Senate.

(3) A final decision in the action shall be reviewable only by appeal directly to the Supreme Court of the United States. Such appeal shall be taken by the filing of a notice of appeal within 10 days, and the filing of a jurisdictional statement within 30 days, of the entry of the final decision.

(4) It shall be the duty of the United States District Court for the District of Columbia and the Supreme Court of the United States to expedite to the greatest possible extent the disposition of the action and appeal.

(b) INTERVENTION BY MEMBERS OF CONGRESS.—In any action in which the constitutionality of any provision of this Act or any amendment made by this Act is raised (including but not limited to an action described in subsection (a)), any member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) or Senate shall have the right to intervene either in support of or opposition to the position of a party to the case regarding the constitutionality of the provision or amendment. To avoid duplication of efforts and reduce the burdens placed on the parties to the action, the court in any such action may make such orders as it considers necessary, including orders to require intervenors taking similar positions to file joint papers or to be represented by a single attorney at oral argument.

(c) CHALLENGE BY MEMBERS OF CONGRESS.—Any Member of Congress may bring an action, subject to the special rules described in subsection (a), for declaratory or injunctive relief to challenge the constitutionality of any provision of this Act or any amendment made by this Act.

Mr. DANIEL E. LUNGREN of California (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

Mr. BRADY of Pennsylvania. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will read.

The Clerk continued to read.

□ 1550

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, this motion to recommit is of three parts. I would like to ask the gentleman from Texas, the ranking Republican on the Judiciary Committee, to explain one of the parts as it deals with a very important constitutional issue.

Mr. SMITH of Texas. I thank the gentleman from California (Mr. LUNGREN), the ranking member of the subcommittee, for yielding.

Mr. Speaker, this motion to recommit would add to H.R. 5175 the same expedited judicial review process that Congress approved as part of the McCain-Feingold campaign finance reform law. Because H.R. 5175 raises the same constitutional issues that were at issue in the Citizens United case, expedited review should be included in this legislation as well.

The base bill does not contain the reference to 28 U.S.C. 2284 that Congress specifically designed and has used repeatedly to assure the prompt resolution of constitutional claims. Judicial review may not have been included because the base bill was designed to stall judicial review by the Supreme Court until after the 2010 elections. I hope that is not the case. But this House can only dispel that suspicion and facilitate the prompt constitutional review of this legislation by approving this motion to recommit.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, as I mentioned, this motion to recommit is in three parts. It applies the act's expanded ban on expenditures by foreign nationals to include lobbyists who register under the Lobbying Disclosure Act to represent countries defined as state sponsors of terrorism or to represent a foreign national as defined by the act.

It also provides that political robocalls which are not authorized by a candidate may only be made if none of the individuals who are called are listed on the Federal do-not-call registry. It does nothing with our robocalls by the candidate or by tele-town halls either as a candidate or as a Member of Congress.

Finally, as was mentioned by the gentleman from Texas, this repairs, hopefully, an unintentional problem in this bill—perhaps intentional. This bill does not have the expedited appellate procedure that we've had in every other campaign finance law. And what this motion to recommit does is says that same process that we've had which allows an expedited review of the underlying constitutionality of this bill will be in this bill as it has been in the past. Why? Because we are dealing with the First Amendment to the Constitution, and people ought to know sooner rather than later whether the law we passed is constitutional.

If in fact your intent is to ensure there is vagueness for this election period so that those who are protected in this bill—that is, the exemptions given to the unions applies, but there is uncertainty on the part of other corporate entities, either for-profit or not-for-profit, that will have a chilling effect on the latter group, and that will create an uneven playing field for the balance of this election period. The only way in which you might not have that uneven playing field is to have an expedited consideration all the way to the Supreme Court of the underlying constitutionality.

We have spent 40 hours in this Congress naming post offices; can't we spend a little bit of time protecting the First Amendment to the Constitution of the United States? And also, make sure that the judicial branch has an opportunity to review this so that people can know when they are able to speak. We're talking about political speech, the essence of the First Amendment, and for us not to allow that consideration by the courts in an accelerated manner, as we have every other time, is unworthy of this place, is unworthy of our constituents, and is unworthy of the Constitution that we take an oath to uphold.

I would ask for a unanimous vote in support of this motion to recommit.

Mr. Speaker, I yield back the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Chairman, I claim time in opposition to the motion.

The SPEAKER pro tempore. Is the gentleman from Pennsylvania opposed to the motion?

Mr. BRADY of Pennsylvania. I am.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. BRADY of Pennsylvania. Mr. Speaker, this motion to recommit is a needless distraction from the core mission of the underlying legislation. All the legislation says basically is, who is saying it, who is paying it? We have a right to know who's talking about us; we have a right to know who's talking for us. That's all this says. I urge the Members to defeat this motion.

I would like to yield to the author of this legislation, the distinguished gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. I thank the chairman of the committee.

This legislation, as we all know, by its terms says that if you're a foreign-controlled entity in the United States, you can not be spending money to influence elections. The proposal put forward here actually prohibits U.S. citizens from contributing as they're allowed to do under the Constitution, or

from expending their own funds. It is blatantly constitutional. Given all the conversation we had and the resistance to the notion that we're going to prevent foreign-controlled entities from spending money, it's a little surprising we would now say that U.S. citizens can't be either contributing or spending, number one.

Number two, with respect to the ban on robocalls, what this legislation has been all about is disclosure. If you're going to spend money on TV or radio or whatever for political expenditure purposes, tell the voters who you are and who's paying for it. We've been hearing all day about how you don't want to impinge on the First Amendment, and what you do here is an outright bar on legal calls made. We're just saying when you make those calls, tell us who's paying for them, tell the voters who's paying for them. Whether you like the group or whether you don't like the group, the voter has a right to know.

Finally, you've injected into this motion to recommit a provision with respect to how we would deal with challenges to D.C. voting rights. As you well know, we have not even passed a piece of legislation out of this Congress on D.C. voting rights that has gone to the President's desk, and yet you've inserted that totally unrelated matter into this legislation. So it's interesting, after all the comments we heard from the other side of the aisle about the time you had to consider the DISCLOSE Act, that we got 5 minutes to look at this, but 5 minutes was more than enough time to determine that it's blatantly unconstitutional. You're not just saying inform the voter, you're denying American citizens and voters the right to contribute to campaigns, to participate freely in campaigns. You're saying that you can't exercise your legal rights with robocalls even if you're telling people who is spending it.

And finally, you've injected a total spurious and unrelated provision with respect to D.C. voting rights. Let's give the voters the right to know. Let's make sure that we pass legislation so that foreign-controlled interests can not spend money in U.S. elections, whether it's British Petroleum or any other organization. And let's make sure that, whether you like the group or don't like the group, that voters have the information when they see that television set with the nice-sounding name like the Fund for a Greater America, that they have the right to get the information and judge for themselves about who's paying for it.

So this is a blatant attempt to distract this effort at the last minute. Again, I point out that the League of Women Voters—that's no political organization—Common Cause, Public Citizen, all the organizations that have devoted themselves to clean campaigns and fair elections support this legislation.

I urge the rejection of the motion to recommit and the passage of the bill.

Mr. BRADY of Pennsylvania. Again, Mr. Chairman, all we need to know and the voters need to know is who's saying it and who's paying it.

With that, I would ask for a ''no'' vote on the motion to recommit and a ''yes'' vote on the disclosure bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clauses 8 and 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 5175, if ordered; and suspension of the rules with regard to House Resolution 1464.

The vote was taken by electronic device, and there were—ayes 208, noes 217, not voting 8, as follows:

[Roll No. 390]

AYES—208

Aderholt
Akin
Alexander
Altmire
Arcuri
Austria
Bachmann
Bachus
Barrow
Bartlett
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boucher
Boustany
Brady (TX)
Bright
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Chandler
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Cuellar
Culberson
Davis (KY)
Davis (TN)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Donnelly (IN)
Dreier
Duncan
Edwards (TX)
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves (GA)
Graves (MO)
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hodes
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Klein (FL)
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Maffei
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paulsen
Perriello
Peterson
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Space
Stearns
Sullivan
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Turner
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOES—217

Ackerman
Adler (NJ)
Andrews
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey (CO)
Markey (MA)
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McMahon
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—8

Barrett (SC)
Blunt
Brown (SC)
Hoekstra
Pence
Rothman (NJ)
Visclosky
Wamp

□ 1617

Messrs. LEVIN and SCHRADER changed their vote from ''aye'' to ''no.''

Messrs. ALTMIRE, HODES, and HILL changed their vote from ''no'' to ''aye.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BARTON of Texas. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 219, noes 206, not voting 8, as follows:

[Roll No. 391]

AYES—219

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boccieri
Boswell
Boucher
Brady (PA)
Braley (IA)
Brown, Corrine
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Chu
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
DeFazio
DeGette
Delahunt
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Garamendi
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Matheson
Matsui
McCollum
McDermott
McGovern
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Perriello
Peters
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Walz
Wasserman Schultz
Watson
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—206

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrow
Bartlett
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Boyd
Brady (TX)
Bright
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Chaffetz
Childers
Clarke
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Critz
Culberson
Dahlkemper
Davis (IL)
Davis (KY)
Davis (TN)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Donnelly (IN)
Dreier
Duncan
Edwards (MD)
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves (GA)
Graves (MO)
Griffith
Guthrie
Hall (TX)
Harper
Hastings (FL)
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Holden
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kilpatrick (MI)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Owens
Paul
Paulsen
Payne
Peterson
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Rush
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Taylor
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Waters
Watt
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Barrett (SC)
Blunt
Brown (SC)
Hoekstra
Pence
Rothman (NJ)
Visclosky
Wamp

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining in this vote.

□ 1629

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING 50TH ANNIVERSARY OF UNITED STATES-JAPAN TREATY OF MUTUAL COOPERATION AND SECURITY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution (H. Res. 1464) recognizing the 50th anniversary of the conclusion of the United States-Japan Treaty of Mutual Cooperation and Security and expressing appreciation to the Government of Japan and the Japanese people for enhancing peace, prosperity, and security in the Asia-Pacific region, on which a recorded vote was ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 412, noes 2, not voting 18, as follows:

[Roll No. 392]

AYES—412

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)

Heinrich
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Walden
Walz
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOES—2

Kucinich
Paul

NOT VOTING—18

Barrett (SC)
Blunt
Brown (SC)
Campbell
Dicks
Grayson
Herger
Hoekstra
Johnson, Sam
Pence
Rangel
Roskam
Rothman (NJ)
Sessions
Visclosky
Wamp
Waters
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CAPUANO) (during the vote). There is 1 minute remaining in this vote.

□ 1638

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. PENCE. Madam Speaker, I was absent from the House floor during rollcall votes 388 through 392. Had I been present, I would have voted "yes" on rollcall Nos. 388, 390 and 392; I would have voted "no" on rollcall Nos. 389 and 391.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 5299

Mr. POE of Texas. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 5299.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2194) "An Act to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

□ 1640

AFFORDABLE HEALTH CARE FOR AMERICA ACT

Mr. LEVIN. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 3962) to provide affordable, quality health care for all Americans and reduce the growth in health care spending, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendments is as follows:

Senate amendments:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010".

TITLE I—HEALTH PROVISIONS

SEC. 101. PHYSICIAN PAYMENT UPDATE.

(a) IN GENERAL.—Section 1848(d) of the Social Security Act (42 U.S.C. 1395w–4(d)) is amended—

(1) in paragraph (10), in the heading, by striking "PORTION" and inserting "JANUARY THROUGH MAY "; and

(2) by adding at the end the following new paragraph:

"(11) UPDATE FOR JUNE THROUGH NOVEMBER OF 2010.—

"(A) IN GENERAL.—Subject to paragraphs (7)(B), (8)(B), (9)(B), and (10)(B), in lieu of the update to the single conversion factor established in paragraph (1)(C) that would otherwise apply for 2010 for the period beginning on June 1, 2010, and ending on November 30, 2010, the update to the single conversion factor shall be 2.2 percent.

"(B) NO EFFECT ON COMPUTATION OF CONVERSION FACTOR FOR REMAINING PORTION OF 2010 AND SUBSEQUENT YEARS.—The conversion factor under this subsection shall be computed under paragraph (1)(A) for the period beginning on December 1, 2010, and ending on December 31, 2010, and for 2011 and subsequent years as if subparagraph (A) had never applied.".

(b) STATUTORY PAYGO.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on this conference report or amendment between the Houses.

SEC. 102. CLARIFICATION OF 3-DAY PAYMENT WINDOW.

(a) IN GENERAL.—Section 1886 of the Social Security Act (42 U.S.C. 1395ww) is amended—

(1) by adding at the end of subsection (a)(4) the following new sentence: "In applying the first sentence of this paragraph, the term 'other services related to the admission' includes all services that are not diagnostic services (other than ambulance and maintenance renal dialysis services) for which payment may be made under this title that are provided by a hospital (or an entity wholly owned or operated by the hospital) to a patient—

"(A) on the date of the patient's inpatient admission; or

"(B) during the 3 days (or, in the case of a hospital that is not a subsection (d) hospital, during the 1 day) immediately preceding the date of such admission unless the hospital demonstrates (in a form and manner, and at a time, specified by the Secretary) that such services are not related (as determined by the Secretary) to such admission."; and

(2) in subsection (d)(7)—

(A) in subparagraph (A), by striking "and" at the end;

(B) in subparagraph (B), by striking the period and inserting ", and"; and

(C) by adding at the end the following new subparagraph:

"(C) the determination of whether services provided prior to a patient's inpatient admission are related to the admission (as described in subsection (a)(4)).".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to services furnished on or after the date of the enactment of this Act.

(c) NO REOPENING OF PREVIOUSLY BUNDLED CLAIMS.—

(1) IN GENERAL.—The Secretary of Health and Human Services may not reopen a claim, adjust a claim, or make a payment pursuant to any request for payment under title XVIII of the Social Security Act, submitted by an entity (including a hospital or an entity wholly owned or operated by the hospital) for services described in paragraph (2) for purposes of treating, as unrelated to a patient's inpatient admission, services provided during the 3 days (or, in the case of a hospital that is not a subsection (d) hospital, during the 1 day) immediately preceding the date of the patient's inpatient admission.

(2) SERVICES DESCRIBED.—For purposes of paragraph (1), the services described in this paragraph are other services related to the admission (as described in section 1886(a)(4) of the Social Security Act (42 U.S.C. 1395ww(a)(4)), as amended by subsection (a)) which were previously included on a claim or request for payment submitted under part A of title XVIII of such Act for which a reopening, adjustment, or request for payment under part B of such title, was not submitted prior to the date of the enactment of this Act.

(d) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary of Health and Human Services may implement the provisions of this section (and amendments made by this section) by program instruction or otherwise.

(e) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section shall be construed as changing the policy described in section 1886(a)(4) of the Social Security Act (42 U.S.C. 1395ww(a)(4)), as applied by the Secretary of Health and Human Services before the date of the enactment of this Act, with respect to diagnostic services.

SEC. 103. ESTABLISH A CMS–IRS DATA MATCH TO IDENTIFY FRAUDULENT PROVIDERS.

(a) AUTHORITY TO DISCLOSE RETURN INFORMATION CONCERNING OUTSTANDING TAX DEBTS FOR PURPOSES OF ENHANCING MEDICARE PROGRAM INTEGRITY.—

(1) IN GENERAL.—Section 6103(l) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(22) DISCLOSURE OF RETURN INFORMATION TO DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR PURPOSES OF ENHANCING MEDICARE PROGRAM INTEGRITY.—

''(A) IN GENERAL.—The Secretary shall, upon written request from the Secretary of Health and Human Services, disclose to officers and employees of the Department of Health and Human Services return information with respect to a taxpayer who has applied to enroll, or reenroll, as a provider of services or supplier under the Medicare program under title XVIII of the Social Security Act. Such return information shall be limited to—

''(i) the taxpayer identity information with respect to such taxpayer;

''(ii) the amount of the delinquent tax debt owed by that taxpayer; and

''(iii) the taxable year to which the delinquent tax debt pertains.

''(B) RESTRICTION ON DISCLOSURE.—Return information disclosed under subparagraph (A) may be used by officers and employees of the Department of Health and Human Services for the purposes of, and to the extent necessary in, establishing the taxpayer's eligibility for enrollment or reenrollment in the Medicare program, or in any administrative or judicial proceeding relating to, or arising from, a denial of such enrollment or reenrollment, or in determining the level of enhanced oversight to be applied with respect to such taxpayer pursuant to section 1866(j)(3) of the Social Security Act.

''(C) DELINQUENT TAX DEBT.—For purposes of this paragraph, the term 'delinquent tax debt' means an outstanding debt under this title for which a notice of lien has been filed pursuant to section 6323, but the term does not include a debt that is being paid in a timely manner pursuant to an agreement under section 6159 or 7122, or a debt with respect to which a collection due process hearing under section 6330 is requested, pending, or completed and no payment is required.''.

(2) CONFORMING AMENDMENTS.—Section 6103(p)(4) of such Code, as amended by sections 1414 and 3308 of Public Law 111–148, in the matter preceding subparagraph (A) and in subparagraph (F)(ii), is amended by striking ''or (17)'' and inserting ''(17), or (22)'' each place it appears.

(b) SECRETARY'S AUTHORITY TO USE INFORMATION FROM THE DEPARTMENT OF TREASURY IN MEDICARE ENROLLMENTS AND REENROLLMENTS.—Section 1866(j)(2) of the Social Security Act (42 U.S.C. 1395cc(j)), as inserted by section 6401(a) of Public Law 111–148, is further amended—

(1) by redesignating subparagraph (E) as subparagraph (F); and

(2) by inserting after subparagraph (D) the following new subparagraph:

''(E) USE OF INFORMATION FROM THE DEPARTMENT OF TREASURY CONCERNING TAX DEBTS.—In reviewing the application of a provider of services or supplier to enroll or reenroll under the program under this title, the Secretary shall take into account the information supplied by the Secretary of the Treasury pursuant to section 6103(l)(22) of the Internal Revenue Code of 1986, in determining whether to deny such application or to apply enhanced oversight to such provider of services or supplier pursuant to paragraph (3) if the Secretary determines such provider of services or supplier owes such a debt.''.

(c) AUTHORITY TO ADJUST PAYMENTS OF PROVIDERS OF SERVICES AND SUPPLIERS WITH THE SAME TAX IDENTIFICATION NUMBER FOR MEDICARE OBLIGATIONS.—Section 1866(j)(6) of the Social Security Act (42 U.S.C. 1395cc(j)(6)), as inserted by section 6401(a) of Public Law 111–148 and as redesignated by section 1304 of Public Law 111–152, is amended—

(1) in the paragraph heading, by striking ''PAST-DUE'' and inserting ''MEDICARE'';

(2) in subparagraph (A), by striking ''past-due obligations described in subparagraph (B)(ii) of an'' and inserting ''amount described in subparagraph (B)(ii) due from such''; and

(3) in subparagraph (B)(ii), by striking ''a past-due obligation'' and inserting ''an amount that is more than the amount required to be paid''.

TITLE II—PENSION FUNDING RELIEF

Subtitle A—Single Employer Plans

SEC. 201. EXTENDED PERIOD FOR SINGLE-EMPLOYER DEFINED BENEFIT PLANS TO AMORTIZE CERTAIN SHORTFALL AMORTIZATION BASES.

(a) AMENDMENTS TO ERISA.—

(1) IN GENERAL.—Paragraph (2) of section 303(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(c)) is amended by adding at the end the following subparagraph:

''(D) SPECIAL ELECTION FOR ELIGIBLE PLAN YEARS.—

''(i) IN GENERAL.—If a plan sponsor elects to apply this subparagraph with respect to the shortfall amortization base of a plan for any eligible plan year (in this subparagraph and paragraph (7) referred to as an 'election year'), then, notwithstanding subparagraphs (A) and (B)—

''(I) the shortfall amortization installments with respect to such base shall be determined under clause (ii) or (iii), whichever is specified in the election, and

''(II) the shortfall amortization installment for any plan year in the 9-plan-year period described in clause (ii) or the 15-plan-year period described in clause (iii), respectively, with respect to such shortfall amortization base is the annual installment determined under the applicable clause for that year for that base.

''(ii) 2 PLUS 7 AMORTIZATION SCHEDULE.—The shortfall amortization installments determined under this clause are—

''(I) in the case of the first 2 plan years in the 9-plan-year period beginning with the election year, interest on the shortfall amortization base of the plan for the election year (determined using the effective interest rate for the plan for the election year), and

''(II) in the case of the last 7 plan years in such 9-plan-year period, the amounts necessary to amortize the remaining balance of the shortfall amortization base of the plan for the election year in level annual installments over such last 7 plan years (using the segment rates under subparagraph (C) for the election year).

''(iii) 15-YEAR AMORTIZATION.—The shortfall amortization installments determined under this subparagraph are the amounts necessary to amortize the shortfall amortization base of the plan for the election year in level annual installments over the 15-plan-year period beginning with the election year (using the segment rates under subparagraph (C) for the election year).

''(iv) ELECTION.—

''(I) IN GENERAL.—The plan sponsor of a plan may elect to have this subparagraph apply to not more than 2 eligible plan years with respect to the plan, except that in the case of a plan described in section 106 of the Pension Protection Act of 2006, the plan sponsor may only elect to have this subparagraph apply to a plan year beginning in 2011.

''(II) AMORTIZATION SCHEDULE.—Such election shall specify whether the amortization schedule under clause (ii) or (iii) shall apply to an election year, except that if a plan sponsor elects to have this subparagraph apply to 2 eligible plan years, the plan sponsor must elect the same schedule for both years.

''(III) OTHER RULES.—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the Treasury, and may be revoked only with the consent of the Secretary of the Treasury. The Secretary of the Treasury shall, before granting a revocation request, provide the Pension Benefit Guaranty Corporation an opportunity to comment on the conditions applicable to the treatment of any portion of the election year shortfall amortization base that remains unamortized as of the revocation date.

''(v) ELIGIBLE PLAN YEAR.—For purposes of this subparagraph, the term 'eligible plan year' means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year shall only be treated as an eligible plan year if the due date under subsection (j)(1) for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this subparagraph.

''(vi) REPORTING.—A plan sponsor of a plan who makes an election under clause (i) shall—

''(I) give notice of the election to participants and beneficiaries of the plan, and

''(II) inform the Pension Benefit Guaranty Corporation of such election in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.

''(vii) INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.—For increases in required contributions in cases of excess compensation or extraordinary dividends or stock redemptions, see paragraph (7).''.

(2) INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.—Section 303(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(c)) is amended by adding at the end the following paragraph:

''(7) INCREASES IN ALTERNATE REQUIRED INSTALLMENTS IN CASES OF EXCESS COMPENSATION OR EXTRAORDINARY DIVIDENDS OR STOCK REDEMPTIONS.—

''(A) IN GENERAL.—If there is an installment acceleration amount with respect to a plan for any plan year in the restriction period with respect to an election year under paragraph (2)(D), then the shortfall amortization installment otherwise determined and payable under such paragraph for such plan year shall, subject to the limitation under subparagraph (B), be increased by such amount.

''(B) TOTAL INSTALLMENTS LIMITED TO SHORTFALL BASE.—Subject to rules prescribed by the Secretary of the Treasury, if a shortfall amortization installment with respect to any shortfall amortization base for an election year is required to be increased for any plan year under subparagraph (A)—

''(i) such increase shall not result in the amount of such installment exceeding the present value of such installment and all succeeding installments with respect to such base (determined without regard to such increase but after application of clause (ii)), and

''(ii) subsequent shortfall amortization installments with respect to such base shall, in reverse order of the otherwise required installments, be reduced to the extent necessary to limit the present value of such subsequent shortfall amortization installments (after application of this paragraph) to the present value of the remaining unamortized shortfall amortization base.

''(C) INSTALLMENT ACCELERATION AMOUNT.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'installment acceleration amount' means, with respect to any plan year in a restriction period with respect to an election year, the sum of—

''(I) the aggregate amount of excess employee compensation determined under subparagraph (D) with respect to all employees for the plan year, plus

''(II) the aggregate amount of extraordinary dividends and redemptions determined under subparagraph (E) for the plan year.

''(ii) ANNUAL LIMITATION.—The installment acceleration amount for any plan year shall not exceed the excess (if any) of—

''(I) the sum of the shortfall amortization installments for the plan year and all preceding plan years in the amortization period elected under paragraph (2)(D) with respect to the shortfall amortization base with respect to an election year, determined without regard to paragraph (2)(D) and this paragraph, over

''(II) the sum of the shortfall amortization installments for such plan year and all such preceding plan years, determined after application of paragraph (2)(D) (and in the case of any preceding plan year, after application of this paragraph).

''(iii) CARRYOVER OF EXCESS INSTALLMENT ACCELERATION AMOUNTS.—

''(I) IN GENERAL.—If the installment acceleration amount for any plan year (determined without regard to clause (ii)) exceeds the limitation under clause (ii), then, subject to subclause (II), such excess shall be treated as an installment acceleration amount with respect to the succeeding plan year.

''(II) CAP TO APPLY.—If any amount treated as an installment acceleration amount under subclause (I) or this subclause with respect any succeeding plan year, when added to other installment acceleration amounts (determined without regard to clause (ii)) with respect to the plan year, exceeds the limitation under clause (ii), the portion of such amount representing such excess shall be treated as an installment acceleration amount with respect to the next succeeding plan year.

''(III) LIMITATION ON YEARS TO WHICH AMOUNTS CARRIED FOR.—No amount shall be carried under subclause (I) or (II) to a plan year which begins after the first plan year following the last plan year in the restriction period (or after the second plan year following such last plan year in the case of an election year with respect to which 15-year amortization was elected under paragraph (2)(D)).

''(IV) ORDERING RULES.—For purposes of applying subclause (II), installment acceleration amounts for the plan year (determined without regard to any carryover under this clause) shall be applied first against the limitation under clause (ii) and then carryovers to such plan year shall be applied against such limitation on a first-in, first-out basis.

''(D) EXCESS EMPLOYEE COMPENSATION.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'excess employee compensation' means, with respect to any employee for any plan year, the excess (if any) of—

''(I) the aggregate amount includible in income under chapter 1 of the Internal Revenue Code of 1986 for remuneration during the calendar year in which such plan year begins for services performed by the employee for the plan sponsor (whether or not performed during such calendar year), over

''(II) $1,000,000.

''(ii) AMOUNTS SET ASIDE FOR NONQUALIFIED DEFERRED COMPENSATION.—If during any calendar year assets are set aside or reserved (directly or indirectly) in a trust (or other arrangement as determined by the Secretary of the Treasury), or transferred to such a trust or other arrangement, by a plan sponsor for purposes of paying deferred compensation of an employee under a nonqualified deferred compensation plan (as defined in section 409A of such Code) of the plan sponsor, then, for purposes of clause (i), the amount of such assets shall be treated as remuneration of the employee includible in income for the calendar year unless such amount is otherwise includible in income for such year. An amount to which the preceding sentence applies shall not be taken into account under this paragraph for any subsequent calendar year.

''(iii) ONLY REMUNERATION FOR CERTAIN POST-2009 SERVICES COUNTED.—Remuneration shall be taken into account under clause (i) only to the extent attributable to services performed by the employee for the plan sponsor after February 28, 2010.

''(iv) EXCEPTION FOR CERTAIN EQUITY PAYMENTS.—

''(I) IN GENERAL.—There shall not be taken into account under clause (i)(I) any amount includible in income with respect to the granting after February 28, 2010, of service recipient stock (within the meaning of section 409A of the Internal Revenue Code of 1986) that, upon such grant, is subject to a substantial risk of forfeiture (as defined under section 83(c)(1) of such Code) for at least 5 years from the date of such grant.

''(II) SECRETARIAL AUTHORITY.—The Secretary of the Treasury may by regulation provide for the application of this clause in the case of a person other than a corporation.

''(v) OTHER EXCEPTIONS.—The following amounts includible in income shall not be taken into account under clause (i)(I):

''(I) COMMISSIONS.—Any remuneration payable on a commission basis solely on account of income directly generated by the individual performance of the individual to whom such remuneration is payable.

''(II) CERTAIN PAYMENTS UNDER EXISTING CONTRACTS.—Any remuneration consisting of nonqualified deferred compensation, restricted stock, stock options, or stock appreciation rights payable or granted under a written binding contract that was in effect on March 1, 2010, and which was not modified in any material respect before such remuneration is paid.

''(vi) SELF-EMPLOYED INDIVIDUAL TREATED AS EMPLOYEE.—The term 'employee' includes, with respect to a calendar year, a self-employed individual who is treated as an employee under section 401(c) of such Code for the taxable year ending during such calendar year, and the term 'compensation' shall include earned income of such individual with respect to such self-employment.

''(vii) INDEXING OF AMOUNT.—In the case of any calendar year beginning after 2010, the dollar amount under clause (i)(II) shall be increased by an amount equal to—

''(I) such dollar amount, multiplied by

''(II) the cost-of-living adjustment determined under section 1(f)(3) of such Code for the calendar year, determined by substituting 'calendar year 2009' for 'calendar year 1992' in subparagraph (B) thereof.

If the amount of any increase under clause (i) is not a multiple of $1,000, such increase shall be rounded to the next lowest multiple of $1,000.

''(E) EXTRAORDINARY DIVIDENDS AND REDEMPTIONS.—

''(i) IN GENERAL.—The amount determined under this subparagraph for any plan year is the excess (if any) of the sum of the dividends declared during the plan year by the plan sponsor plus the aggregate amount paid for the redemption of stock of the plan sponsor redeemed during the plan year over the greater of—

''(I) the adjusted net income (within the meaning of section 4043) of the plan sponsor for the preceding plan year, determined without regard to any reduction by reason of interest, taxes, depreciation, or amortization, or

''(II) in the case of a plan sponsor that determined and declared dividends in the same manner for at least 5 consecutive years immediately preceding such plan year, the aggregate amount of dividends determined and declared for such plan year using such manner.

''(ii) ONLY CERTAIN POST-2009 DIVIDENDS AND REDEMPTIONS COUNTED.—For purposes of clause (i), there shall only be taken into account dividends declared, and redemptions occurring, after February 28, 2010.

''(iii) EXCEPTION FOR INTRA-GROUP DIVIDENDS.—Dividends paid by one member of a controlled group (as defined in section 302(d)(3)) to another member of such group shall not be taken into account under clause (i).

''(iv) EXCEPTION FOR CERTAIN REDEMPTIONS.—Redemptions that are made pursuant to a plan maintained with respect to employees, or that are made on account of the death, disability, or termination of employment of an employee or shareholder, shall not be taken into account under clause (i).

''(v) EXCEPTION FOR CERTAIN PREFERRED STOCK.—

''(I) IN GENERAL.—Dividends and redemptions with respect to applicable preferred stock shall not be taken into account under clause (i) to the extent that dividends accrue with respect to such stock at a specified rate in all events and without regard to the plan sponsor's income, and interest accrues on any unpaid dividends with respect to such stock.

''(II) APPLICABLE PREFERRED STOCK.—For purposes of subclause (I), the term 'applicable preferred stock' means preferred stock which was issued before March 1, 2010 (or which was issued after such date and is held by an employee benefit plan subject to the provisions of this title).

''(F) OTHER DEFINITIONS AND RULES.—For purposes of this paragraph—

''(i) PLAN SPONSOR.—The term ' plan sponsor' includes any member of the plan sponsor's controlled group (as defined in section 302(d)(3)).

''(ii) RESTRICTION PERIOD.—The term 'restriction period' means, with respect to any election year—

''(I) except as provided in subclause (II), the 3-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009), and

''(II) if the plan sponsor elects 15-year amortization for the shortfall amortization base for the election year, the 5-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009).

''(iii) ELECTIONS FOR MULTIPLE PLANS.—If a plan sponsor makes elections under paragraph (2)(D) with respect to 2 or more plans, the Secretary of the Treasury shall provide rules for the application of this paragraph to such plans, including rules for the ratable allocation of any installment acceleration amount among such plans on the basis of each plan's relative reduction in the plan's shortfall amortization installment for the first plan year in the amortization period described in subparagraph (A) (determined without regard to this paragraph).

''(iv) MERGERS AND ACQUISITIONS.—The Secretary of the Treasury shall prescribe rules for

the application of paragraph (2)(D) and this paragraph in any case where there is a merger or acquisition involving a plan sponsor making the election under paragraph (2)(D).''.

(3) CONFORMING AMENDMENTS.—Section 303 of such Act (29 U.S.C. 1083) is amended—

(A) in subsection (c)(1), by striking ''the shortfall amortization bases for such plan year and each of the 6 preceding plan years'' and inserting ''any shortfall amortization base which has not been fully amortized under this subsection'', and

(B) in subsection (j)(3), by adding at the end the following:

''(F) QUARTERLY CONTRIBUTIONS NOT TO INCLUDE CERTAIN INCREASED CONTRIBUTIONS.—Subparagraph (D) shall be applied without regard to any increase under subsection (c)(7).''.

(b) AMENDMENTS TO INTERNAL REVENUE CODE OF 1986.—

(1) IN GENERAL.—Paragraph (2) of section 430(c) is amended by adding at the end the following subparagraph:

''(D) SPECIAL ELECTION FOR ELIGIBLE PLAN YEARS.—

''(i) IN GENERAL.—If a plan sponsor elects to apply this subparagraph with respect to the shortfall amortization base of a plan for any eligible plan year (in this subparagraph and paragraph (7) referred to as an 'election year'), then, notwithstanding subparagraphs (A) and (B)—

''(I) the shortfall amortization installments with respect to such base shall be determined under clause (ii) or (iii), whichever is specified in the election, and

''(II) the shortfall amortization installment for any plan year in the 9-plan-year period described in clause (ii) or the 15-plan-year period described in clause (iii), respectively, with respect to such shortfall amortization base is the annual installment determined under the applicable clause for that year for that base.

''(ii) 2 PLUS 7 AMORTIZATION SCHEDULE.—The shortfall amortization installments determined under this clause are—

''(I) in the case of the first 2 plan years in the 9-plan-year period beginning with the election year, interest on the shortfall amortization base of the plan for the election year (determined using the effective interest rate for the plan for the election year), and

''(II) in the case of the last 7 plan years in such 9-plan-year period, the amounts necessary to amortize the remaining balance of the shortfall amortization base of the plan for the election year in level annual installments over such last 7 plan years (using the segment rates under subparagraph (C) for the election year).

''(iii) 15-YEAR AMORTIZATION.—The shortfall amortization installments determined under this subparagraph are the amounts necessary to amortize the shortfall amortization base of the plan for the election year in level annual installments over the 15-plan-year period beginning with the election year (using the segment rates under subparagraph (C) for the election year).

''(iv) ELECTION.—

''(I) IN GENERAL.—The plan sponsor of a plan may elect to have this subparagraph apply to not more than 2 eligible plan years with respect to the plan, except that in the case of a plan described in section 106 of the Pension Protection Act of 2006, the plan sponsor may only elect to have this subparagraph apply to a plan year beginning in 2011.

''(II) AMORTIZATION SCHEDULE.—Such election shall specify whether the amortization schedule under clause (ii) or (iii) shall apply to an election year, except that if a plan sponsor elects to have this subparagraph apply to 2 eligible plan years, the plan sponsor must elect the same schedule for both years.

''(III) OTHER RULES.—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary, and may be revoked only with the consent of the Secretary. The Secretary shall, before granting a revocation request, provide the Pension Benefit Guaranty Corporation an opportunity to comment on the conditions applicable to the treatment of any portion of the election year shortfall amortization base that remains unamortized as of the revocation date.

''(v) ELIGIBLE PLAN YEAR.—For purposes of this subparagraph, the term 'eligible plan year' means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year shall only be treated as an eligible plan year if the due date under subsection (j)(1) for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this subparagraph.

''(vi) REPORTING.—A plan sponsor of a plan who makes an election under clause (i) shall—

''(I) give notice of the election to participants and beneficiaries of the plan, and

''(II) inform the Pension Benefit Guaranty Corporation of such election in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.

''(vii) INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.—For increases in required contributions in cases of excess compensation or extraordinary dividends or stock redemptions, see paragraph (7).''.

(2) INCREASES IN REQUIRED CONTRIBUTIONS IF EXCESS COMPENSATION PAID.—Section 430(c) is amended by adding at the end the following paragraph:

''(7) INCREASES IN ALTERNATE REQUIRED INSTALLMENTS IN CASES OF EXCESS COMPENSATION OR EXTRAORDINARY DIVIDENDS OR STOCK REDEMPTIONS.—

''(A) IN GENERAL.—If there is an installment acceleration amount with respect to a plan for any plan year in the restriction period with respect to an election year under paragraph (2)(D), then the shortfall amortization installment otherwise determined and payable under such paragraph for such plan year shall, subject to the limitation under subparagraph (B), be increased by such amount.

''(B) TOTAL INSTALLMENTS LIMITED TO SHORTFALL BASE.—Subject to rules prescribed by the Secretary, if a shortfall amortization installment with respect to any shortfall amortization base for an election year is required to be increased for any plan year under subparagraph (A)—

''(i) such increase shall not result in the amount of such installment exceeding the present value of such installment and all succeeding installments with respect to such base (determined without regard to such increase but after application of clause (ii)), and

''(ii) subsequent shortfall amortization installments with respect to such base shall, in reverse order of the otherwise required installments, be reduced to the extent necessary to limit the present value of such subsequent shortfall amortization installments (after application of this paragraph) to the present value of the remaining unamortized shortfall amortization base.

''(C) INSTALLMENT ACCELERATION AMOUNT.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'installment acceleration amount' means, with respect to any plan year in a restriction period with respect to an election year, the sum of—

''(I) the aggregate amount of excess employee compensation determined under subparagraph (D) with respect to all employees for the plan year, plus

''(II) the aggregate amount of extraordinary dividends and redemptions determined under subparagraph (E) for the plan year.

''(ii) ANNUAL LIMITATION.—The installment acceleration amount for any plan year shall not exceed the excess (if any) of—

''(I) the sum of the shortfall amortization installments for the plan year and all preceding plan years in the amortization period elected under paragraph (2)(D) with respect to the shortfall amortization base with respect to an election year, determined without regard to paragraph (2)(D) and this paragraph, over

''(II) the sum of the shortfall amortization installments for such plan year and all such preceding plan years, determined after application of paragraph (2)(D) (and in the case of any preceding plan year, after application of this paragraph).

''(iii) CARRYOVER OF EXCESS INSTALLMENT ACCELERATION AMOUNTS.—

''(I) IN GENERAL.—If the installment acceleration amount for any plan year (determined without regard to clause (ii)) exceeds the limitation under clause (ii), then, subject to subclause (II), such excess shall be treated as an installment acceleration amount with respect to the succeeding plan year.

''(II) CAP TO APPLY.—If any amount treated as an installment acceleration amount under subclause (I) or this subclause with respect any succeeding plan year, when added to other installment acceleration amounts (determined without regard to clause (ii)) with respect to the plan year, exceeds the limitation under clause (ii), the portion of such amount representing such excess shall be treated as an installment acceleration amount with respect to the next succeeding plan year.

''(III) LIMITATION ON YEARS TO WHICH AMOUNTS CARRIED FOR.—No amount shall be carried under subclause (I) or (II) to a plan year which begins after the first plan year following the last plan year in the restriction period (or after the second plan year following such last plan year in the case of an election year with respect to which 15-year amortization was elected under paragraph (2)(D)).

''(IV) ORDERING RULES.—For purposes of applying subclause (II), installment acceleration amounts for the plan year (determined without regard to any carryover under this clause) shall be applied first against the limitation under clause (ii) and then carryovers to such plan year shall be applied against such limitation on a first-in, first-out basis.

''(D) EXCESS EMPLOYEE COMPENSATION.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'excess employee compensation' means, with respect to any employee for any plan year, the excess (if any) of—

''(I) the aggregate amount includible in income under this chapter for remuneration during the calendar year in which such plan year begins for services performed by the employee for the plan sponsor (whether or not performed during such calendar year), over

''(II) $1,000,000.

''(ii) AMOUNTS SET ASIDE FOR NONQUALIFIED DEFERRED COMPENSATION.—If during any calendar year assets are set aside or reserved (directly or indirectly) in a trust (or other arrangement as determined by the Secretary), or transferred to such a trust or other arrangement, by a plan sponsor for purposes of paying deferred compensation of an employee under a nonqualified deferred compensation plan (as defined in section 409A) of the plan sponsor, then, for purposes of clause (i), the amount of such assets shall be treated as remuneration of the employee includible in income for the calendar year unless such amount is otherwise includible in income for such year. An amount to which the preceding sentence applies shall not be taken into account under this paragraph for any subsequent calendar year.

''(iii) ONLY REMUNERATION FOR CERTAIN POST-2009 SERVICES COUNTED.—Remuneration shall be taken into account under clause (i) only to the extent attributable to services performed by the employee for the plan sponsor after February 28, 2010.

''(iv) EXCEPTION FOR CERTAIN EQUITY PAYMENTS.—

''(I) IN GENERAL.—There shall not be taken into account under clause (i)(I) any amount includible in income with respect to the granting after February 28, 2010, of service recipient stock (within the meaning of section 409A) that, upon such grant, is subject to a substantial risk of forfeiture (as defined under section 83(c)(1)) for at least 5 years from the date of such grant.

''(II) SECRETARIAL AUTHORITY.—The Secretary may by regulation provide for the application of this clause in the case of a person other than a corporation.

''(v) OTHER EXCEPTIONS.—The following amounts includible in income shall not be taken into account under clause (i)(I):

''(I) COMMISSIONS.—Any remuneration payable on a commission basis solely on account of income directly generated by the individual performance of the individual to whom such remuneration is payable.

''(II) CERTAIN PAYMENTS UNDER EXISTING CONTRACTS.—Any remuneration consisting of nonqualified deferred compensation, restricted stock, stock options, or stock appreciation rights payable or granted under a written binding contract that was in effect on March 1, 2010, and which was not modified in any material respect before such remuneration is paid.

''(vi) SELF-EMPLOYED INDIVIDUAL TREATED AS EMPLOYEE.—The term 'employee' includes, with respect to a calendar year, a self-employed individual who is treated as an employee under section 401(c) for the taxable year ending during such calendar year, and the term 'compensation' shall include earned income of such individual with respect to such self-employment.

''(vii) INDEXING OF AMOUNT.—In the case of any calendar year beginning after 2010, the dollar amount under clause (i)(II) shall be increased by an amount equal to—

''(I) such dollar amount, multiplied by

''(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting 'calendar year 2009' for 'calendar year 1992' in subparagraph (B) thereof.

If the amount of any increase under clause (i) is not a multiple of $1,000, such increase shall be rounded to the next lowest multiple of $1,000.

''(E) EXTRAORDINARY DIVIDENDS AND REDEMPTIONS.—

''(i) IN GENERAL.—The amount determined under this subparagraph for any plan year is the excess (if any) of the sum of the dividends declared during the plan year by the plan sponsor plus the aggregate amount paid for the redemption of stock of the plan sponsor redeemed during the plan year over the greater of—

''(I) the adjusted net income (within the meaning of section 4043 of the Employee Retirement Income Security Act of 1974) of the plan sponsor for the preceding plan year, determined without regard to any reduction by reason of interest, taxes, depreciation, or amortization, or

''(II) in the case of a plan sponsor that determined and declared dividends in the same manner for at least 5 consecutive years immediately preceding such plan year, the aggregate amount of dividends determined and declared for such plan year using such manner.

''(ii) ONLY CERTAIN POST-2009 DIVIDENDS AND REDEMPTIONS COUNTED.—For purposes of clause (i), there shall only be taken into account dividends declared, and redemptions occurring, after February 28, 2010.

''(iii) EXCEPTION FOR INTRA-GROUP DIVIDENDS.—Dividends paid by one member of a controlled group (as defined in section 412(d)(3)) to another member of such group shall not be taken into account under clause (i).

''(iv) EXCEPTION FOR CERTAIN REDEMPTIONS.—Redemptions that are made pursuant to a plan maintained with respect to employees, or that are made on account of the death, disability, or termination of employment of an employee or shareholder, shall not be taken into account under clause (i).

''(v) EXCEPTION FOR CERTAIN PREFERRED STOCK.—

''(I) IN GENERAL.—Dividends and redemptions with respect to applicable preferred stock shall not be taken into account under clause (i) to the extent that dividends accrue with respect to such stock at a specified rate in all events and without regard to the plan sponsor's income, and interest accrues on any unpaid dividends with respect to such stock.

''(II) APPLICABLE PREFERRED STOCK.—For purposes of subclause (I), the term 'applicable preferred stock' means preferred stock which was issued before March 1, 2010 (or which was issued after such date and is held by an employee benefit plan subject to the provisions of title I of Employee Retirement Income Security Act of 1974).

''(F) OTHER DEFINITIONS AND RULES.—For purposes of this paragraph—

''(i) PLAN SPONSOR.—The term ' plan sponsor' includes any member of the plan sponsor's controlled group (as defined in section 412(d)(3)).

''(ii) RESTRICTION PERIOD.—The term 'restriction period' means, with respect to any election year—

''(I) except as provided in subclause (II), the 3-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009), and

''(II) if the plan sponsor elects 15-year amortization for the shortfall amortization base for the election year, the 5-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009).

''(iii) ELECTIONS FOR MULTIPLE PLANS.—If a plan sponsor makes elections under paragraph (2)(D) with respect to 2 or more plans, the Secretary shall provide rules for the application of this paragraph to such plans, including rules for the ratable allocation of any installment acceleration amount among such plans on the basis of each plan's relative reduction in the plan's shortfall amortization installment for the first plan year in the amortization period described in subparagraph (A) (determined without regard to this paragraph).

''(iv) MERGERS AND ACQUISITIONS.—The Secretary shall prescribe rules for the application of paragraph (2)(D) and this paragraph in any case where there is a merger or acquisition involving a plan sponsor making the election under paragraph (2)(D).''.

(3) CONFORMING AMENDMENTS.—Section 430 is amended—

(A) in subsection (c)(1), by striking ''the shortfall amortization bases for such plan year and each of the 6 preceding plan years'' and inserting ''any shortfall amortization base which has not been fully amortized under this subsection'', and

(B) in subsection (j)(3), by adding at the end the following:

''(F) QUARTERLY CONTRIBUTIONS NOT TO INCLUDE CERTAIN INCREASED CONTRIBUTIONS.—Subparagraph (D) shall be applied without regard to any increase under subsection (c)(7).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2007.

SEC. 202. APPLICATION OF EXTENDED AMORTIZATION PERIOD TO PLANS SUBJECT TO PRIOR LAW FUNDING RULES.

(a) IN GENERAL.—Title I of the Pension Protection Act of 2006 is amended by redesignating section 107 as section 108 and by inserting the following after section 106:

''SEC. 107. APPLICATION OF EXTENDED AMORTIZATION PERIODS TO PLANS WITH DELAYED EFFECTIVE DATE.

''(a) IN GENERAL.—If the plan sponsor of a plan to which section 104, 105, or 106 of this Act applies elects to have this section apply for any eligible plan year (in this section referred to as an 'election year'), section 302 of the Employee Retirement Income Security Act of 1974 and section 412 of the Internal Revenue Code of 1986 (as in effect before the amendments made by this subtitle and subtitle B) shall apply to such year in the manner described in subsection (b) or (c), whichever is specified in the election. All references in this section to 'such Act' or 'such Code' shall be to such Act or such Code as in effect before the amendments made by this subtitle and subtitle B.

''(b) APPLICATION OF 2 AND 7 RULE.—In the case of an election year to which this subsection applies—

''(1) 2-YEAR LOOKBACK FOR DETERMINING DEFICIT REDUCTION CONTRIBUTIONS FOR CERTAIN PLANS.—For purposes of applying section 302(d)(9) of such Act and section 412(l)(9) of such Code, the funded current liability percentage (as defined in subparagraph (C) thereof) for such plan for such plan year shall be such funded current liability percentage of such plan for the second plan year preceding the first election year of such plan.

''(2) CALCULATION OF DEFICIT REDUCTION CONTRIBUTION.—For purposes of applying section 302(d) of such Act and section 412(l) of such Code to a plan to which such sections apply (after taking into account paragraph (1))—

''(A) in the case of the increased unfunded new liability of the plan, the applicable percentage described in section 302(d)(4)(C) of such Act and section 412(l)(4)(C) of such Code shall be the third segment rate described in sections 104(b), 105(b), and 106(b) of this Act, and

''(B) in the case of the excess of the unfunded new liability over the increased unfunded new liability, such applicable percentage shall be determined without regard to this section.

''(c) APPLICATION OF 15-YEAR AMORTIZATION.—In the case of an election year to which this subsection applies, for purposes of applying section 302(d) of such Act and section 412(l) of such Code—

''(1) in the case of the increased unfunded new liability of the plan, the applicable percentage described in section 302(d)(4)(C) of such Act and section 412(l)(4)(C) of such Code for any pre-effective date plan year beginning with or after the first election year shall be the ratio of—

''(A) the annual installments payable in each year if the increased unfunded new liability for such plan year were amortized over 15 years, using an interest rate equal to the third segment rate described in sections 104(b), 105(b), and 106(b) of this Act, to

''(B) the increased unfunded new liability for such plan year, and

''(2) in the case of the excess of the unfunded new liability over the increased unfunded new liability, such applicable percentage shall be determined without regard to this section.

''(d) ELECTION.—

''(1) IN GENERAL.—The plan sponsor of a plan may elect to have this section apply to not more than 2 eligible plan years with respect to the plan, except that in the case of a plan to which section 106 of this Act applies, the plan sponsor may only elect to have this section apply to 1 eligible plan year.

''(2) AMORTIZATION SCHEDULE.—Such election shall specify whether the rules under subsection (b) or (c) shall apply to an election year, except that if a plan sponsor elects to have this section apply to 2 eligible plan years, the plan sponsor must elect the same rule for both years.

''(3) OTHER RULES.—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the Treasury, and may be revoked only with the consent of the Secretary of the Treasury.

''(e) DEFINITIONS.—For purposes of this section—

''(1) ELIGIBLE PLAN YEAR.—For purposes of this subparagraph, the term 'eligible plan year' means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year beginning in 2008 shall only be treated as an eligible plan year if the due date for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this clause.

''(2) PRE-EFFECTIVE DATE PLAN YEAR.—The term 'pre-effective date plan year' means, with respect to a plan, any plan year prior to the first year in which the amendments made by this subtitle and subtitle B apply to the plan.

''(3) INCREASED UNFUNDED NEW LIABILITY.—The term 'increased unfunded new liability'

means, with respect to a year, the excess (if any) of the unfunded new liability over the amount of unfunded new liability determined as if the value of the plan's assets determined under subsection 302(c)(2) of such Act and section 412(c)(2) of such Code equaled the product of the current liability of the plan for the year multiplied by the funded current liability percentage (as defined in section 302(d)(8)(B) of such Act and 412(l)(8)(B) of such Code) of the plan for the second plan year preceding the first election year of such plan.

''(4) OTHER DEFINITIONS.—The terms 'unfunded new liability' and 'current liability' shall have the meanings set forth in section 302(d) of such Act and section 412(l) of such Code.''.

(b) ELIGIBLE CHARITY PLANS.—Section 104 of the Pension Protection Act of 2006 is amended—

(1) by striking ''eligible cooperative plan'' wherever it appears in subsections (a) and (b) and inserting ''eligible cooperative plan or an eligible charity plan'', and

(2) by adding at the end the following new subsection:

''(d) ELIGIBLE CHARITY PLAN DEFINED.—For purposes of this section, a plan shall be treated as an eligible charity plan for a plan year if the plan is maintained by more than one employer (determined without regard to section 414(c) of the Internal Revenue Code) and 100 percent of the employers are described in section 501(c)(3) of such Code.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect as if included in the Pension Protection Act of 2006.

(2) ELIGIBLE CHARITY PLAN.—The amendments made by subsection (b) shall apply to plan years beginning after December 31, 2007, except that a plan sponsor may elect to apply such amendments to plan years beginning after December 31, 2008. Any such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the Treasury, and may be revoked only with the consent of the Secretary of the Treasury.

SEC. 203. LOOKBACK FOR CERTAIN BENEFIT RESTRICTIONS.

(a) IN GENERAL.—

(1) AMENDMENT TO ERISA.—Section 206(g)(9) of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following:

''(D) SPECIAL RULE FOR CERTAIN YEARS.—Solely for purposes of any applicable provision—

''(i) IN GENERAL.—For plan years beginning on or after October 1, 2008, and before October 1, 2010, the adjusted funding target attainment percentage of a plan shall be the greater of—

''(I) such percentage, as determined without regard to this subparagraph, or

''(II) the adjusted funding target attainment percentage for such plan for the plan year beginning after October 1, 2007, and before October 1, 2008, as determined under rules prescribed by the Secretary of the Treasury.

''(ii) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

''(I) clause (i) shall apply to plan years beginning after December 31, 2007, and before January 1, 2010, and

''(II) clause (i)(II) shall apply based on the last plan year beginning before November 1, 2007, as determined under rules prescribed by the Secretary of the Treasury.

''(iii) APPLICABLE PROVISION.—For purposes of this subparagraph, the term 'applicable provision' means—

''(I) paragraph (3), but only for purposes of applying such paragraph to a payment which, as determined under rules prescribed by the Secretary of the Treasury, is a payment under a social security leveling option which accelerates payments under the plan before, and reduces payments after, a participant starts receiving social security benefits in order to provide substantially similar aggregate payments both before and after such benefits are received, and

''(II) paragraph (4).''.

(2) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Section 436(j) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''(3) SPECIAL RULE FOR CERTAIN YEARS.—Solely for purposes of any applicable provision—

''(A) IN GENERAL.—For plan years beginning on or after October 1, 2008, and before October 1, 2010, the adjusted funding target attainment percentage of a plan shall be the greater of—

''(i) such percentage, as determined without regard to this paragraph, or

''(ii) the adjusted funding target attainment percentage for such plan for the plan year beginning after October 1, 2007, and before October 1, 2008, as determined under rules prescribed by the Secretary.

''(B) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

''(i) subparagraph (A) shall apply to plan years beginning after December 31, 2007, and before January 1, 2010, and

''(ii) subparagraph (A)(ii) shall apply based on the last plan year beginning before November 1, 2007, as determined under rules prescribed by the Secretary.

''(C) APPLICABLE PROVISION.—For purposes of this paragraph, the term 'applicable provision' means—

''(i) subsection (d), but only for purposes of applying such paragraph to a payment which, as determined under rules prescribed by the Secretary, is a payment under a social security leveling option which accelerates payments under the plan before, and reduces payments after, a participant starts receiving social security benefits in order to provide substantially similar aggregate payments both before and after such benefits are received, and

''(ii) subsection (e).''.

(b) INTERACTION WITH WRERA RULE.—Section 203 of the Worker, Retiree, and Employer Recovery Act of 2008 shall apply to a plan for any plan year in lieu of the amendments made by this section applying to sections 206(g)(4) of the Employee Retirement Income Security Act of 1974 and 436(e) of the Internal Revenue Code of 1986 only to the extent that such section produces a higher adjusted funding target attainment percentage for such plan for such year.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to plan years beginning on or after October 1, 2008.

(2) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year, the amendments made by this section shall apply to plan years beginning after December 31, 2007.

SEC. 204. LOOKBACK FOR CREDIT BALANCE RULE FOR PLANS MAINTAINED BY CHARITIES.

(a) AMENDMENT TO ERISA.—Paragraph (3) of section 303(f) of the Employee Retirement Income Security Act of 1974 is amended by adding the following at the end thereof:

''(D) SPECIAL RULE FOR CERTAIN YEARS OF PLANS MAINTAINED BY CHARITIES.—

''(i) IN GENERAL.—For purposes of applying subparagraph (C) for plan years beginning after August 31, 2009, and before September 1, 2011, the ratio determined under such subparagraph for the preceding plan year shall be the greater of—

''(I) such ratio, as determined without regard to this subparagraph, or

''(II) the ratio for such plan for the plan year beginning after August 31, 2007, and before September 1, 2008, as determined under rules prescribed by the Secretary of the Treasury.

''(ii) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

''(I) clause (i) shall apply to plan years beginning after December 31, 2008, and before January 1, 2011, and

''(II) clause (i)(II) shall apply based on the last plan year beginning before September 1, 2007, as determined under rules prescribed by the Secretary of the Treasury.

''(iii) LIMITATION TO CHARITIES.—This subparagraph shall not apply to any plan unless such plan is maintained exclusively by one or more organizations described in section 501(c)(3) of the Internal Revenue Code of 1986.''.

(b) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Paragraph (3) of section 430(f) of the Internal Revenue Code of 1986 is amended by adding the following at the end thereof:

''(D) SPECIAL RULE FOR CERTAIN YEARS OF PLANS MAINTAINED BY CHARITIES.—

''(i) IN GENERAL.—For purposes of applying subparagraph (C) for plan years beginning after August 31, 2009, and before September 1, 2011, the ratio determined under such subparagraph for the preceding plan year of a plan shall be the greater of—

''(I) such ratio, as determined without regard to this subsection, or

''(II) the ratio for such plan for the plan year beginning after August 31, 2007 and before September 1, 2008, as determined under rules prescribed by the Secretary.

''(ii) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

''(I) clause (i) shall apply to plan years beginning after December 31, 2007, and before January 1, 2010, and

''(II) clause (i)(II) shall apply based on the last plan year beginning before September 1, 2007, as determined under rules prescribed by the Secretary.

''(iii) LIMITATION TO CHARITIES.—This subparagraph shall not apply to any plan unless such plan is maintained exclusively by one or more organizations described in section 501(c)(3).''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to plan years beginning after August 31, 2009.

(2) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year, the amendments made by this section shall apply to plan years beginning after December 31, 2008.

Subtitle B—Multiemployer Plans

SEC. 211. ADJUSTMENTS TO FUNDING STANDARD ACCOUNT RULES.

(a) ADJUSTMENTS.—

(1) AMENDMENT TO ERISA.—Section 304(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1084(b)) is amended by adding at the end the following new paragraph:

''(8) SPECIAL RELIEF RULES.—Notwithstanding any other provision of this subsection—

''(A) AMORTIZATION OF NET INVESTMENT LOSSES.—

''(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may treat the portion of any experience loss or gain attributable to net investment losses incurred in either or both of the first two plan years ending after August 31, 2008, as an item separate from other experience losses, to be amortized in equal annual installments (until fully amortized) over the period —

''(I) beginning with the plan year in which such portion is first recognized in the actuarial value of assets, and

''(II) ending with the last plan year in the 30-plan year period beginning with the plan year in which such net investment loss was incurred.

''(ii) COORDINATION WITH EXTENSIONS.—If this subparagraph applies for any plan year—

''(I) no extension of the amortization period under clause (i) shall be allowed under subsection (d), and

''(II) if an extension was granted under subsection (d) for any plan year before the election to have this subparagraph apply to the plan year, such extension shall not result in such amortization period exceeding 30 years.

''(iii) NET INVESTMENT LOSSES.—For purposes of this subparagraph—

''(I) IN GENERAL.—Net investment losses shall be determined in the manner prescribed by the Secretary of the Treasury on the basis of the difference between actual and expected returns (including any difference attributable to any criminally fraudulent investment arrangement).

''(II) CRIMINALLY FRAUDULENT INVESTMENT ARRANGEMENTS.—The determination as to whether an arrangement is a criminally fraudulent investment arrangement shall be made under rules substantially similar to the rules prescribed by the Secretary of the Treasury for purposes of section 165 of the Internal Revenue Code of 1986.

''(B) EXPANDED SMOOTHING PERIOD.—

''(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may change its asset valuation method in a manner which—

''(I) spreads the difference between expected and actual returns for either or both of the first 2 plan years ending after August 31, 2008, over a period of not more than 10 years,

''(II) provides that for either or both of the first 2 plan years beginning after August 31, 2008, the value of plan assets at any time shall not be less than 80 percent or greater than 130 percent of the fair market value of such assets at such time, or

''(III) makes both changes described in subclauses (I) and (II) to such method.

''(ii) ASSET VALUATION METHODS.—If this subparagraph applies for any plan year—

''(I) the Secretary of the Treasury shall not treat the asset valuation method of the plan as unreasonable solely because of the changes in such method described in clause (i), and

''(II) such changes shall be deemed approved by such Secretary under section 302(d)(1) and section 412(d)(1) of such Code.

''(iii) AMORTIZATION OF REDUCTION IN UNFUNDED ACCRUED LIABILITY.—If this subparagraph and subparagraph (A) both apply for any plan year, the plan shall treat any reduction in unfunded accrued liability resulting from the application of this subparagraph as a separate experience amortization base, to be amortized in equal annual installments (until fully amortized) over a period of 30 plan years rather than the period such liability would otherwise be amortized over.

''(C) SOLVENCY TEST.—The solvency test under this paragraph is met only if the plan actuary certifies that the plan is projected to have sufficient assets to timely pay expected benefits and anticipated expenditures over the amortization period, taking into account the changes in the funding standard account under this paragraph.

''(D) RESTRICTION ON BENEFIT INCREASES.—If subparagraph (A) or (B) apply to a multiemployer plan for any plan year, then, in addition to any other applicable restrictions on benefit increases, a plan amendment increasing benefits may not go into effect during either of the 2 plan years immediately following such plan year unless—

''(i) the plan actuary certifies that—

''(I) any such increase is paid for out of additional contributions not allocated to the plan immediately before the application of this paragraph to the plan, and

''(II) the plan's funded percentage and projected credit balances for such 2 plan years are reasonably expected to be at least as high as such percentage and balances would have been if the benefit increase had not been adopted, or

''(ii) the amendment is required as a condition of qualification under part I of subchapter D of chapter 1 of the Internal Revenue Code of 1986 or to comply with other applicable law.

''(E) REPORTING.—A plan sponsor of a plan to which this paragraph applies shall—

''(i) give notice of such application to participants and beneficiaries of the plan, and

''(ii) inform the Pension Benefit Guaranty Corporation of such application in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.''.

(2) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Section 431(b) is amended by adding at the end the following new paragraph:

''(8) SPECIAL RELIEF RULES.—Notwithstanding any other provision of this subsection—

''(A) AMORTIZATION OF NET INVESTMENT LOSSES.—

''(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may treat the portion of any experience loss or gain attributable to net investment losses incurred in either or both of the first two plan years ending after August 31, 2008, as an item separate from other experience losses, to be amortized in equal annual installments (until fully amortized) over the period —

''(I) beginning with the plan year in which such portion is first recognized in the actuarial value of assets, and

''(II) ending with the last plan year in the 30-plan year period beginning with the plan year in which such net investment loss was incurred.

''(ii) COORDINATION WITH EXTENSIONS.—If this subparagraph applies for any plan year—

''(I) no extension of the amortization period under clause (i) shall be allowed under subsection (d), and

''(II) if an extension was granted under subsection (d) for any plan year before the election to have this subparagraph apply to the plan year, such extension shall not result in such amortization period exceeding 30 years.

''(iii) NET INVESTMENT LOSSES.—For purposes of this subparagraph—

''(I) IN GENERAL.—Net investment losses shall be determined in the manner prescribed by the Secretary on the basis of the difference between actual and expected returns (including any difference attributable to any criminally fraudulent investment arrangement).

''(II) CRIMINALLY FRAUDULENT INVESTMENT ARRANGEMENTS.—The determination as to whether an arrangement is a criminally fraudulent investment arrangement shall be made under rules substantially similar to the rules prescribed by the Secretary for purposes of section 165.

''(B) EXPANDED SMOOTHING PERIOD.—

''(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may change its asset valuation method in a manner which—

''(I) spreads the difference between expected and actual returns for either or both of the first 2 plan years ending after August 31, 2008, over a period of not more than 10 years,

''(II) provides that for either or both of the first 2 plan years beginning after August 31, 2008, the value of plan assets at any time shall not be less than 80 percent or greater than 130 percent of the fair market value of such assets at such time, or

''(III) makes both changes described in subclauses (I) and (II) to such method.

''(ii) ASSET VALUATION METHODS.—If this subparagraph applies for any plan year—

''(I) the Secretary shall not treat the asset valuation method of the plan as unreasonable solely because of the changes in such method described in clause (i), and

''(II) such changes shall be deemed approved by the Secretary under section 302(d)(1) of the Employee Retirement Income Security Act of 1974 and section 412(d)(1).

''(iii) AMORTIZATION OF REDUCTION IN UNFUNDED ACCRUED LIABILITY.—If this subparagraph and subparagraph (A) both apply for any plan year, the plan shall treat any reduction in unfunded accrued liability resulting from the application of this subparagraph as a separate experience amortization base, to be amortized in equal annual installments (until fully amortized) over a period of 30 plan years rather than the period such liability would otherwise be amortized over.

''(C) SOLVENCY TEST.—The solvency test under this paragraph is met only if the plan actuary certifies that the plan is projected to have sufficient assets to timely pay expected benefits and anticipated expenditures over the amortization period, taking into account the changes in the funding standard account under this paragraph.

''(D) RESTRICTION ON BENEFIT INCREASES.—If subparagraph (A) or (B) apply to a multiemployer plan for any plan year, then, in addition to any other applicable restrictions on benefit increases, a plan amendment increasing benefits may not go into effect during either of the 2 plan years immediately following such plan year unless—

''(i) the plan actuary certifies that—

''(I) any such increase is paid for out of additional contributions not allocated to the plan immediately before the application of this paragraph to the plan, and

''(II) the plan's funded percentage and projected credit balances for such 2 plan years are reasonably expected to be at least as high as such percentage and balances would have been if the benefit increase had not been adopted, or

''(ii) the amendment is required as a condition of qualification under part I of subchapter D or to comply with other applicable law.

''(E) REPORTING.—A plan sponsor of a plan to which this paragraph applies shall—

''(i) give notice of such application to participants and beneficiaries of the plan, and

''(ii) inform the Pension Benefit Guaranty Corporation of such application in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.''.

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall take effect as of the first day of the first plan year ending after August 31, 2008, except that any election a plan makes pursuant to this section that affects the plan's funding standard account for the first plan year beginning after August 31, 2008, shall be disregarded for purposes of applying the provisions of section 305 of the Employee Retirement Income Security Act of 1974 and section 432 of the Internal Revenue Code of 1986 to such plan year.

(2) RESTRICTIONS ON BENEFIT INCREASES.—Notwithstanding paragraph (1), the restrictions on plan amendments increasing benefits in sections 304(b)(8)(D) of such Act and 431(b)(8)(D) of such Code, as added by this section, shall take effect on the date of enactment of this Act.

TITLE III—BUDGETARY PROVISIONS

SEC. 301. BUDGETARY PROVISIONS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Amend the title so as to read: ''An Act to provide a physician payment update, to provide pension funding relief, and for other purposes.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. LEVIN) and the gentleman from California (Mr. HERGER) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. LEVIN. Mr. Speaker, I ask unanimous consent that 10 minutes of my time be controlled by the gentleman

from California (Mr. WAXMAN), the chairman of the Energy and Commerce Committee, on the Senate amendments to H.R. 3962.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. LEVIN. Mr. Speaker, I yield myself such time as I shall use.

This is a flawed bill that we are now considering. We are forced to consider it because of the Republican filibuster of action on the jobs and tax bill now pending in the other body. This bill does not adequately address the need for a longer-term solution to avoid the disastrous cut in Medicare physician reimbursement that is currently impacting doctors and, most importantly, seniors and military servicemembers.

Republicans in the other body have been stonewalling the basic bill, the jobs bill, week after week after week. Doing so, they have placed a hammerlock on the lives of millions of Americans. A much better course would be for Republicans in the other body to begin to side with the American people instead of stonewalling against them, and not with their party leaders nor the Tea Party, and allow a straight up-or-down vote on the comprehensive jobs bill pending in the other body.

Instead, they are willing to put politics before people, and they are leaving millions of unemployed workers thrown out of work by this recession through no fault of their own without their unemployment insurance benefits. Instead, they seem willing to let loopholes that permit jobs to be shipped overseas continue to remain open. Republicans, in a word, are saying to the American people that they care more about their political futures than they do the daily lives of millions and millions of Americans.

We will not let that stand. We will continue to stand on the side of seniors and the physicians who treat them, on the side of unemployed workers and their families, on the side of millions who are looking for jobs, on the side of youth seeking employment, and on the side of those who would benefit from tax measures and bond measures that are supporting millions of jobs.

I reserve the balance of my time.

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume.

For the fourth time in 6 months, Democrats' inability to properly manage the Medicare program is causing doctors to confront a 21 percent cut in their Medicare reimbursement rates. In fact, this cut went into effect on June 1, forcing Medicare to pay claims for physicians' services with the 21 percent cut. In practical terms, this means that for a standard office visit, physicians are now being paid $8 less than they received in 2007. This is unacceptable and irresponsible.

As a result of the Democrats' failure to address this issue in a timely manner, tens of millions of taxpayer dollars will be required to reprocess these claims and send new checks to doctors, all because the majority Democrats could not finish their work on time.

Physicians' practices, like most small businesses, are hurt by the dereliction of duty. Dr. Joel Bolen from Montgomery, Alabama, said about the delayed payments, quote, ''We have already eliminated one staff position, and that has resulted in a major reduction in some services.'' Dr. Jen Brull from Plainville, Kansas, had to juggle a $10,000 temporary drop in revenue while claims were held up when payments were delayed for 15 days in April of this year, a major stress on a small practice.

Senior citizens have been hurt as well. Earlier this week, one of my constituents visited my office in Redding, California, to share his story. His doctor is not accepting any more Medicare patients until Congress deals with the 21 percent cut. As a result, he has been forced to postpone an essential surgery.

The new president of the American Medical Association, Dr. Cecil Wilson, said, ''This is no way to run a major health coverage program. Already the instability caused by repeated short-term delays is taking its toll.'' The newspaper Politico declared that ''never before has Congress allowed such a deep Medicare cut to go into effect at this scale.''

The legislation before us provides physicians with a 6-month reprieve of the 21 percent cut by providing them a 2.2 percent rate increase through November. But after November, the 21 percent cut returns. And 1 month after that, the cut goes even deeper, totaling 26 percent in January. Perhaps my friends on the other side of the aisle believe this will be someone else's problem in December.

Mr. Speaker, ironically, the bill before us today uses the same bill number as the Democrats' health bill that passed the House in November of last year. It's ironic, because Republicans argued for months that the Democrats should address the flawed Medicare physician payment formula in their health care overhaul. After all, if they could find more than one-half trillion dollars in cuts to Medicare, you would think they could find a couple dollars to fix the SGR; except, they didn't, allowing them to shield the true cost of their trillion-dollar government takeover of health care. It's one of the many reasons we should replace that flawed law with reform Americans can afford, and then we can address a true long-term fix for our doctors.

Mr. Speaker, I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I rise in support of this suspension, and I yield myself such time as I may consume.

After all is said and done, no one can say this is a great bill. It's a disappointment. It's an embarrassment that we are here today to ask for only 5 months' extension for the doctors who take care of our Medicare patients to be paid for the work that they are doing. But it has come to this.

Because of the dysfunctional rules in the United States Senate, they could not get a bill for jobs passed. They could not get FMAP to assist the States for their Medicaid payment. They couldn't get extension of unemployment insurance. People are losing their unemployment insurance, or if they lose their jobs, they won't have it available to them.

What we have before us is one little piece. It is at least for 5 months to extend the physician fee reimbursement. I can't say that we should be proud of this. This should have been fixed permanently. And this is the best we can do, so let's vote ''aye.''

I reserve the balance of my time and urge my colleagues to support the suspension.

Mr. HERGER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

□ 1650

Ms. GINNY BROWN-WAITE of Florida. I thank the gentleman for yielding.

Mr. Speaker, I rise today in support of the Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act that we have before us.

For too long my Democrat colleagues have been playing games with the physician reimbursement fix. Playing chicken with the deadline time and time and time again and putting Medicare beneficiaries at risk while hurting small businesses across the country.

I've the highest number of constituents on Medicare of any Member of Congress. Believe me, I have heard from them loud and clear that they are disgusted with how long it took because their doctors are indeed refusing to take patients.

Whether it's the handling of the oil spill or their inability to put together a budget, it seems that even the basic responsibilities of running the government have become far too difficult for them. I'm glad to see this bill finally come before the House today, but I would remind all of our constituents that this could have been prevented. Months ago, my Republican colleagues and I offered and voted for a longer fix that would have been fully paid for.

Americans are tired of the credit card mentality of Washington. This is a voting card, ladies and gentlemen. It is not a credit card.

Mr. LEVIN. I yield 1 minute to the gentlewoman from Nevada (Ms. BERKLEY), a distinguished member of the Ways and Means Committee.

Ms. BERKLEY. Thank you, Mr. Chairman, for your extraordinary work.

Every day I receive calls from dedicated physicians who tell me that if this 21 percent cut goes through they are no longer going to be able to continue to treat their Medicare patients. They're not threatening me when they say it. They're talking the truth. They

simply can no longer afford to treat their senior patients.

Doctors are small business people. They've got payrolls to make and rent to pay, utilities, just like the rest of us; but time is long past due to permanently fix the way doctors in this country get compensated for treating Medicare patients. We need to fix this SGR. We need to fix it permanently.

We're playing a very dangerous political game with our seniors' health care, and we are forcing doctors to make unspeakable choices. I am supporting this 6-month fix to keep the doctors working and to give seniors the health care that they deserve and that they are entitled to, but I would urge my Republican colleagues in the Senate that they should do what's right by the American people and let's get this thing permanently fixed.

Mr. HERGER. I yield 1 minute to the gentleman from Tennessee (Mr. ROE), who is also a physician.

Mr. ROE of Tennessee. I thank the gentleman for yielding.

Why was this so hard? House Republicans have been saying for months that we'd be happy to support legislation ensuring seniors have access to doctors. They were warned to cut spending to stop the deficits from going any higher. Doctors and patients both are benefiting under this legislation, but today's headline should be this: bipartisan solutions are possible when the majority tries to meet the minority halfway.

When we cut spending, we can address many of the critical problems facing our country. Hopefully, today's bill isn't the end of bipartisan cooperation. Our economy is still in dire straits, and Republicans can help Democrats get people back to work only if the majority lets us. Otherwise, the job loss and exploding deficits we've seen for the past 18 months will only continue, and no one benefits from that.

I can tell you as a physician three things will happen with these cuts: one, patients lose access to doctors; two, the quality of their care goes down; and, three, their costs will go up.

I urge my colleagues to support this legislation.

Mr. WAXMAN. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE), distinguished chairman of the Health Subcommittee of Energy and Commerce.

Mr. PALLONE. Thank you, Mr. WAXMAN.

I'm listening to the debate on the other side of the aisle, and I just can't believe what I hear. We passed, the House Democrats, the majority, passed a comprehensive permanent fix to the SGR, and we only had one Republican vote on the other side.

I heard the gentleman from California say it's not someone else's problem. That's true. It's also the Republican problem. You have a responsibility as Republicans to help us out, and you're not helping us out at all. When this jobs bill that included the SGR, and that was a 2-year fix, passed a couple of weeks ago here in the House, we had just a handful of Republican votes; and that's what it's been all along, Republicans not willing to do anything for any kind of permanent fix for this SGR for the physicians' reimbursement rate or not voting for 2 years. Now, we're down to 6 months because that's all we have left.

And I don't like it anymore than anybody else, but I'm going to vote for it today; and I hope that all of you will join us in voting for it. When you talk about the fact we have a problem here, the problem is you're not willing to help us out.

I heard the gentleman from Tennessee who is a physician say, well, it's got to be paid for. Well, where are the cuts that he's proposing to pay for it? In other social programs and other jobs? That's the problem here. We had a comprehensive jobs package that included this SGR. It would have had a summer jobs program. It had a lot of things to put Americans back to work, bring jobs back from overseas, tax cuts, and changes in the Tax Code that would have made a difference.

But we don't get any Republican support. We don't get anything. All you do is sit there and say that you want to solve this problem, but don't put up any votes or come up with any solutions whatsoever. So we're forced today to deal with this and we're going to vote for it, but if I keep hearing more and more about permanent fix, there's no support on the other side of the aisle for permanent fix. Don't kid those doctors and make them believe that you're going to vote for some kind of permanent fix. You never have. I don't see it.

I remember when you were in the majority and we kept kicking the can down the road. We inherited this mess from all of you. So don't sit here and talk about what you're going to do to make a difference. You're not helping at all. You're not solving the problem. You're part of the problem, not part of the solution.

Mr. HERGER. Just in response, we as Republican last November had a 4-year fix that was paid for, and I might mention that the legislation that the gentleman was referring to that we opposed had a $200 billion deficit on it, and that's why we opposed it.

Mr. Speaker, while I intend to support this bill and urge its passage, our work does not end here. We must find a long-term, stable and fiscally responsible solution to this problem.

I yield the balance of my time to the gentleman from Illinois (Mr. SHIMKUS).

The SPEAKER pro tempore. Without objection, the gentleman from Illinois will control the time.

There was no objection.

Mr. SHIMKUS. I yield such time as he may consume to the gentleman from Texas, Dr. BURGESS.

Mr. BURGESS. I thank the gentleman for yielding.

Just as a historical note, I think I should point out when it comes to this issue, there's actually plenty of blame to go around because after all it was in 1988 when a Democratic Congress, voting under the Omnibus Budget Reconciliation Act of 1988, created this problem under the guise of the RVRBS, and it's gone through several names and several acronyms since then. But that's when it began.

It was really a very predictable consequence of Congress' interference in the practice of medicine. Since 1988, there have been multiple Congresses; there have been multiple administrations, both Republican and Democratic. The opportunity to fix this thing has been there, but it has not been taken.

Patching the payment system is extremely unsatisfactory, but the alternative is absolutely unthinkable. Let me tell you this for a minute what it means in a one- or two-doctor office practicing primary care when the head of CMS holds your paycheck for 1 week, 2 weeks, now 3 weeks. Even if you're doing as little as 15 percent Medicare in your business, that cash flow that's disrupted across the counter means that that doctor's office is likely not going to be able to take a paycheck that month; and what's even worse, they may have to go out and borrow money for operational expenses.

I know that never troubles this Congress to borrow money for operational expenses—we do it all the time—but when you're a small businessperson and you're borrowing for operational expenses, it's extremely frightening because you don't know when you're going to be able to make that up.

Now, we have a bill that's retroactive to the first of the month so those checks will be reissued, and that's a good thing. Unfortunately, the expiration date on this bill is November 30. As was pointed out previously by the ranking member on the Ways and Means Health Subcommittee on December 31 of this year a 26 percent reduction occurs.

What happens in early November of this year is that every private insurance company that pegs its reimbursement to Medicare is going to recalculate its reimbursement based on that 26 percent if we don't do something before then.

□ 1700

Let us commit, with this window of opportunity that we have given ourselves between now and November 30, that we are going to work on this problem.

I've had a bill up there some time, H.R. 3693. Yes, it's problematic because of the cost, but it's not a real cost because we've already dispensed that money to the doctors; the doctors have already used that to run their practices. This is ''Bernie Madoff'' accounting that should make any one of us in this body ashamed to continue it.

Let's recommit to fixing this problem. Let's redouble our efforts. Let's leave aside the partisanship. I will remind some of the speakers on the other side, I have voted with you on this issue in the past. I didn't like the policy you put forward. I thought it was very bad policy at the time, but it was worth it to me to get this issue solved because our Nation's seniors, our patients, our doctors depend upon this.

Mr. LEVIN. Mr. Speaker, I yield myself 15 seconds.

The gentleman acknowledges he voted for a permanent fix. He was the only one on the Republican side. There was nobody else. You have refused, on the Republican side, to vote for a permanent fix.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVIN. I yield myself another 15 seconds.

Instead, we're stuck with this bill because we could not get a single vote for a bill that is better than this in the Senate from a Republican. That's why we're here today.

I now yield 1 minute to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. We have a unique opportunity today. I've heard from the other side, the Republicans, who are saying that they want to have a permanent fix. We on the Democratic side have shown that by pushing forward, we had a $68 billion bill that went over to the Senate that would do that.

Now, ladies and gentlemen, people all across this Nation are paining, they are crying to see this House of Representatives work in a bipartisan way, and there is no more critical or important issue to show that than on this issue.

The future of our health care system rests on the ability to be able to have our physicians to be able to receive payment for their services. I've talked to physicians—I talked to a group of them today—and many of them not only are refusing to serve Medicare patients now, but they're losing hope in the health care system.

We've just passed a new health care bill. It's going to bring 37 million more people on, many of them are going to be senior citizens. We're growing more senior citizens. Let's be fair to our physicians. Let's save our health care system. And let us come together as Democrats and Republicans this day and come back and get a permanent fix on this issue.

Mr. SHIMKUS. Mr. Speaker, I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I am pleased at this time to yield 1 minute to the chairman emeritus of the Energy and Commerce Committee, the gentleman from Michigan (Mr. DINGELL).

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Speaker, we have before us a wonderful opportunity; we can begin to solve a problem that's going to destroy our medical care system in this country.

Doctors are abandoning Medicare patients because they can no longer afford to serve them. And it is turning out that we are now finding that we are losing the capability of addressing one of the greatest health problems we've got, and that is seeing to it that physicians do take care of our people and that they have the necessary resources to do it.

This is a proposal which has to be adopted today. I commend the gentleman from Texas who has urged the House to work together, and I commend him for having had the courage to say so, but it is something that we must do.

We came close to having this issue solved with a permanent fix. The law of interest, compounded interest, tells us that we have a big problem. The numbers in this have grown to $210 billion, and they will grow more. It is time that the House resolves this question so we can assure that we take care of our people, we deal with their health, we preserve Medicare, and we do what is necessary to carry out our responsibility in a fiscally responsible way.

We are, in good part, in this mess because of the United States Senate, which diligently disregards its responsibilities on all matters of this kind. And regrettably, as we look to see, we find that this is the best thing that we can do because they refuse to do better. They will tell us that because of their incompetence, we must therefore bow to them and do things the way they only can do them.

I urge my colleagues to vote for this legislation. And then let us prepare to work together to try and resolve this matter because the time is wasting and the whole system is about to collapse because of our failure to properly address it.

Mr. SHIMKUS. Mr. Speaker, I continue to reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. MAFFEI).

(Mr. MAFFEI asked and was given permission to revise and extend his remarks.)

Mr. MAFFEI. Mr. Speaker, many of the doctors in my Upstate New York district have started to turn away new Medicare patients because of the 21 percent cut that has already started, and seniors are fearful that their physicians may soon drop out of Medicare altogether. Those doctors who still accept seniors have taken huge risks with their practice. At a time when we should be promoting improved access to physicians, a doctor payment cut of this magnitude will only decrease access, especially for our seniors, and sometimes with tragic results.

Seniors and their doctors should not pay the price for partisan politics. They should have the peace of mind to know that the doctor of their choice will be available to see them. And physicians should know that the work they perform will be reimbursed fairly, without having to worry about cuts month after month.

Now, Mr. Speaker, while it is clear that the Medicare payment system is broken and needs to be fixed permanently, there is an urgent need to provide an immediate and temporary solution. If you cannot cure the patient, at least find a treatment. If you cannot administer a long-term treatment, at least stop the bleeding.

Mr. Speaker, this band-aid is just that. It stops the bleeding temporarily. But lives and livelihoods are hanging in the balance. We have made a commitment to provide for our seniors, and I will stand with our seniors and our physicians.

Mr. SHIMKUS. I continue to reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I am pleased to yield 1 minute to a very important member of our committee, the gentleman from Texas (Mr. GENE GREEN).

(Mr. GENE GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GENE GREEN of Texas. I thank the chair of the full Energy and Commerce Committee for yielding.

To my Republican colleagues, we make history on the floor of the House, and we did when we passed the health care bill, but you can't rewrite it. The House passed a bill, H.R. 3961, that only had one Member from the Republican Party who voted for that bill that was the permanent fix for this doctor situation so that our doctors wouldn't be cut 21 percent as of last week. One vote, and it was my colleague from Texas, Dr. BURGESS. That's why this is so important today.

We wish we could pass a better bill and a long-term fix, but we can't get it through the United States Senate; so we're going to November. You had a chance to step up and do it, but you didn't do it. We passed that bill with only one Republican vote.

This legislation is so important because Medicare is so important. Our seniors need to be able to go to a doctor, and yet we're seeing doctors say they can't afford to treat them anymore because we didn't do the permanent fix. That's why this bill is so important today, to get us through November. Hopefully we will be able to then do a permanent fix so doctors will be able to see our senior citizens.

Mr. Speaker, I rise today in support of Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act.

This legislation will prevent a 21-percent cut in Medicare physician payment reimbursements through November 30, and makes the so-called doc fix retroactive to June 1, when a previous stop gap measure expired.

While Congress enacted stop-gap measures for rate cuts scheduled for several months, yesterday CMS began mailing reimbursement checks to physicians who accept Medicare with the 21-percent reduction in their reimbursement.

This legislation before us today is another temporary fix and amends the legislation we sent to the Senate, which would be a permanent fix to the Medicare physician payment system, but we need to ensure that our seniors will continue to have access to their physicians and doctors will continue to accept Medicare.

It is clear that this current physician payment system contains some inherent flaws that must be addressed to ensure the long term viability of Medicare and access to beneficiaries.

My hometown of Houston contains some of the world's best medical facilities, where the scope of care is unmatched.

Yet, I meet physicians working in every medical specialty who say that this current Medicare physician payment system threatens our Medicare beneficiaries' access to the health care that they provide.

I support the legislation today to ensure our physicians will not receive a 21-percent cut in their Medicare reimbursement rates, but in November we will need to revisit this issue and enact a permanent fix to the physician payment system.

Mr. SHIMKUS. I continue to reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I am pleased to yield 1 minute to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Thank you for yielding, Mr. Chairman.

Mr. Speaker, this is not what we should be doing. What is needed is a permanent fix for the SGR. But I do urge my colleagues to vote for at least a short-term measure that would stop the 21 percent cut in physician reimbursement.

As a family physician who had a practice that was at least one-third Medicare patients, I know how low the reimbursement is for the important work we do after long years of training. That cut and the one slated to follow would have cause many physicians to close their doors to some of the individuals who need it most. Even when I was in practice over 14 years ago, the fees were so low that I was one of a handful of doctors who saw Medicare patients. It has only gotten worse since then.

And it is not that doctors don't want to take care of the elderly and disabled patients, it is what we went into the profession to do; but to be able to do that, we have to be able to meet our overhead, pay staff, purchase supplies, and take care of our families. The 2.2 percent increase is a start, but doctors need certainty and stability.

□ 1710

The other body and our colleagues on the other side of the aisle need to step up and support what Democrats tried to do during health care reform. We need to help doctors provide the care that they want to provide to our seniors. Let us fix the SGR once and for all, even if we have to do it as part of a supplemental. Ensuring the care of some of our most vulnerable is that important and that urgent.

Mr. SHIMKUS. Mr. Speaker, I continue to reserve the balance of my time.

GENERAL LEAVE

Mr. LEVIN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the Senate amendments to H.R. 3962.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. LEVIN. Mr. Speaker, I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I am pleased at this time to yield 1 minute to another important member of our committee, the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Speaker, I rise in favor of this piece of legislation. As we only have about a minute, my observation, after listening to all of my colleagues and to my dear friends, is thank God physicians don't practice medicine the way we practice enacting legislation.

Can you imagine if you were wheeled into the emergency room? You'd have five qualified physicians, and they'd all start arguing about, ''How are we going to save the life of this particular patient?'' They don't come to any real conclusion. Some say, We need to do this immediately. Some of them say, We can wait 6 months. Others say, We can wait 2 years.

It doesn't work. It doesn't work in that operating room, and it shouldn't work in this Chamber. We are all in agreement. We are all in agreement that it is broken, and now we have given the other side a chance to work with us.

Last year, as it has already been pointed out, we had something that was for an extended period of time that was going to work on a solution which would give the doctors the kind of predictability they require in order to have practices where they can open their doors in the morning, but we only got one vote from the other side. You know, let's all put that aside today. Let's start working together. It's 6 months. It's not long enough. We acknowledge it. Let us just rededicate ourselves to making sure that doctors can practice medicine.

Mr. SHIMKUS. Mr. Speaker, I continue to reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I am pleased at this time to yield 1 minute to the gentlewoman from Texas (Ms. SHEILA JACKSON LEE).

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today to support the permanent fix for doctors. That's what we have been saying as Democrats for more than a year.

I want to thank the leadership, who has taken the calls of Members who are representing their doctors and seniors and who are saying we have got to do this.

So let me tell the doctors of America: Look at what your friends look like—Democrats, who have been fighting over and over again. I promised physicians in my area, the doctors who work in inner city neighborhoods, that we were not going to leave them without help.

I hope the other body and my friends on the other side of the aisle, the Republicans, will really understand the facts. We have to join together. Doctors help save lives. They tend to our seniors. It is important that they have the reimbursement they need.

We rise today to support the 6-month fix, but we rise today to say the Democrats have been fighting to get this right. We are going to get it right. We are going to provide for the physicians. We are going to stop this 21 percent cut, and we are going to provide doctors for Americans who are waiting for us to do our jobs.

Support the legislation.

Physicians, your friends are us.

Mr. Speaker, I rise today in strong support of H.R. 3962, the ''Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010,'' a provision that retroactively reverses the 21 percent cut in Medicare payments to physicians scheduled for June 1, 2010; and also provides a 2.2 percent status report to physician payments through November 30, 2010. This provision also protects TRICARE military families dedicated to the service of this nation.

Mr. Speaker, I would like to pay special tribute to my good friend, Chairman HENRY WAXMAN, for his lifetime of devoted service to the cause of affordable health care for all Americans. I also thank the Democratic leadership, led by Speaker PELOSI, making health care affordable for Medicare beneficiaries a central issue. Democrats promised to chart a new direction for America if given the chance to lead. Today, we take another giant step toward fulfilling that promise.

For nearly a decade, Medicare patients and the doctors who treat them have been held hostage by short-term patches to an unworkable Sustainable Growth Rate (SGR) formula. In the months to come, I look forward to working with Members of Congress from both sides of the aisle to repeal the SGR formula and to replace it with a permanent physician payment system for Medicare that rewards value and ends the uncertainty for patients and providers alike. In addition, the bill provides enhanced Medicaid funding to states to assist them with the added costs of providing health coverage to underserved and underrepresented individuals and for home and community based services that must be extended.

Under current law, all outpatient services provided within three days before an inpatient admission and are related to the inpatient admission must be included in the bundled payment for that admission. The provision closes a loophole that had allowed the unbundling of services and submission of adjustment claims seeking separate and additional Medicare payments. This provision provides temporary, targeted funding relief for single employer and multiemployer pension plans that suffered significant losses in asset value due to the steep

market slide in 2008. Employers that elect the relief would be required to make additional contributions to the plan if they pay compensation to any employee in excess of $1 million, pay extraordinary dividends, or engage in extraordinary stock buybacks during the first part of the relief period. Additional relief is available to certain plans sponsored by charitable organizations.

Mr. Speaker, this provision will provide much needed fiscal relief to the states and to unemployed individuals.

Although this fix is for 6 months, I am committed to working with my colleagues to deliver a permanent fix for our nation's physicians, and I am committed to fight for critical job-creating measures, on behalf of all of the American people and to strengthen our economy, as well as such vital provisions as extending unemployment benefits for the millions who have lost their jobs through no fault of their own.

We must uphold our responsibility to the seniors and persons with disabilities who depend upon the Medicare program and the military families who depend upon the TRICARE program. The 21 percent cut in fees that physicians are seeing now is jeopardizing the relationship between Medicare and TRICARE patients and their doctors, and we cannot allow that to stand. This is a matter of whether seniors will have access to care or whether that access to care will be diminished because doctors will no longer be able to afford to continue to sustain their businesses with the cuts under the SGR for Medicare. That is why I support passage of this legislation. Over the months we struggled with Republicans over this issue.

I continuously spoke to doctors in my district to say, I would not forget this important issue. I worked with the leadership, voted for a permanent fix and continued to call on the Senate to move this bill. Now we have a temporary fix of 6 months.

However, I will work for a permanent fix with the Democratic leadership in spite of those of my Republican colleagues who oppose it. I believe in bipartisanship to help doctors and patients including seniors, get reimbursed and get the care they need.

I support this legislation.

Mr. SHIMKUS. Mr. Speaker, I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS).

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. I thank my friend for yielding.

Mr. Speaker, a lot of Americans seem to have been misled that they are not going to be able to see their doctors under Medicare anymore because of some legislation that came out of here. This bill today makes it emphatically clear that that is emphatically not true.

The bill today restores the full reimbursement rate for doctors and for other providers who see America's senior citizens. The majority of us wanted to make that a permanent fix last summer. Only one minority Member voted for that. Just a few weeks ago, the majority of us wanted to extend that far beyond this. Almost no one on the minority side voted for that. Today, I assume just about everybody is going to vote for this, and I'm glad, but let the record be clear: No one here is prepared to see a day when Medicare doctors turn their patients away. That is not the truth.

Mr. SHIMKUS. Mr. Speaker, I yield myself the balance of my time.

I appreciate the comments. I was going to be cool, calm, and collected, of course, as I normally am on the committee, Mr. Chairman, as you know. But of course, I am required to respond to just a couple of points.

I agree with my colleague who just spoke that we want to get this fixed and that we want to do it now, and I'm going to talk about the importance of paying for it. Though, the public has to understand that we are 39 seats in the minority. The only bipartisan vote was the ''no'' vote on the health care bill. For the protestations that, from the Republicans, there was only one vote, the reality is you could do whatever you want, but the bipartisan vote was ''no'' against the health care bill.

Why? $500 billion cuts in Medicare—and we talked about this yesterday in committee—not on Medicare Advantage but on hospital cuts, on doc cuts across the board, and on tax increases. $1 trillion in new spending.

You'd think, if you're going to spend $1 trillion more, you could fix this. In fact, you all promised it, but because of the policy and the politics, you had to accept the Senate bill that really didn't do it. The promises you made to some doctor organization you could not keep. That is why we are here again.

We know the CBO and we know the CMS actuary say premiums are going to go up and that benefits are going to be cut. Our health care system is going to change because we are going to migrate away from the employer-based health care system. Some of us believe that was the intent of the law that you passed. So there is an important part of this debate:

First of all, we have a $13.5 trillion debt. Now, I'm not going to lay that all on my colleagues' shoulders, because a lot of it is our fault. We get it. We were put in the minority because of our frivolous, reckless spending, but I think you'd better be very, very careful that you're going down that same path. A $13.5 trillion debt makes the argument to the public today that we have to pay for things, that we have to pay for the services that we think are important.

As for all of the other things on the spending side that this was connected to, we didn't pay for it all. I don't know about you and your districts, but my folks are saying, Stop going into debt. Stop obligating yourselves to things that we cannot pay for. Stop mortgaging our grandchildren's futures.

So that's what this is about. That's why we support this bill, because you know what? It's paid for. Maybe we are getting the message. Maybe we are turning the corner. Maybe we realize now that, if it's important enough to have, it's important enough to pay for.

This costs $6.4 billion. It is a 2.2 percent increase in reimbursement levels. If the bill is not passed, Medicare physicians will face a 20 percent reduction in reimbursement rates. We want them to see our seniors, and we want them to be paid for their services.

It's curious. It ends in November. Things happen in November. December is not paid for. January is not paid for. In fact, as we went along this process, we had month extensions throughout this process instead of addressing the issue early on. I'll be honest, Mr. Speaker, we'll accept a lot of our blame for the position we're in.

□ 1720

But we're not in the majority now. And the public has changed, and they say, Start paying for the services that you think are important, whether it's discretionary or it's entitlement. And that's why we support this bill. The doctors need it.

I appreciate my colleagues and their support in the debate.

I yield back the balance of my time.

Mr. WAXMAN. Mr. Speaker, in the 30 seconds I have left, let's pass this bill and go on to fix this problem. We owe it to the seniors who were promised Medicare coverage. And Medicare coverage means that they ought to have access to physicians who are paid for the care that they give those Medicare recipients.

I urge an ''aye'' vote.

I yield back the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield myself the balance of my time.

I understand the Senate is about to vote—I think has begun its vote—on the comprehensive jobs bill, helping to pay for it, so that companies don't ship jobs overseas. So what we're doing now, in view of what seems inevitable in the Senate, is take up one piece of that bill. The SGR provision is in the bill now before the Senate, and that, I'm afraid, will be turned down. And what the fact is, we have to act because patients, military personnel, their physicians, need action. But it's the inaction of Republicans in the other House; it really is bringing us to this point.

And despite efforts, and valiant efforts, by the majority leader in the Senate, in the other House, and the Finance chair in the other body, it now seems absolutely certain there won't be a single Republican vote for that comprehensive bill that has this piece in it.

What the Democrats in the other body have faced is a Republican phalanx, without a single one on the minority side willing to step up and vote for a bill that this country needs. So I serve notice: We on this side will not give up. A million and half Americans today who are out of work, who are looking for work, have lost their benefits because of the phalanx in the other

body. There's reference to turning the corner here. No. The minority in the other House, as was true here, have been turning their backs.

So much is at stake. I mentioned just a few parts of that bill—the R&D tax credit; Build America Bonds that have helped put millions of people to work; provisions regarding housing; summer employment for 300,000 young people who want to work, who need work. So because of this phalanx among Republicans in the other body, as was true here, we were faced with this alternative to pass this so-called fix now.

And it's interesting. We tried some months ago to have a permanent resolution of this. And, as mentioned, only one Republican voted for it. In May, we had a 19-month provision in the jobs bill, and it just could not pass the Senate, apparently, and very, very few, if any, here on the Republican side supported it.

So here we are. A Republican phalanx. So we're going to act on this bill. And I assure you, we on this side will not give up on the basic interest of the American people.

Mr. VAN HOLLEN. Mr. Speaker, I rise in support of legislation to retroactively reverse a 21 percent payment cut for doctors in Medicare and TRICARE and update the flawed Medicare physician payment formula.

Rather than the 21 percent payment cut, physicians will see a 2.2 percent update in their payment rates through November, 30, 2010. Though I would prefer a permanent, long-term solution to this problem, this legislation is necessary so that Medicare beneficiaries can continue to see their doctor of choice and access the care they need. The uncertainty of payments is causing difficulties for physicians who provide services under Medicare because their practices cannot adequately plan for the expenses they incur for treating Medicare beneficiaries.

Congress needs to fix this problem in a permanent manner. The House has passed legislation this Congress that would have done exactly that. Unfortunately, it was blocked in the Senate.

Mr. Speaker, while I urge my colleagues to support this bill before us, I also urge all my colleagues in both the House and Senate to recommit themselves to passing legislation that will permanently fix Medicare payments to physicians.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today in support of provisions contained in H.R. 3962, which will temporarily fix the Sustainable Growth Rate—or SGR—formula. This legislation will undo the twenty-one percent cut in Medicare reimbursements to physicians that took place on June 1st. Without prompt action, these cuts will do serious harm to physicians and patients alike.

With a 21 percent cut, payments to physicians would be well below their overhead costs and could jeopardize continued access for Medicare beneficiaries to their physicians. We have a duty to our retirees to be there for them when they are in need, so I fully and enthusiastically support the provisions that restore Medicare reimbursement rates.

However, I want to register my profound concern over a provision in H.R. 3962 that utilizes a new application of what's known as the "72-hour rule" as an offset for the SGR temporary fix. This provision dictates how a hospital must bundle certain Medicare payments for reimbursement.

My home state of Florida was among the states included in the first round of the Recovery Audit Contractors Program, overseeing the 72-hour rule. Some Florida hospitals that have undergone audits had either inadvertently overbilled or underbilled.

Hospitals that inadvertently overbilled are obligated to repay the appropriate amount, and have already done so. But, hospitals that inadvertently underbilled, would be immediately precluded, if this passes, from resubmitting claims in compliance with existing regulations to recoup underpayments.

It is my understanding that many hospitals are still reviewing a large number of possible underpayments for submittal. If they are precluded from resubmitting claims because of changes in this legislation, Florida hospitals could face $225 million in losses. This retroactive application constitutes changing the rules of the game after the services were provided, and is simply not fair to providers.

We owe it to both our physicians and our hospitals to treat them fairly when they care for our seniors under Medicare. Assuming this legislation becomes law, I strongly encourage the Centers for Medicare and Medicaid Services to administer this new application of the 72-hour rule in the most equitable manner possible and limit the adverse impacts on hospitals to the greatest extent possible.

Ms. SCHAKOWSKY. Mr. Speaker, this week, the first round of provider payments with a 21 percent cut was sent to physicians who treat Medicare beneficiaries.

This drastic reduction in reimbursements is quite simply unacceptable. Doctors in my district who provide life-saving care to seniors and people with disabilities have called me to say they won't be able to see Medicare patients much longer. Patients have called begging that we prevent the cuts.

I am a strong supporter of a permanent fix to the flawed sustainable growth rate that continues to create instability for providers and uncertainty for Medicare beneficiaries.

H.R. 3961, which passed the House in November 2009, would have responsibly fixed the flawed formula—but Senate Republicans have refused to come to the table to negotiate a permanent solution. For that reason, while I will vote for this bill to stop the pay cuts, I think it falls far short of what is needed.

Under the pay-go agreement, we had agreed to fix physician payments without taking money from other parts of Medicare until December 31, 2011. I am disappointed that we have not stuck to this original agreement.

Senate Amendments to H.R. 3962—also known as the physician payment fix—is not perfect legislation. But without action this cut will create a crisis for Medicare beneficiaries and providers. I simply cannot allow that to happen, and will vote in support of this bill.

This bill will ensure that doctors who see Medicare patients over the next six months receive fair payments. It will ensure that senior citizens and persons with disabilities have access to their doctors. And it gives us time to permanently fix the flawed formula. It is not perfect, but it would be irresponsible not to act.

Mr. RYAN of Wisconsin. Mr. Speaker, I voted for this legislation because it avoided deep reductions to Medicare physician pay but was offset to avoid any increase in the deficit. While I support this legislation, I have some concerns about where this leads us in the future.

First, this legislation illustrates why we must fundamentally reform Medicare. Our Nation's physicians who treat Medicare beneficiaries currently face a 21 percent reduction. It is critically important that we correct this. Although this legislation provides a much-needed temporary solution, it makes the Medicare physician problem even greater when this short-term fix expires in six months, requiring a 26 percent reduction to payment rates. That is completely untenable.

Unfortunately, that is precisely the path that the health care bill enacted earlier this year puts us on. In addition to Medicare and Medicaid's obligations, that bill created two new health care entitlements. I think this legislation is the sign of things to come. We will increasingly face difficult reductions to medical providers or require that health care be rationed through government bureaucracies. We will be told that to avoid this we need to either run up the debt or raise taxes on the American people. I think that is a false choice and we should instead fundamentally reform these programs to put them on a sustainable path.

Second, I have some concerns with the pension relief provisions of this bill. Companies are struggling to get by due to a stagnant economy. This legislation will provide temporary pension relief. Under our cash-based budget, these pension relief provisions produce savings over the next ten years. We do not have a full analysis of the long-term consequences of the pension provisions, but it appears these savings are likely to be more than offset by greater federal obligations that will appear outside the ten year window we use to enforce the budget. While this pension relief may make sense in today's economic environment, we need to explore the budgetary impact of these pension provisions to get a better understanding of the full impact before we pursue this as an offset for future legislation.

Mr. LEVIN. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. LEVIN) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 3962.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SHIMKUS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1730

CONFERENCE REPORT ON H.R. 2194, COMPREHENSIVE IRAN SANCTIONS, ACCOUNTABILITY, AND DIVESTMENT ACT OF 2010

Mr. BERMAN. Mr. Speaker, I move to suspend the rules and agree to the

conference report on the bill (H.R. 2194) to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran.

The Clerk read the title of the bill.

(For conference report and statement, see proceedings of the House of June 23, 2010, at page H4751.)

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BERMAN) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BERMAN. Mr. Speaker, I ask unanimous consent to extend the period of debate on this conference report by 10 minutes, 5 minutes on each side, equally divided between the ranking member and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BERMAN. Mr. Speaker, I yield myself 4 minutes.

The conference agreement for H.R. 2194 is by far the most comprehensive Iran sanctions legislation Congress has ever passed. This legislation greatly strengthens our Nation's overall sanctions regime regarding Iran, enhances the prospect that we will be able to dissuade Tehran from pursuing its nuclear ambitions in blatant defiance of the international community as reaffirmed once again this month in U.N. Security Council Resolution 1929.

Like the House bill passed in December, the conference agreement imposes sanctions on foreign entities that sell refined petroleum to Iran or assist Iran with its domestic refining capacity. It also plugs a critical gap in our sanctions regime by imposing sanctions on foreign entities that sell Iran goods or services that help it develop its energy sector.

Some believe that Iran has prepared itself for tougher energy sanctions by reducing its dependence on the import of refined petroleum. To ensure that our sanctions are as effective as possible, we added a potent new financial measure in conference that, if applied effectively by the administration, has the potential to be a game-changer. That provision sanctions foreign banks that deal with Iran's Revolutionary Guard Corps or other blacklisted Iranian institutions, including Iranian banks involved with WMD or terrorism. Foreign banks involved in facilitating such activities would be shut out of the U.S. financial system, and U.S. banks would not be allowed to deal with them.

The conference report also requires the executive branch to pursue all credible evidence of sanctionable activity. We have been profoundly unhappy over the years that successive administrations failed to implement the 1996 Iran Sanctions Act. Our bill will also put an end to the absurd practice of the U.S. Government awarding contracts to companies engaged in sanctionable activity. In addition, the legislation imposes penalties on Iran's human rights abusers and sanctions foreign entities that provide Iran with the means to stifle freedom of expression. This portion of the bill will absolutely not terminate until Iran unconditionally releases all political prisoners, ends unlawful detention, torture, and abuse of citizens engaged in peaceful activity, and punishes the abusers.

Finally, the conference agreement will help empower Iran's democratic opposition by exempting from our embargo the transfer of technologies that can help them overcome the regime's apparatus of oppression.

I don't know if sanctions will work in bringing Iran's leadership to its senses. But I do know this: doing nothing certainly won't work. In light of Iran's rapid progress toward achieving a nuclear weapons capability, Tehran's repeated rejection of President Obama's diplomatic overtures, the measures in this conference agreement, if implemented effectively by the administration, are our best and, I believe, only hope for a positive and peaceful resolution of the nuclear issue.

The two alternatives to strong sanctions are both horrible and horrifying—either employing the military option or, even worse, accepting the inevitability of Iran as a nuclear power.

The U.S. Congress needs to do everything it can to ensure we avoid both of these miserable results. We have taken some steps in the past, but we can do far more today by voting to pass the enhanced sanctions in H.R. 2194.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Throughout history, there have been many examples of states that were openly targeted by rising enemies but which failed to take effective action to prevent a potential threat from becoming a mortal one. This is at the crux of today's debate. The Congress will be sending to the President a long list of sanctions for him to implement. If all are implemented vigorously, this legislation could constitute decisive action to compel the Iranian regime to end its nuclear weapons pursuit, to end its chemical and biological weapons and missile programs, to end its state sponsorship of global jihadists; and in doing so, cease being a significant threat to our Nation, to our interests, and to our important critical allies, such as the democratic Jewish State of Israel.

If, as successive U.S. administrations have done, the sanctions are ignored, then we will have failed the American people. The Iranian regime has been constructing the means to make nuclear weapons, along with the missiles with which to strike other countries, for decades. Fifteen years ago, the U.S. took the lead to stop Iran. The U.S. demonstrated its commitment by withdrawing from commercial activities involving this rogue state. Congress then enacted the Iran Sanctions Act, hoping to use it as leverage for cooperation from our allies in preventing the Iranian threat from escalating.

The 1996 law sought consultations first, but called for the imposition of sanctions unless allied governments had ''taken specific and effective actions, including, as appropriate, the imposition of penalties to terminate the involvement'' of their nationals in the sanctionable activity.

But as the Iranian threat has grown, our allies have taken very limited steps regarding Iran. The international community has merely supported tepid U.N. Security Council resolutions that impose modest sanctions on the regime while restating the willingness to engage in negotiations and offer concessions to Tehran. Some countries have actively opposed placing any punitive measures on the Iranian regime despite the fact that its violations of its international obligations have been repeatedly demonstrated by the International Atomic Energy Agency. Russia and China, in particular, have acted as surrogates for Iran and have watered down every proposed Security Council resolution. The regime in Tehran has reason to be grateful for their efforts and their tireless work on their behalf. How sad.

Now the U.S. has chosen to reward the likes of Russia by removing sanctions on entities assisting the Iranian nuclear and missile programs and offering the Russian Federation a nuclear cooperation agreement on the same day that the Russian president offered the same nuclear deal to the Syrian regime.

We are at a defining moment, Mr. Speaker. The opportunity we have before us in the form of this conference report may well prove to be one of our last best hopes to force Iran to end its nuclear weapons program and its policies that threaten our security.

When appointed as a conferee for this bill, my goal was for the final product to have a comprehensive crippling sanction policy targeting the Iranian regime. In principle, this conference report is a step forward. It expands the types of sanctions and the range of actors and activities to be sanctioned in an effort to strike at the Iranian regime's key vulnerabilities, especially its dependence on refined petroleum. The most important are a set of financial measures that, if implemented, would force foreign financial institutions to choose between doing business with Iran or with us in the United

States. It also increases penalties on violators.

Unfortunately, this act also contains a key element that could significantly undercut its effectiveness, multiple exceptions and waivers for the President and executive branch officials.

□ 1740

That means by a stroke of a pen, substantive provisions can be transformed into mere recommendations or options. We must not allow this to happen.

Mr. Speaker, I yield 30 seconds to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. I thank the ranking member for yielding.

I also want to thank my colleague, ROB ANDREWS, because we wrote the first version of this legislation in 2005. It has been 5 years of work. I want to commend the chairman for bringing it to the floor. I have a prepared statement I will insert in the RECORD with one simple statement: Mr. President, sign this bill and then seal off Iran's gas. That is the best way to empower diplomacy. The gasoline sanction is the only sanction which has a chance of working. This legislation has overwhelming bipartisan consensus, already supported by 512 Members of Congress to back this. And I want to really thank my original partner on this, the gentleman from New Jersey (Mr. ANDREWS).

Mr. Speaker, as the Iranians accelerate their nuclear program, what are our options?

We know Iran's greatest weakness: its dependence on foreign gasoline. Despite being a leading OPEC oil exporter, Iran has grossly mishandled its economy since 1979 and is now forced to import the bulk of its domestic supply.

Realizing this crucial vulnerability, I wrote the first gasoline sanctions resolution with my colleague Congressman ROB ANDREWS in 2005. Over time, my colleagues and I built a bipartisan, bicameral congressional coalition with Congressman SHERMAN, Senator KYL and Senator LIEBERMAN behind a policy of ending Iranian gasoline sales.

After 5 years, Congress finally considers our gasoline restriction legislation today. It comes not a moment too soon. According to experts, Iran has managed to reduce its dependence on foreign gasoline over the last 4 years. As the Washington Post reports today, Iran spent more than $10 billion since 2008 to boost its strategic reserves.

In going down the failed path of diplomacy without crippling sanction, we are losing critical leverage to halt Iranian progress toward a nuclear bomb.

For the bill before us to be effective, it must be vigorously enforced. No administration has ever enforced the Iran Sanctions Act, passed more than a decade ago. According to the Congressional Research Service, at least 20 companies are currently violating the 1996 law.

I thank Chairman BERMAN and Ranking Member ROS-LEHTINEN for their leadership on this issue. Now it's time for all of us to join together in a clear bipartisan call: Mr. President, sign it and seal it. Sign this bill and seal off Iran's gasoline.

Mr. BERMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Missouri (Mr. SKELTON), the chairman of the Armed Services Committee.

Mr. SKELTON. I thank the gentleman from California for yielding to me.

I rise in strong support of this bill. This bill is a good bill, and I urge my colleagues to support it. In my capacity as chairman of the House Armed Services Committee, I am very familiar with the potential threat posed by the Iranian nuclear weapons program to the United States and to our allies.

An Iran armed with nuclear weapons and the missiles to deliver them, governed by fanatics, would pose a grave threat to the United States, our troops in the region, and our allies, particularly Israel. That is why it is so important we pass this bill.

This administration has taken significant steps to dissuade Iran from heading down the path of developing nuclear weapons. President Obama pushed sanctions through the United Nations Security Council and developed a new missile defense program in Europe to show the Iranian government that their weapon programs cannot harm us, only themselves.

The administration has made significant strides, but Congress can help those efforts, and this bill would sanction those companies that sell technology, services, or know-how to help Iran develop its energy sector. It would lock out of the United States market any bank that deals with the Iranian Revolutionary Guard Corps, the nuclear program, or terrorism. And it imposes penalties on those foreign entities which provide Iran with the ability to stifle freedom of speech.

Mr. Speaker, these are real sanctions, targeted in the right way to hopefully head off a real threat. Sanctions are our best hope of dissuading Iran from developing nuclear weapons. We have reached out to them and tried to deal with them diplomatically, but they refused to deal openly and honestly. Sanctions are the right step to take at this time. I encourage my colleagues to vote in favor of this bill.

Ms. ROS-LEHTINEN. Mr. Speaker, I proudly yield 3 minutes to the gentleman from Virginia (Mr. CANTOR), the esteemed minority whip.

Mr. CANTOR. I thank the gentlelady from Florida, and I commend her leadership as well as the gentleman from California in accomplishing this momentous feat of bringing this conference report to the floor, Mr. Speaker. I rise in favor of this conference report.

Mr. Speaker, Winston Churchill famously said ''the price of greatness is responsibility.'' With each passing day, the ruling regime in Iran defiantly moves one step closer to acquiring nuclear weapons, a prospect that everyone knows would have fatal and irreparable consequences across the globe.

As the free world's unparalleled moral, economic, and military power, we have a responsibility to provide strong leadership to head off the Iranian threat. It is time to see the Iranian regime not for what we wish it was, but for how it really is.

Seventeen months of engagement has yielded us just one U.N. resolution, defanged by countries such as Russia and China. But it has yielded Tehran 18 critical months to ramp up uranium enrichment.

Today this House will vote on the most sweeping and biting set of sanctions that Iran has yet to face. By penalizing international companies and banks that enrich the Iranian regime and thus enable its nuclear program, this legislation represents our strongest hope yet to bring peaceful resolution to this crisis.

Mr. Speaker, Congress and the administration must resolve to do all we can to cut off Iran's economic lifeline.

Once this legislation moves past Congress, the ball is in the White House's court. The ability to hold international companies accountable rests with the President. I urge him to sign the bill and immediately implement these tough sanctions.

I urge my colleagues to vote ''yes'' on this conference report.

Mr. BERMAN. Mr. Speaker, I am very pleased to yield 2 minutes to the chairman of the Middle East and South Asia Subcommittee, who has been a wonderful partner on this legislation, the gentleman from New York (Mr. ACKERMAN).

Mr. ACKERMAN. I thank the chairman for his leadership.

Mr. Speaker, this bill has teeth, real teeth, great big, nasty sharp teeth that are finally going to force businesses and banks around the world to choose between the American economy and financial system, or business as usual with Iran's theocratic dictatorship.

This bill has real sanctions. Not maybe sanctions, not sort of sanctions, but real sanctions. This bill has real sanctions-investigation requirements, not maybe we will look at it. And not, we will try to get to it when we can, but clear and legal requirements to investigate potential violations.

In short, this is a bill that forces the question, will the world watch passively as Iran crosses the nuclear arms threshold, or will we join together to compel Iran to pull back from the nuclear brink?

We cannot guarantee the success of these measures. Ultimately, the choices lie with the regime in Tehran. But it should be clear that we are doing all that we can to impose on Iran the highest possible costs for its defiance, that we are demonstrating by our actions and by our efforts the depths of our commitment to peacefully ending Iran's illegal nuclear activities.

We are trying diplomacy. We are trying unilateral sanctions. We are trying multilateral sanctions. We are trying our utmost to avoid making conflict inevitable. But there should be no question about the absolute determination of the United States to prevent

Iran from acquiring the capability to produce nuclear weapons. Iran's illicit nuclear activities and programs must stop. Above all other considerations, above all other costs, without any doubt or uncertainty, Iran's nuclear program must be stopped. It must be stopped, and we begin that today.

Ms. ROS-LEHTINEN. Mr. Speaker, I am so pleased to yield 3 minutes to the gentleman from Indiana (Mr. PENCE), the chairman of the House Republican Conference, a member of the Committee on Foreign Affairs and a House conferee on this measure.

Mr. PENCE. Mr. Speaker, I thank the distinguished gentlelady for yielding and for her leadership on this important legislation.

I also want to commend Chairman BERMAN, who worked in good faith on this legislation as well. It was an honor to serve on the conference committee, and I rise in support of the Iran Sanctions, Accountability, and Divestment Act.

I believe this legislation is urgent, and it represents measurable and meaningful progress in the United States effort to economically and diplomatically isolate Iran in the midst of its headlong rush to obtain a usable nuclear weapon. It is important not only that we adopt the Iran sanctions bill today; it is important that this administration forcefully implement this legislation. We know the nature of the threat. Iran has made no secret of its intent to use nuclear weapons to threaten the United States and our allies.

President Ahmadinejad said in 2005, humankind ''shall soon experience a world without the United States and without Zionism.'' Led by this anti-American, anti-Israel president, Iran has long associated with terrorist organizations, and this is the central point. Not only would this rogue regime come into possession of usable nuclear weapons should sanctions fail, but it would only be a matter of time before terrorist organizations around the world would have access to this technology. And that is unacceptable.

□ 1750

But as we adopt these important sanctions, a word of caution. As has been noted, these sanctions include a number of waivers demanded by the Obama administration. It is essential that the Obama administration carry out the clear congressional intent of passing crippling sanctions on the energy and financial sectors in Iran. As the joint explanatory statement provides, ''The effectiveness of this act will depend on its forceful implementation.''

Iran could be merely months away from acquiring nuclear weapons. They continue to test vehicles that could deliver it. Now is the moment for decisive action by the Congress and decisive implementation. If we act and this administration forcefully implements these sanctions, we may yet see a future of security and peace in the Middle East. But if we fail to act, or if these sanctions are not forcefully implemented, history may well judge this Congress and this government in the harsh aftermath of a flash of light, a rush of wind, and a second historic tragedy. Let that not be the case. Let us act in concert today. Let us adopt these Iran sanctions. And, Mr. President, do not waive these sanctions.

Mr. BERMAN. Mr. Speaker, I am very pleased to yield 2 minutes to the chairman of the House Ways and Means Committee, a key member of the conference committee on this bill, a bill that has a number of areas within the jurisdiction of the Ways and Means Committee, my friend, the gentleman from Michigan (Mr. LEVIN).

(Mr. LEVIN asked and was given permission to revise and extend his remarks.)

Mr. LEVIN. I want to congratulate Mr. BERMAN and the ranking member that this indeed is a critical achievement not only because it sends a clear and unambiguous message that Iran must end its pursuit of nuclear weapons, but because it provides the President with powerful tools to achieve this crucial objective.

It will reinforce and enhance the administration's efforts regarding Iran. It provides the administration with a renewed mandate and substantial leverage to employ against the regime of Iran toward the goal of stopping its development of weapons of mass destruction and support of terrorism. What could be more important?

It is also not only fundamentally in the national interest but in the interests of the international community. A nuclearized Iran that supports terrorism is simply unacceptable. And it's encouraging that the U.S. is not acting alone. The international community has spoken. Thanks to the administration's leadership, supported by this Congress and the support of key allies, the U.N. Security Council adopted expansive and severe sanctions on Iran. And this legislation builds off of the Security Council sanctions.

Diplomacy and strong multilateral sanctions have been a critical part of this process. The more countries that participate in this mission, the more effective it will be. And this bill, thanks to the leadership here, has built on this essential premise.

I look forward to the passage of this legislation, and I thank the administration for its leadership on this issue, and you, Mr. Chairman, for your tremendous work on moving this legislation forward.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. BURTON), the ranking member of the Foreign Affairs Subcommittee on the Middle East and South Asia, as well as a House conferee on this important measure.

Mr. BURTON of Indiana. Mr. Speaker, if I were talking to the President right now, I would remind him that Lord Chamberlain flew to Munich in the late thirties and signed an agreement with Herr Hitler that led to 60 million people being killed in World War II. Sixty million. We were not in the nuclear age at that time, but we still lost 60 million people in this world. We are now in the nuclear age, and that's why this legislation is so important.

There are waivers in this bill, and that really troubles me. I didn't want there to be any waivers in this conference report, but they are there. The President can waive these sanctions. And I would just like to say, if I were talking to the President, Look at history, Mr. President. Look at what happened because of a weak-kneed approach back in the late thirties that led to 60 million people dying in World War II, and don't let that happen now. We need to let Ahmadinejad and the leaders in Iran know that we mean business. And that means don't waive any of the sanctions we are passing here today. You have the authority, but don't do it. They are building a nuclear weapon. Everybody in the world knows it. And if a nuclear weapon is set off, millions will die, and it could lead to a conflagration that would be worldwide in scope.

So I would just like to say there are problems with this bill. I would like to thank the chairman and the ranking member for the hard work they put into it. I wish those waivers weren't there, but they are. And so we are talking now, if I were talking to the President, that's what I would say to him. And I would also like to say, Don't let the Russians get away with continuing to give nuclear technology and other technology to the Iranians.

Mr. BERMAN. Mr. Speaker, I am pleased to yield 4 minutes to my friend from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I thank the gentleman for yielding.

I rise in reluctant opposition, but I want to acknowledge the hard work of my friend and colleague, Chairman BERMAN, in piloting this legislation through difficult times. He made some important improvements, and I appreciate his willingness to delay final action while the administration negotiated far-reaching multinational sanctions against the Iranian regime.

I'm also reluctant because I understand what animates this legislation. We are all appalled at the repressive behavior of the regime towards its own people, the destabilizing effort it has in the international arena, and we all recoil at the prospect of nuclear weapons falling in the hands of this regime.

The problem is the legislation is not likely to accomplish these ends and poses problems for this—indeed, any—administration to be able to conduct the foreign policy of the United States. I would also oppose restrictions of this nature on the Clinton administration or the Bush administration.

The irony is that Congress seeks to impose its will at exactly the time the

Obama administration has secured significant diplomatic success. I am concerned that enacting the legislation undercuts our credibility going forward.

As long as the global economy runs on oil, Iran's massive reserves continue to make them a player. The world will buy their oil and the world will sell them refined oil products. Even with additional sanctions, the question is not ''will it work?'' but ''who is profiting and how?'' It stands likely that the Revolutionary Guard and countries like China will benefit, and not one member of the Iranian elite will lack for gasoline, while ordinary Iranians will go without. This is particularly counterproductive when one notes, by all accounts, that everyday Iranians still like Americans. Yet this legislation allows the regime to rally support by blaming the United States for hardships.

They will use this as an opportunity to end their current unsustainable subsidies for petroleum products, which they would have been forced to do anyway, only now they get to blame America. This approach has been a failure in the past, notably with Cuba, where our unyielding aggressive sanctions policy, if anything, has propped up a regime that would have fallen into the dustbin of history years ago. They didn't stop North Korea from nuclear weapons. The sanctions policy against Iraq produced suffering for the people but made no difference to Saddam Hussein. Most recently, years of harsh sanctions in Gaza, much easier to enforce than against Iran, did not topple Hamas but strengthened it, while it created a very difficult humanitarian situation.

This legislation will undoubtedly pass. While it makes some people feel better to seem like they are doing something, I strongly suspect it will have little constructive result on Iranian behavior—perhaps undercut support of the Iranian people for the United States and our principles—and is setting a precedent for Congress seeking to direct the conduct of American foreign policy. This goes beyond Republicans and Democrats, beyond the Obama administration. It's a path that I think we should all be reluctant to take, and it's why I am voting ''no.''

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 2½ minutes to the gentleman from California, Mr. ED ROYCE, the ranking member on the Foreign Affairs Subcommittee on Terrorism, Nonproliferation and Trade, and a House conferee on this measure.

Mr. ROYCE. I thank the gentlelady for yielding.

And in response to the previous speaker, I will remind my colleagues that sanctions did work in South Africa, and that South Africa gave up its atomic weapons program.

The threat, my friends, in Iran is crystal clear, and its regime closes in on a nuclear weapon. So a crystal clear response by us is urgent.

While I support this bill, much of this legislation, unfortunately, is a muddle. Good sanctions, good sanctions in this bill are weakened by delays and by the possibility of waiver after waiver.

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For this, the Obama administration gets the main blame. From the beginning, it has insisted on excessive leeway to implement new sanctions. It doesn't want to be forced into dramatic action. So, yes, we do provide the tools with this bill. They're in there. But there is little guarantee that those tools will be used.

For example, the House-passed bill aimed to target Iran's energy sector. Yet with this conference report, a foreign oil company assisting Iran's petroleum sector could avoid even the investigation required to sanction it for at least 1 year. And the many companies from China and elsewhere rapidly building Iran's energy facilities today will be surely exempted from these sanctions.

This report's aggressive financial sanctions rightly aim at Iran's Revolutionary Guard Corps. While important, they too can be waived. The so-called ''mandatory financial sanctions'' aren't even mandatory. This report does require a barrage of reports, certifications and other executive branch paper. Meanwhile, in the real world, Iran marches on.

I would be less critical if the Obama administration, or if previous administrations, had applied a single sanction using existing Iran sanctions legislation. Instead, the Obama administration has naively given Iran time with its ''engagement policy.''

I'll be supporting this bill because it does give the administration the tools should it wish to use those tools. More likely, it will have to be pressured into action.

Mr. Speaker, even robust sanctions might not deter Iran from nuclear weapons. We need to give the intelligence community what it needs, strengthen our missile defense, target Iran's human rights abusers, and bolster its opposition movement. The clock is ticking.

Mr. BERMAN. Mr. Speaker, I yield myself 30 seconds.

My friend from California raises, as others have, the issue of waivers. I just want to remind the body this legislation has increased the standard for waivers, tightened the situations when waivers can be given. And, remember, we're talking about a process I hope will be rarely used, and I think we have to push that notion. We're not talking about Ahmadinejad giving the waivers, the Supreme Leader giving the waivers, the violating company giving the waivers. We're talking about a President of the United States, hopefully quite rarely, utilizing the enhanced standard waiver authority, a President who has spent more time diplomatically and in every other way trying to estop Iran from achieving this goal than any other President in the history of this country has ever done.

I'll stand with this legislation, with this authority, with this President as the toughest, most comprehensive sanctions ever on the Iran nuclear weapons program.

I would now like to yield 2 minutes to the gentleman from New York, a key supporter of this legislation, the chairman of the Western Hemisphere Subcommittee, ELIOT ENGEL.

Mr. ENGEL. I thank my friend, Chairman BERMAN, for letting me speak; and I strongly support the Comprehensive Iran Sanctions, Accountability and Divestment Act. I am a proud cosponsor of the bill. This is a bipartisan bill, as you can hear, and should be passed.

Last fall, the world learned of the secret Iranian nuclear enrichment facility near the city of Qom. If there was ever any doubt that Iran was trying to build nuclear weapons, this revelation dispelled any shred of that doubt. We need strong sanctions on Iran to halt their development of nuclear weapons. Iran must not be allowed to have a nuclear bomb.

I commend President Obama and Secretary Clinton for achieving a strong fourth round of U.N. sanctions against Iran and for bringing Russia and China on board.

As chairman of the Western Hemisphere Subcommittee, I would like to call attention to the fact that Venezuelan President Hugo Chavez at one time agreed to provide 20,000 barrels per day of refined gasoline to Iran and to invest in the Iranian natural gas sector. Iran is an importer of refined gas, and this bill will hit them where it hurts in their energy and financial sectors.

I would like to also express my support for section 110 of the bill which requires a report on other energy imports into Iran. The U.S. and Brazil are the world's largest ethanol producers, and I am glad to hear from Brazil's private ethanol producers that they have no plans to supply ethanol to Iran for blending into gasoline as they prefer to build a global export market, anchored by the large U.S. and European markets. That's why this bill is so important. We must continue to monitor this area as ethanol imports could undermine energy sanctions on Iran.

The U.S., our allies, and the U.N. have recognized that a nuclear-armed Iran would be a danger not only to our ally, Israel, but also to the entire Middle East and the nuclear nonproliferation regime and is unacceptable. When Ahmadinejad says he wants to wipe Israel off the face of the Earth, he means it. When he calls the U.S. the great Satan, he means it. We need this bill to hit them where it hurts, and I urge my colleagues to vote for this bill today.

Ms. ROS-LEHTINEN. Mr. Speaker, I am proud to yield 2 minutes to the gentleman from New Jersey (Mr. GARRETT), the ranking member on the Financial Services Subcommittee on

Capital Markets, Insurance, and Government Sponsored Enterprises, as well as a House conferee on this measure.

Mr. GARRETT of New Jersey. I thank the gentlelady for yielding.

For the past year, I have met with Iranian dissidents who continue to protest the presidential elections that occurred a little more than a year ago. Many of them have urged me to ensure that Congress enacts strong sanctions. We are all too well aware of the existential threat that a nuclear-powered Iran would be.

Today we are about to pass a conference report that was supposed to protect Americans and our allies. Yet if that was our goal, I believe we only have partial success.

As a conferee representing the Financial Services Committee, I do admit that the sanctions themselves have been improved. I was pleased to see that the legislation includes financial sanctions that would cut off the connections between the U.S. financial sector and foreign financial institutions that do business with Iran.

Yes, the conference report does add additional types of sanctions, and it extends the range of current sanctions. But I remind my colleagues that these punishments are hardly crippling, they're hardly tough, they're hardly sweeping or even expanded if they are never enforced.

Now, my colleagues on the other side of the aisle claim that this time they'll work. But let me remind them of a little bit of history. In 1996, Congress passed the original Iran sanctions legislation; but in the last 14 years, no President has imposed sanctions, even though he has had the authority from Congress to do so. In fact, only one investigation was ever initiated. I say that this conference report is really only a half measure, a half bill, because 50 percent of it depends on who? On President Obama's willingness to implement the sanctions and to do it quickly.

This legislation does in fact have seven separate waivers which the President may invoke. In addition, there are three different waiver thresholds. The end result is that the President has the option of enforcing most of the punitive measures outlined in the report.

Now, of course multiple Democrats have attempted to reassure me. They say that they will now pressure the President to implement the sanctions outlined in this legislation. But we've been hearing that for 16 months. We've been told that the President's attempts to engage the U.N. about Iran would produce diplomatic gains. Yet the recently passed U.N. security resolution was hardly that significant of a success. Furthermore, President Obama himself recognized 2 weeks ago that, A, Iran concealed a nuclear enrichment facility; B, Iran further violated its own obligations; C, Iran is enriching uranium up to 20 percent.

Mr. Speaker, for the past year, I have read about and met with Iranian dissidents who continue to protest the presidential elections that occurred a little more than a year ago. Many of them have urged me to work to ensure that Congress enacts strong sanctions. They say that they long to be free from the current regime, especially since they too are afraid of what would happen if Iran obtained a nuclear weapon.

Today, we are about to pass a conference report that was supposed to protect Americans, our allies, and the Iranians who suffer under tyrannical leaders. Yet if this was our goal, I believe we can proclaim only partial success.

As a conferee representing the Financial Services Committee, I do admit that the sanctions themselves have been improved. I was pleased to see that this legislation includes financial sanctions that would cut off the connection between the U.S. financial sector and foreign financial institutions that do business with iran's Islamic Guard Corps or Iranian banks under sanctions.

In addition, it establishes a legal framework for U.S. states and local governments to divest from foreign businesses that have economic ties to the Iranian energy sector. I am also thankful for the provision that sanctions those who commit egregious human rights violations against the Iranian people.

Yes, the conference report does add additional types of sanctions, and extends the range of current sanctions. But I remind my colleagues that these punishments are hardly "crippling" or "tough" or "sweeping" or even "expanded" if they are never enforced.

My colleagues on the opposite side of the aisle claim that this time sanctions will work. but I would like to remind them of a few historical facts:

1. In 1996, Congress passed the original Iran Sanctions legislation.

2. Yet for the past 14 years, no U.S. President has imposed sanctions—even though he has this authority and mandate from Congress.

3. In fact, only one investigation was ever initiated.

I say that this conference report is really a half measure. It's "half a bill" because 50% of it depends entirely on President Obama's willingness to implement sanctions, and to do so quickly.

This legislation has at least seven separate waivers which the President may invoke. In addition, there are three different waiver thresholds. The end result is that the President has the option of enforcing most of the punitive measures outlined in the conference report.

Of course, multiple Democrats have attempted to reassure me. They say that they will now pressure the President to implement the sanctions outlined in this legislation.

But I've been hearing the same claim for the past 16 months!

1. We have been told that the President's attempts to engage the U.N. about Iran would produce great diplomatic gains.

2. Yet the recently-passed U.N. security resolution was hardly a significant success.

3. Furthermore, President Obama himself recognized two weeks ago that:

a. "Iran concealed a nuclear enrichment facility."

b. "Iran further violated its own obligations under U.N. Security Council resolutions to suspend uranium enrichment."

c. Iran is "enriching [uranium] up to 20 percent."

d. Iran "has failed to comply fully with IAEA's requirements."

e. Iran is the only [Non-Proliferation Treaty] signatory in the world—the only one—that cannot convince the IAEA that its nuclear program is intended for peaceful purposes."

How can you justify the 18-month lapse you've already given to President Obama?

If the majority hasn't been pressuring President Obama for the last year and half, why haven't they? After all, the original Iran Sanctions legislation has been in effect since before President Obama took office.

If they have been pressuring the President—without results—why do they think that he will listen to them now? What articulation can they invoke that they failed to give before? Why would the President be more likely to listen to them now?

President Obama seems concerned only about pressuring Iran through diplomatic means; he has begged Congress to delay passage of sanctions—as if the threat of sanctions would be a distraction or roadblock to his negotiating success. And why would he seek broad latitude and carve-outs for nations like Russia if he were serious about imposing sanctions on Iran?

Given the pressure that the State Department put on the conferees, I do wonder if sanctions investigations will ever result in the actual application of sanctions.

And even if they did, the bill doesn't require prompt action. Some of the waivers allow the president to postpone sanctions for up to 12 months if a company falls into certain categories.

For example, this means that the president could choose not to enforce sanctions against BP, since BP is based in a "cooperating country"—one which voted for the U.N. Iran Sanctions resolution. In other cases, the president is given flexibility in issuing a waiver if he determines that a company has achieved a 20–30% reduction in sanctionable activities.

In other words, the president could claim that he is complying the day after he signs the conference report. But a year or even a year and a half could go by with no activity or tangible outcome. Even so, the president would technically be in compliance with this legislation.

Just think about this: we could have a new president (in 2012) before this bill would require the president to actually enforce a single sanction. He could simply continue doing what he is doing now: cite one of the seven waivers.

So . . . how did we come to this point? Why are we now considering a weaker bill than the one that passed the House last December? Why are we faced with the potential for such an ineffective outcome?

I'd like to be able to thank the Democrats for considering this in a bi-partisan and constructive manner. But the process was neither bi-partisan nor constructive.

In fact, one is hard pressed to describe to this conference as a "process" at all. I certainly don't think that one meeting—which involved opening statements only—could ever be defined as a "process."

During that first (and only) meeting, Members pledged to work together to pass tough sanctions. But Chairmen DODD and BERMAN never called another meeting. I heard nothing

more. Then, my staff received an e-mail at 2:42 p.m. yesterday. The e-mail simply read: "Attached please find a final text of the conference report . . . Signature sheet will be available from 3–4 o'clock today."

In the end, we wind up right where we started—with lots of promises from the majority that they will pressure the president to do the right thing.

The numbers tell the exasperating story quite effectively:

We were allowed zero chances to offer amendments.

We were allowed zero up or down votes on any section of the report.

We were given zero chances to revise the draft conference report.

We have zero ability to offer a Motion to Recommit.

We had one official meeting between the conferees.

We had one hour to read the 41-page final conference report before the deadline for signing it had elapsed.

These actions clearly show that the majority never intended to be held accountable for watering down the original legislation. They never wanted to give us an opportunity to oppose the demands of the White House. They never desired transparency and openness so that the American public could examine the true positions of their elected leaders.

What are the Democrats afraid of? If the answer is a veto threat, I think we should remember our oath which includes the words: "I will support and defend the Constitution of the United States against all enemies, foreign or domestic." Particularly in this case, our principles should have come before our politics.

We all know that the president of Iran has called Zionists, "the true manifestation of Satan." We also know that he has said that since the U.S. recognizes Israel, it will "burn in the fire of the Islamic nation's fury."

If we truly agree that sanctions are the best non-violent deterrent and if we agree that Iran is as little as a year away from obtaining nuclear weapon capabilities, why does this legislation grant the president so many waivers and so much time to act? Time, unfortunately, is most decidedly not on our side.

As the Joint Explanatory Statement reads, I hope that we will all now "urge the President to vigorously impose the sanctions provided for in this act."

Mr. BERMAN. Mr. Speaker, I am very pleased to yield 1 minute to a key member of the conference committee, the gentleman from New York (Mr. CROWLEY), a member of the committee.

Mr. CROWLEY. Mr. Speaker, I was proud to be a member of the House-Senate conference committee that negotiated the Comprehensive Iran Sanctions, Accountability, and Divestment Act, and I will strongly support the passage of this agreement.

This tough set of sanctions makes it clear to the Government of Iran that the United States will not stand idly by while Iran destabilizes the Middle East, threatens its neighbors, and undermines international nonproliferation efforts.

Under this measure, any company or country doing business with Iran will undergo serious scrutiny and could be subject to tough penalties. This sanctions measure will also ensure that we expose those that have committed serious human rights abuses against Iranians who are struggling for democracy and freedom.

Right now, Iran is being led by Ahmadinejad. His authority is not only illegitimate because of how Iran's last elections were conducted, but because of his blatant disregard for the international community. He has vowed to press ahead with the uranium enrichment and boasted that the new sanctions are nothing but, and I quote, ''worthless paper.'' He stands in clear and stark defiance of the U.N. Security Council, the International Atomic Energy Agency, and indeed the entire world's nuclear nonproliferation efforts.

For the sake of peace and stability, we must act now. We are going to show Ahmadinejad that the U.N. sanctions, and these we are about to pass today, are not ''worthless paper.'' He is about to be proven very, very wrong. The days of the United States turning a blind eye to companies propping up Iran's regime are now officially over.

As long as Ahmadinejad and his cronies remain bent on obtaining nuclear weapons and crushing the Iranian people, this Congress and this Administration are going to take every possible step to thwart his efforts. I am proud to have served on the Conference Committee for this legislation and strongly support its final passage.

Ms. ROS-LEHTINEN. Mr. Speaker, I am proud to yield 1 minute to the gentleman from Nebraska (Mr. FORTENBERRY), a member of the Committee on Foreign Affairs.

Mr. FORTENBERRY. I thank the gentlelady for the time and her leadership on this important issue, as well as Chairman BERMAN.

Mr. Speaker, the time to stop Iran's nuclear drive is running very short. Unless the community of responsible nations takes decisive actions, the world will soon awake to the headline, Iran has a nuclear bomb. A nuclear-armed Iran will pose a very real threat to civilization itself, increasing the dangers of a destabilizing nuclear arms race in the world's most volatile region.

Iran clearly doubts the collective resolve of world powers. It is not difficult to see why. While some European leaders vacillate, European corporations continue to do business with Iran. And Russia and China as well continue to exploit international hesitancy for their own geopolitical and financial gain.

The community of responsible nations must prevail upon Iran to abandon its dangerous nuclear ambitions and forge a new path to security and stability for itself. We all look forward to the day when Iran is governed by leaders who fully respect the rights of their own people and faithfully observe the obligations of international law. Today's Iran sanctions legislation represents an intermediate yet important step in that sustained effort. We need to do even more.

Mr. BERMAN. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from New York (Mr. MCMAHON).

Mr. MCMAHON. Thank you, Mr. Chairman.

I am proud that with this conference report, our country will be at the forefront of protecting Israel and the entire international community against the growing threat of nuclear terrorism and an arms race in the Middle East.

This sanctions package takes a firm stand against an active state sponsor of terror, Iran, by broadening the categories of the Islamic Republic's sanctionable activities well beyond the realm of refined petroleum.

Furthermore, without increased global cooperation on the sanctions effort and measures to isolate Ahmadinejad's thugs from raping, murdering and censoring their own people, these sanctions would not be complete.

For this reason, I applaud the inclusion of both the McMahon reporting requirement on global energy sector trade with Iran and my bill, H.R. 4647, the Iran Human Rights Sanctions Act, into this bill.

I know that Americans will rest much more comfortably knowing that the criminals of Ahmadinejad's regime now cannot set foot on U.S. soil. This bill is necessary to the security of our ally Israel, to our Nation, and to the world.

I therefore urge all of my colleagues to vote for it.

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Illinois (Mr. ROSKAM), an esteemed member of the Ways and Means Committee.

Mr. ROSKAM. I thank the gentlelady for yielding.

History is incredibly instructive and helpful for us at a time like this. August 13, 1961, Nikita Khrushchev gave an order and that was to move forward and put up the Berlin Wall. At first, it was just barbed wire that morning. And then over a period of time, as we know, it moved from barbed wire to concrete and ultimately to the wall and really the edifice that was the symbol of an impressive regime. I think we are wise to be measured and sobered by those instructions of history.

This legislation is a step toward dealing with the incrementalist vision that Ahmadinejad and the mullahs in Iran have. Now, it has been said that there are some weaknesses in the bill and the weaknesses are putting a lot of trust, frankly, in an administration that has sort of underperformed in this area. But my hope is and my expectation is that the administration will use this tool, recognize the serious threat, and recognize the type of tool that they're able to use to go after this regime. This is an important piece of legislation, and I am pleased to support it.

Mr. BERMAN. Mr. Speaker, can I ask how much time there is remaining on each side.

The SPEAKER pro tempore. The gentleman from California has 7½ minutes, and the gentlewoman from Florida has 6½ minutes.

Mr. BERMAN. Mr. Speaker, I am pleased to yield 1 minute to the Speaker of the House of Representatives, the gentlewoman from California.

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Ms. PELOSI. I thank the gentleman for yielding, and I thank him for his great leadership in bringing this very important legislation to the floor.

And I want to commend Leader HOYER and Whip CANTOR for the bipartisan spirit with which this bill was brought to the floor. The leadership of the committee, Mr. BERMAN, Ranking Member ROS-LEHTINEN, thank you to both of you for your leadership in bringing us together around this very important issue.

I am proud to rise in strong support of the Comprehensive Iran Sanctions, Accountability, and Divestment Act, which will provide the President with more tools to address the looming nuclear threat from Iran.

All Members of Congress, regardless of party, agree: A nuclear Iran is simply unacceptable. It is a threat to the region, to the United States, and to our allies across the globe.

The Iranian regime has demonstrated time and again its refusal to work in good faith to eliminate the threat of nuclear weapons in the Middle East and around the world. In the last year, Iran has concealed major nuclear facilities, repeatedly blocked U.N. nuclear inspectors from doing their job, and openly threatened to, as the Iranian President said, ''wipe Israel off the face of the map.'' These actions reflect a clear record of defiance. Now Iran must take steps to demonstrate its willingness to live as a peaceful partner in the international community, and we must use all of the tools at our disposal to stop Iran's march toward nuclear capability.

This month, under President Obama's leadership, the U.N. Security Council passed its most far-reaching set of sanctions yet, targeting Iran's nuclear program and financial system. Today, with the passage of this legislation and when it goes to the President's desk to be signed, we will give the President new tools to impose sanctions against companies that sell Iran technology, services, know-how, and materials for its energy and petroleum sector. And we offer foreign banks a choice, they can deal with institutions that support weapons of mass destruction and terrorist activities or they can do business with the United States. This is the strongest Iran sanctions legislation ever passed by the Congress.

My colleagues, no discussion of Iran at this time is possible without condemning the actions of the Iranian regime of 1 year ago when they responded to public protests with deadly force.

The American people stand for peace and security for the people of Iran. We look forward to a relationship with them. We look forward to a day when Iran is a productive partner for us, for its neighbors, and the world. Until that day, we must ensure that Iran is prevented from obtaining the nuclear weapons that would threaten global and regional security.

Again, I thank our distinguished chairman, Mr. BERMAN, Ranking Member ILEANA ROS-LEHTINEN, Mr. HOYER, and Mr. CANTOR for giving us this opportunity, in a strong bipartisan way, to support the Comprehensive Iran Sanctions, Accountability, and Divestment Act, and hope that we can have a unanimous vote today.

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Arizona (Mr. FRANKS), the chairman of the National Security Working Group of the Republican Study Committee.

Mr. FRANKS of Arizona. I thank the gentlelady for yielding.

I rise in strong support as a co-sponsor of this bill.

Mr. Speaker, we live in a moment in history when the terrorist State of Iran is on the brink of developing nuclear weapons. If that occurs, all other issues will be wiped from the table and whatever challenges we have in dealing with Iran today will pale in comparison to dealing with an Iran that has nuclear weapons.

Over the last 16 months, the Obama administration has dithered and pretended to pursue effective U.N. and U.S. sanctions against Iran, yet Mr. Obama has not enforced even one of the sanctions that already exist in the law against even one company doing business with Iran. The question now is: Will the President enforce the new sanctions we are about to pass or will he waive them like he has all of the others?

Mr. Speaker, the last window we will have ever to stop Iran from gaining nuclear weapons is rapidly closing. I pray the Obama administration will wake up in time to prevent Iran from becoming a nuclear-armed nation and from bringing nuclear terrorism to this and future generations.

Mr. BERMAN. Mr. Speaker, I am very pleased to yield 1 minute to a very distinguished member of the conference committee, the vice chair of the Foreign Affairs Subcommittee on Nuclear Nonproliferation, Terrorism and International Trade, my friend from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Thank you very much, Chairman BERMAN. I want to commend you for the excellent leadership you have provided on this extraordinarily critical issue.

Ladies and gentlemen of the Congress, on the bleached bones of many great past civilizations are written those pathetic words, ''Too late.'' They moved too late. Let us hope and let us pray that we are not moving too late here on this measure.

This is a critical piece of legislation. The Iranian regime, without any question, is after securing a nuclear weapon. The Iranian regime has already declared that they want to wipe Israel off the face of the Earth. This, quite honestly, is our last best chance to avoid the only other way we will be able to prevent Iran from acquiring a nuclear weapon, and that is through the use of military action.

The only necessity for the triumph of evil is for good people to do nothing. Well, we are here today as good people, and we are doing something very important by passing this strong sanctions bill.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 1 minute to the gentleman from Kansas (Mr. MORAN), a member of the Agriculture, Veterans' Affairs, and Transportation Committees.

Mr. MORAN of Kansas. Mr. Speaker, today we have before us the toughest, most comprehensive Iran sanctions ever considered by Congress, and I pray that we're not too late.

Iran is the world's leading state sponsor of terrorism, funding and arming terrorist groups like Hezbollah and Hamas. It has already produced enough low enriched uranium to produce two nuclear weapons. And since February, Iran has been converting its low enriched uranium to a level of 20 percent, which represents 85 percent of the work necessary to produce weapons-grade fuel.

This legislation imposes critical energy and financial sanctions that, if implemented, will make Iran think twice—at least we hope and pray will they will think twice—about continuing their illegal nuclear program.

There is a key to all of this: These sanctions must be implemented. For too long, our efforts to stop Iran have been half-hearted. Our determination to stop Iran from acquiring nuclear weapons capability must exceed Iran's determination to get a bomb. President Obama must immediately enforce these sanctions. We cannot and must not allow Iran to have nuclear weapons capability.

Mr. BERMAN. Mr. Speaker, I am very pleased to yield 1 minute to my friend from Fresno, California (Mr. COSTA), a member of the committee and the conference committee and very helpful in our efforts here.

Mr. COSTA. Thank you very much, Mr. Chairman and the ranking member, for your good work on this legislation.

I, too, stand in strong support of the conference report, H.R. 2194, the Iran Sanctions, Accountability and Divestment Act of 2010.

As a conference committee member, I know this piece of legislation represents a monumental step forward in our fight against Iran's nuclear arms quest. These sanctions are a dramatic improvement. These tough new petroleum and financial sanctions will put further restrictions on the ability of the Iranian regime to continue their nuclear aspirations and their oppression of the Iranian people that has been

well documented before and since the elections 1 year ago. These sanctions will send a strong signal that our Nation will not stand for the development of this regime's nuclear arms program, especially with such violent threats against our ally, Israel, and others in the region.

This legislation is an important part of the solution, as we keep all our options on the table, to our longstanding concern about the prospect of a nuclear Iran. I encourage my colleagues to support this important piece of legislation.

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Texas, Judge POE, a member of our Committee on Foreign Affairs.

Mr. POE of Texas. I thank the gentlelady for yielding.

Our quarrel, Mr. Speaker, is not with the people of Iran; our quarrel is with the Government of Iran and its consistent philosophy to annihilate the State of Israel, and also to the violations of human rights that it commits against its own people.

The people of Iran have spoken out against their illegitimate government, and because of that they have been brutalized, they have been jailed, they have been shot, and they have been imprisoned for a long time all because of freedom of speech.

The sanctions in this resolution go against those in the Government of Iran who deny human rights to their own people. That is one aspect of this resolution that is very important to make sure that the people of Iran, the good folks in Iran who want to replace their government have human rights, and especially that ability of freedom to speak out against their illegitimate government that seeks to destroy not only the State of Israel, but the entire West.

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that the time for debate be extended by 10 minutes, divided equally between the chair and ranking member.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. STARK. I object.

The SPEAKER pro tempore. Objection is heard.

Mr. BERMAN. Mr. Speaker, I yield 1 minute to the majority leader of the House, a tough taskmaster on this issue because of his passion for this legislation, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I want to thank the chairman for yielding.

I want to thank Ms. ROS-LEHTINEN, my good friend, for the leadership she continues to show on a repeated basis on this issue and so many other issues. I want to thank Mr. BERMAN. I very much wanted to get this to the floor to move this week. He has done that. I want to thank Senator DODD as well for his work. And I want to thank all the members of the subcommittee. I also want to thank ROB ANDREWS of New Jersey, who was so vital to the central idea of how we could put appropriate pressure on this.

I want to say to my Republican friends who have been talking about the Obama administration, frankly, the Bush administration and the Obama administration have both been working towards trying to resolve this issue with Iran. Frankly, the Obama administration has, for the first time, gotten a strong resolution through the Security Council. We had the opportunity of just meeting with the President of Russia, Ranking Member ROS-LEHTINEN, the Speaker and I, and others, and Mr. BERMAN. He said it was a tough thing to do, but he worked very closely with President Obama and they were able to get it done. So this is not a time for pointing fingers. We're united on this. This is not a difference, but this is a unity, a unity of purpose and commitment.

Every one of us understands the deep danger of a nuclear Iran. That danger includes a new nuclear arms race as Iran's regional rivals scramble to build competing arsenals, plunging the world into a new era of proliferation. No one wants that. The danger includes as well a nuclear umbrella for terrorist groups like Hamas and Hezbollah to stage more brazen and deadly attacks, especially on our ally Israel, but not exclusively. There are 250,000 Americans in harm's way from Iran as we speak.

And the danger includes, on a more basic level, a new era of fear for all of those in range of Iran's missiles. All of those consequences will be felt even if Iran's missiles remain on the launch pad or if its nuclear weapons remain buried. Could we imagine those weapons being used? We would be foolish not to, as long as those weapons are in the hands of a regime whose President denies the Holocaust, stokes hatred, and openly threatens Iran's neighbors.

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Even so, our administration has pursued a dual-track strategy with respect to Iran.

On the one side is the administration's policy of engagement. I support that policy. John Kennedy said that we should never fear to negotiate, but we ought never to negotiate out of fear. I think he was correct. Jim Baker, in the days before we went into Kuwait, was talking to Saddam Hussein to see if the matter could be resolved.

On the one side, as I said, is that policy of engagement. This engagement reversed years of diplomatic silence during which Iran's nuclear program grew. It showed the world our patience; it tested Iran's willingness to negotiate in good faith, and it built international support for sanctions.

Sadly, the time limit for engagement has come and gone. It is time to pursue the second prong of the dual-track strategy—pressure. The International Atomic Energy Agency tells us that Iran has now enough low-enriched uranium for two bombs; Iran has attempted to hide nuclear facilities, and has refused to cooperate with the demands of the IAEA and the U.N. Security Council to suspend enrichment.

Let's be clear: Iran is blatantly defying the will of the international community. This is unacceptable. That is not a partisan position. It is almost a unanimous position of the administration and of this Congress. That is why this is the right time to bring strong economic pressure to bear on the Iranian regime.

I rise in strong support of this resolution. I urge its support.

I, again, thank Mr. BERMAN and Ms. ROS-LEHTINEN for their leadership in bringing this critical resolution to the floor.

I join my colleagues as well in saying that enforcement of the resolutions that Iran has adopted, that our European colleagues have adopted, and this resolution will be critical, and the understanding that it is to be enforced needs to be understood by Iran.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, it may surprise some to learn that the penalties in the Iran Sanctions Act of 1996 have never been imposed on a single individual or a company. Only once has a company even been found to be in violation of its provisions, but sanctions were immediately waived by the Clinton administration due to the protests by the Russian, French, and Malaysian Governments, which did not want their companies penalized for doing business with Iran. It should be noted that the same companies—Russia's Gazprom, France's Total, and Malaysia's Petronas—are still providing the Iranian regime a vital economic lifeline through energy-related investments.

I and other members of the conference committee had hoped that this bill before us would avoid repeating past mistakes—that is, avoid undermining its effectiveness by giving the President an option of doing nothing. This was not to be.

The result is that the President is authorized to waive not only the imposition of sanctions for refined petroleum transactions, investments in Iran's energy sector, and aid to Iran's programs on weapons of mass destruction, missile, and advanced conventional weapons, but even on basic investigations and determinations of some sanctionable activities.

With respect to the inclusion of financial sanctions and a visa ban against those committing serious human rights abuses against the Iranian people, not only can the President waive the sanctions, but he can waive the requirement to name and shame these human rights abusers by listing them publicly.

Some will argue that this bill goes further than any before in forcing the President to act. However, it is disingenuous to make such a claim given that the President could have issued an

Executive order to implement a wide array of additional Iran sanctions, but he didn't.

The version passed by the House prohibited the entry into force of a nuclear cooperation agreement with any country assisting Iranian proliferation. Its purpose was to prevent a country that is undermining U.S. efforts to stop Iran's nuclear weapons program from being rewarded with a lucrative nuclear cooperation agreement.

That prohibition is not included in the conference report. The text before us does include the prohibition in the House-passed bill on transfers of U.S. nuclear technology to a country that has jurisdiction over entities that have assisted Iran's proliferation programs. However, it provides the President with what amounts to a waiver to approve such transfers on a case-by-case basis, and if the President deems it to be in vital national security interest. It also wipes the slate clean regarding any proliferation violations that took place before the date that this bill is enacted. Some of us view this to be a carve-out for Russia.

Mr. Speaker, at long last, the time has come for us to act. The time is now. We should support the conference report and ensure that the sanctions are vigorously enforced.

I yield back the balance of my time.

Mr. BERMAN. Mr. Speaker, would you tell me the remaining time on each side?

The SPEAKER pro tempore. The gentleman has 3½ minutes remaining.

Mr. BERMAN. I am very pleased to yield for the purpose of making a unanimous consent request to my neighbor, the gentlewoman from California (Ms. HARMAN).

(Ms. HARMAN asked and was given permission to revise and extend her remarks.)

Ms. HARMAN. Mr. Speaker, I rise in strong support of the strongest-ever sanctions package.

This sanctions package is not targeted at the Iranian people. Its passage signals that our government is united in Bipartisan opposition to the Iranian government's flagrant disregard of the United Nations and the world community as it recklessly pursues a nuclear weapons program.

Iran and its proxies Hamas and Hezbollah encircle Israel and threaten U.S. troops—as well as Sunni populations—in the Middle East.

Increased economic sanctions pit our strength against Iran's weakness. And this package, which builds on recent U.N. and E.U. actions, bans companies from selling refined petroleum, blocks correspondent banking relationships with Iranian banks, and targets financial activities by the Revolutionary Guard or Iranian human rights abusers.

It also authorizes divestment by state and local governments from companies involved in Iran's energy sector.

Kudos to Chairman BERMAN, who negotiated a very narrow Presidential waiver, and to the Treasury Department's indomitable Stuart Levey, whose focus and talent over many years have shown lawmakers, literally, how to "follow the money" and have brought us to this point.

Mr. BERMAN. Mr. Speaker, I am pleased to yield for the purpose of making a unanimous consent request to the gentleman from Colorado, Mr. JARED POLIS.

(Mr. POLIS asked and was given permission to revise and extend his remarks.)

Mr. POLIS. Mr. Speaker, I rise today in support of the Comprehensive Iran Sanctions Act to prevent Iran from developing nuclear weapons.

Mr. Speaker, a nuclear-armed Iran would pose a threat to regional stability, to Israel, and to our national security, and above all, to the world. Passing strong sanctions against the Iranian regime is a critical step that we must immediately take in order to protect the world against this threat. Ahmadinejad is not a rational actor.

Congress must do all in its power to deter Iran from getting nuclear weapons and persuade the regime to halt their nuclear program—as the international community has repeatedly demanded. Iran has rejected the Administration's attempts to engage diplomatically; if we wish to avoid either military action or accepting a nuclear-armed Iran, we must incapacitate the regime's ability to pursue these weapons through tough sanctions.

The United States and our allies are at a critical juncture in our efforts to prevent Iran from obtaining nuclear weapons. Iran continues to reject international proposals that would provide their regime with the resources to have a safe and secure civilian nuclear power program, but limit the Nation's ability to build the world's most destructive weapons. Iran now has enough low-enriched uranium that, when further enriched, could be used to fuel two nuclear weapons.

This is why Congress has acted swiftly to counter this threat and why the President also supports enacting new sanctions. While Congress has taken the lead on crafting this bill, preventing Iran from obtaining nuclear weapons has been one of the Obama Administration's top priorities.

Under the President's leadership, the U.N. Security Council recently passed a new round of strong sanctions that will help to cripple Iran's nuclear weapon program. As proof that the administration's commitment to diplomacy is working, the U.N. resolution included support from China and Russia, who before had hesitated to press Iran to stop its nuclear program. In addition to the U.N. sanctions, the European Union is also currently in the process of instituting its own sanctions.

This powerful package of new sanctions that was developed by House and Senate Democrats would substantially augment these ongoing multilateral efforts by the U.N. Security Council, the European Union, and others.

Therefore, I urge my colleagues to support this bill. This bipartisan legislation will provide us the necessary tools to stop the spread of nuclear weapons to Iran, a nation that continues to sponsor terror, endanger our allies, and threaten our troops in the region. The sanctions are tough, focused, and results-oriented. This important step is critical to countering the threat of a nuclear Iran.

Mr. BERMAN. Mr. Speaker, I am pleased to yield for the purpose of making a unanimous consent request to a valued member of our committee, the gentlewoman from Texas, Ms. SHEILA JACKSON LEE.

(Ms. JACKSON LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise in strong support of H.R. 2194, to avoid the nuclear attack that Iran represents to the world and to Israel. I rise to give strong support to H.R. 2194, and I ask my colleagues to support it.

Mr. Speaker, this legislation provides another tool for the President to prevent Iran from developing nuclear weapons by allowing the administration to sanction foreign firms who attempt to supply refined gasoline to Iran or provide them with the materials to enhance their oil refineries. These sanctions would further restrict the government of Iran's ability to procure refined petroleum. Currently, the availability of petroleum products is stagnant in Iran. Private firms have decided that the government of Iran's refusal to cooperate with the multilateral community on nuclear proliferation generates a significant risk to doing business with Iran.

I would like to thank Chairman BERMAN for incorporating my concerns about the human rights situation in Iran into the findings of this legislation. It is important that we acknowledge that, throughout 2009, the government of Iran has persistently violated the rights of its citizens. The government of Iran's most overt display of disregard for human rights happened in the presidential elections on June 12, 2009. As I said on June 19, 2009, "we must condemn Iran for the absence of fair and free Presidential elections and urge Iran to provide its people with the opportunity to engage in a Democratic election process." The repression and murder, arbitrary arrests, and show trials of peaceful dissidents in the wake of the elections were a sad reminder of the government of Iran's long history of human rights violations. The latest violations were the most recent iteration of the government of Iran's wanton suppression of the freedom of expression.

It is important that we are clear that our concerns are with the government of Iran and not its people. The State Department's Human Rights Report on Iran provides a bleak picture of life in Iran. The government of Iran, through its denial of the democratic process and repression of dissent, has prevented the people from determining their own future. Moreover, it is the government of Iran that persecutes its ethnic minorities and denies the free expression of religion. As we proceed with consideration of this legislation, we should all remember that the sole target of these sanctions is the Iranian government.

Mr. Speaker, the government of Iran has repeatedly shown its disdain for the international community by disregarding international nonproliferation agreements. Iran's flagrant violation of nonproliferation agreements was evidenced most recently in the discovery of the secret enrichment facility at Qom. The government of Iran's continued threats against Israel, opposition to the Middle East peace process, and support of international terrorist organizations further demonstrates the necessity for action. Iran with nuclear weapons and a mindset to destroy Israel cannot be tolerated by the world community.

We must stop Iran's determination to become a nuclear power. Iran's recent actions towards the international community reflect a very small measure of progress. Iran's decision to allow International Atomic Energy

Agency, IAEA, inspectors to visit this facility was a positive sign, but not a sufficient indication of their willingness to comply with international agreements. The recent announcement that Iran will accept a nuclear fuel deal is also indicative of their willingness to engage in dialogue, though it remains to be seen what amendments they will seek to the deal. While these actions indicate a small degree of improvement in Iran's position, the legislation before us today demonstrates that only continued dialogue and positive actions will soften the international community's stance towards Iran.

I would also like to emphasize that the legislation before us provides only one tool for achieving Iran's compliance with international nonproliferation agreements. I continue to support the administration's policy of engagement with Iran and use of diplomatic talks. I believe that diplomacy and multilateralism are the most valuable tools we have to create change in Iran. After those tools fail, I believe that the sanctions are an appropriate recourse.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to avoid embellishments in their unanimous consent requests.

Mr. BERMAN. Mr. Speaker, I am very pleased to yield, unfortunately only 1 minute to the author of the mandatory procurement sanctions in this legislation, the gentleman from Florida (Mr. KLEIN).

Mr. KLEIN of Florida. Mr. Speaker, I rise today to strongly support the Iran sanctions conference report, including robust sanctions on refined petroleum in Iran.

I am proud that the final bill includes my amendment requiring companies that are applying for contracts with the United States Government to affirmatively certify that they do not conduct business with Iran.

This legislation gives companies a simple choice: Do business with the United States or do business with Iran. We cannot allow Iran to continue its pursuit of nuclear weapons—not on our watch and certainly not on our dime.

As a conferee, I am proud that the final bill also takes into account any developments that have arisen in recent months. Iran is attempting to circumvent global sanctions, and this bill seeks to cut off their strategies, such as Iranian investments with companies like BP and joint ventures outside of Iran.

I would also like to thank Chairman BERMAN and Ranking Member ROS-LEHTINEN for their leadership.

I urge my colleagues to support the conference agreement.

Mr. BERMAN. Mr. Speaker, I am pleased to yield for the purpose of making a unanimous consent request to the gentleman from Florida (Mr. DEUTCH), the author of the country's first state of Iran disinvestment legislation.

(Mr. DEUTCH asked and was given permission to revise and extend his remarks.)

Mr. DEUTCH. I thank the gentleman for yielding.

"Today, this body has the opportunity to profoundly advance the security of our nation and our allies. Today, this body can pass crippling new economic sanctions on Iran and at long last deliver the bill to the desk of the President.

"The stakes could not be higher. Again and again, Ahmadinejad has called for the destruction of our ally Israel and he has spoken of a world without the United States. This behavior is intolerable and today Congress sends the clear message to Iran that their pursuit of nuclear weapons will not be allowed.

"The past 30 days have marked the most serious steps forward in preventing a nuclear Iran. Beginning with the UN Security Council resolution, followed by the actions of the European Union, culminating today with the efforts of this Congress to craft the most comprehensive, results-oriented legislation, Iran will finally feel the burden of crippling economic sanctions.

"This legislation is the most important step Congress can take today to thwart the development of an Iranian nuclear power. Now we look to the Administration to hold those violators accountable and ensure the stringent implementation of these crippling sanctions. Now is the time to act to stop Iran's nuclear weapons program. I urge this body to act decisively today by passing this important piece of legislation."

Mr. BERMAN. Mr. Speaker, I am very pleased to yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS), the first Member on our side, as was mentioned earlier, to come up with a concept of sanctions on refined petroleum, the former head of the Iran Working Group.

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. I would like to thank my friend from California for his leadership and my friend from Florida for hers. This is what bipartisan leadership looks like.

Mr. Speaker, you know, the risk that we are working against today is not simply a missile striking innocent people halfway around the world. It would be a nuclear IED striking people around the corner.

Make no mistake about it. One of the risks that we confront is that a nuclear-weapon Iran that can make highly enriched uranium might well share that highly enriched uranium with a terrorist group, and the next SUV that is parked in Times Square might have a nuclear IED in it. Iran could very well be the source of such an attack. We must stop that, and this legislation today goes in that direction.

To those who say that the Iranians don't fear sanctions, then why did they try to strike this deal with Brazil and Turkey on the eve of the U.N. sanctions?

To people who say that energy sanctions won't work, then why have the Iranians tried to embark on a crash course to replace gasoline with natural gas?

This is the right move at the right time. I thank my chairman for authoring it, and I urge a ''yes'' vote.

Mr. BERMAN. Mr. Speaker, I am pleased to yield 55 seconds to a member of our committee who has been a great supporter of this legislation, the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. I wish I had time to praise the chairman. He has done just a remarkable job on this legislation.

Mr. Speaker, I rise today in strong support of this legislation. Iran's nuclear program represents as much of a threat to the United States, to Europe, and to the Arab world as it does to Israel. It is absolutely essential that we stop this terrorist-supporting and -financing, murderous, anti-Semitic, Holocaust-denying regime from reaching its ultimate goal. It seeks to destroy Israel and to dominate the entire Middle East—and to do that by acquiring nuclear weapons.

What this bill does today is it says: Not on our watch. We will not be intimidated. We will not be fooled. We will not allow Iran to acquire nuclear weapons.

If Iran acquires nuclear weapons, it will unleash a dangerous and unprecedented arms race throughout the Middle East the likes of which the world has never seen. Introducing nuclear weapons in the Middle East can only add to the destabilization of an already unstable part of the world. What a frightening thought.

I urge support for this bill.

Mr. BERMAN. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman is recognized for 35 seconds.

Mr. BERMAN. Mr. Speaker, I want to thank all of my colleagues who played a pivotal role.

Particularly, I would like to thank my conference co-chair, Senator CHRIS DODD, and his staff Colin McGinnis and Neal Orringer; my ranking member, ILEANA ROS-LEHTINEN; both Mr. HOYER and Mr. CANTOR; all of the conferees; the staff director for the minority, Yleem Poblete—she drives a hard bargain—and the wonderful staff on our side, led by Rick Kessler, and particularly the efforts of Shanna Winters, Alan Makovsky, Daniel Silverberg, David Fite, Janice Kaguyutan, Ed Rice, and Robert Marcus.

With that, I urge all of my colleagues to support the legislation.

Mr. Speaker, I provide the following Joint Statement by myself and my co-chair Senator DODD:

The Chairs recognize the importance of the new authority provided to the President to waive sanctions on certain persons from countries closely cooperating with U.S. and international efforts to constrain Iran's ability to develop a nuclear weapon. The Chairs encourage the Administration to use this new authority judiciously for those most deserving of allies and other truly cooperating nations. We trust this will be an important multilateral incentive in inducing compliance with the recently passed Security Council Resolution and with other regional and unilateral measures. The closely cooperating waiver draws upon the existing authority in Section 4(c) but extends the period of time available for the waiver to 12 months. The chairs do not view this authority to be a

wholly preemptive waiver. In fact, we expect a meaningful investigation, as warranted, into the conduct of the alleged violator to be conducted prior to exercising the waiver. While the joint explanatory statement accompanying the Act indicates that a determination on sanctionability must also be made prior to exercising the 4(c)(1)(B) waiver, there are differing and legitimate views on whether such a determination is required. While divergent from the views in the joint explanatory statement, we accept that this may be a fair reading of the obligations under Section 4(c)(1)(B). In the end, we encourage the Administration to use all of the tools at its disposal in this Act and under existing authorities to achieve the overriding goal of constraining Iran's nuclear weapons ambitions. But we will clearly need to monitor the implementation of this waiver.

Mr. VAN HOLLEN. Mr. Speaker, I stand in support of the Comprehensive Iran Sanctions Accountability and Divestment Act of 2010.

As a cosponsor of the Iran Sanctions Act, I congratulate the conferees for building on the best features of that bill, and the Senate version, to produce bipartisan legislation that moves beyond our initial focus on restricting refined oil supplies and creates sweeping and strong new sanctions on banks doing business with Iran.

If Iran continues with its illegal nuclear enrichment activities, it will threaten the stability of the Middle East, threaten the security of its neighbors, including Israel, and jeopardize the international counter-proliferation regime. This bill directs the President to take additional measures to stop those efforts.

The measure codifies longstanding executive orders that limit the goods exempted under the American trade embargo against Iran and includes new provisions that hold U.S. and foreign banks accountable for their actions and for the actions of their subsidiaries.

Some highlights of the bill include provisions that impose sanctions on foreign insurance, financing and shipping companies that sell energy related goods and services to Iran; new prohibitions on American banks doing business with any foreign bank that facilitates Iran's illicit nuclear program; three new sanctions that prohibit Iranian access to foreign exchange in the U.S.; new prohibitions on access to the U.S. banking system; and a prohibition on property transactions in the U.S. The bill even touches on the U.S. government procurement sector by requiring a certification from a company bidding on a U.S. government contract that it is not engaged in sanctionable conduct.

These new sanctions compliment efforts by the European Union, the United Nations and the Obama Administration, to create a web of restrictions designed to cut Iran off from the international financial community if it does not abandon it illicit enrichment activities. The European Union passed a sanctions package that places restrictions on Iran's trade, banking and insurance sectors in addition to instituting new prohibitions on key sectors of Iran's gas and oil industry. The United Nations Security Council passed its fourth round of sanctions against military purchases, trade and financial transactions carried out by the Revolutionary Guard, which controls the nuclear program and has taken a more central role in running the country and the economy.

The Obama Administration recently placed dozens of Iranian companies and senior Iranian officials on a U.S. financial industry blacklist, appointed as a special adviser on nonproliferation and arms control Robert Einhorn, a man the Chinese government calls "the dentist" for the way he extracts painful concessions during negotiations, and the administration is working with the Israeli government to ensure that Iranians who are key to Iran's nuclear program and who may want to leave Iran, are able to do so.

Iran's refusal to heed repeated warnings about its illegal enrichment activities must be met with resolve. All options must remain on the table. When combined with the efforts of the Obama Administration and our allies, this bill helps ensure that the president has at his disposal a full range of tools to deal with Iran. I encourage my colleagues to join me in support of this bill.

Ms. LEE of California. Mr. Speaker, I join my colleagues today in acknowledging the real and serious threat posed by a nuclear Iran to the United States, our allies in the Middle East, and the global nuclear nonproliferation regime that is vital to securing a safer and more prosperous world.

I would also like to acknowledge the Obama Administration, which has rightly pursued and kept open a dual-track approach of concerted diplomatic engagement and pressure with Iran.

The President's resolve proved successful in securing a coordinated and forceful international response, and I am pleased to see that this Conference agreement provides the Administration improved flexibility to ensure we do not undermine the very international partnerships that are necessary to prevent Iran from pursuing a nuclear weapons capability.

As this package of unilateral U.S. sanctions moves forward for the President's signature, let us not lose sight of our ultimate goal—a long-term diplomatic solution to bring Iran into compliance with international nonproliferation standards and commitments.

Mr. Speaker, although I support this Conference agreement, I must reiterate my deeply held belief that sanctions should never be viewed as a checkmark on the path to war.

I remain deeply concerned by counterproductive rhetoric with regard to Iran that echoes the drumbeat to war we heard in Iraq.

The prospect of a military strike in Iran carries devastating and unacceptable consequences for United States foreign policy and security interests in the region that cannot be ignored.

Further, I believe our words and resources are better served in support of the Iranian people, their resilient civil society and determination to seek the protection of basic human rights and meaningful democratic reform despite the intransigence of the ruling regime.

We must closely scrutinize the implementation of these sanctions, which I believe could be better targeted, in order to avoid punishing the Iranian people at the expense of moderate voices and to the benefit of hardliner elements within Iran.

With that in mind, I urge my colleagues to invest as much energy in support of a coordinated and cooperative diplomatic process in Iran as they have in finalizing these punitive measures aimed at bringing them to the table.

It is this course of action that will be necessary to erase once and for all our fears of a nuclear-armed Iran and the destabilizing impact this might have in an already volatile region.

Lastly, Mr. Speaker, as a passionate advocate throughout my career for the cause of nuclear non-proliferation, I hope we can also take this opportunity to recognize and act upon our own commitments as a nuclear power to take meaningful steps toward nuclear disarmament and the realization of world free from the threat of nuclear weapons.

Mr. HOLT. Mr. Speaker, I rise today in support of the Comprehensive Iran Sanctions, Accountability, and Divestment Act. The United States does not deny Iran's lawful right to peacefully explore technologies for nuclear power, but the Iranian regime has provided just cause for skepticism about the peaceful nature of its nuclear ambitions. There is an international consensus that Iran should not attain nuclear weapons capability—a circumstance that unquestionably would accelerate a nuclear arms race in the Middle East, threatening both regional stability and the security of the United States.

For over a year and a half, the United States and the international community have worked diligently to achieve a diplomatic resolution to the Iranian regime's reckless pursuit of nuclear weapons. Yet the Iranian leadership remains defiant and shows no signs of substantive cooperation. Their actions have left us little choice but to pursue additional measures to persuade the regime that it must live up to its obligations to the international community by suspending its uranium enrichment program and verifiably ending any pursuit of nuclear weapons.

Recently, the United Nations imposed new sanctions on the Government of Iran. The United States joined the European Union and others in taking immediate steps to implement these measures in a way that is consistent with existing law. Now Congress will provide the Administration with new tools that will allow the United States to augment these multilateral efforts.

This legislation will broaden the list of sanctionable activities and provide new mechanisms for the U.S. to sanction responsible entities. Any banks, companies, or other institutions that support Iran's refined petroleum sector or engage in transactions with Islamic Revolutionary Guard Corps (IRGC) or other blacklisted Iranian institutions will face stiff penalties and be prevented from doing business in the United States. State and local governments will have clear authorization to divest from entities that engage in business with Iran, and private asset managers will be able to undertake similar divestment without fear of breaching their fiduciary responsibilities. The Director of National Intelligence will be required to prepare a list of governments that allow re-export, trans-shipment, transfer, retransfer, or diversion to Iran of goods or services that could be used for terrorism or the production of weapons of mass destruction. The U.S. will work with these governments to strengthen their export control systems, and the President will be required to impose new restrictions on those that fail to improve their actions.

While I believe it is necessary for the U.S. to enact these tough new measures as quickly as possible, it is important to remember that by themselves, they will not be effective. Sanctions are blunt instruments. They rarely

change the behavior of intransigent regimes, but they often harm innocent citizens. I am pleased that this legislation was crafted carefully to target the IRGC and the leadership of Iran, rather than the Iranian people.

The United States continues to stand with those in Iran who oppose human rights abuses and fight for a government that is truly representative of the peoples' will. That is why this legislation explicitly exempts software and services for personal communication and internet access from the general prohibition against exports to Iran. In addition, Iranians who perpetrated or were complicit in human rights abuses against other Iranians on or after June 12, 2009 will be subject to strict new visa, property, and financial sanctions.

It is equally important to note that this legislation makes clear that the United States stands ready to lift the new sanctions and engage Iran in a productive dialogue if the regime stops threatening its neighbors and verifiably abandons its pursuit of weapons of mass destruction. Until that day comes, the United States will continue to take action to convince the Iranian leadership that this is the only viable choice. Achieving that goal is the central purpose of this legislation.

Ms. JENKINS. Mr. Speaker, there is no doubt Iran is working right now to acquire nuclear weapons. We must stop them.

The underlying bill if passed and strongly enforced by our President would impose smart crippling sanctions on Iran's nuclear program and would make it drastically more difficult for Iran to continue its illegal nuclear dealings.

Make no mistake Iran's development of nuclear weapons threatens not only our friend Israel and the Middle East it threatens the entire world.

I urge my colleagues to support the underlying bill to impose sanctions and to stand for the safety and security of freedom loving nations around the world.

Mr. BACA. Mr. Speaker, I ask unanimous consent to address the House for one minute.

I rise to support the passage of the Comprehensive Iran Sanctions, Accountability and Divestment Act.

Since 1995, many U.S. regulations have been enacted to pressure Iran to restrict its nuclear fantasies. Previous to this Act none of those regulations had sufficient bite nor adherence.

The Government of the Islamic Republic of Iran, if allowed on its present course, could be in the possession of a nuclear weapon in less than a year. Severe restrictions must be imposed on foreign financial institutions who enable this regime to pursue its nuclear aspirations.

Nuclear terrorism is one of the greatest threats to American security. Keeping the bomb from Iran is absolutely critical to international peace and stability.

Iran has repeatedly snubbed their nose at International Atomic Energy inspectors. The government's serial deception in declaring their nuclear intentions has gone unchecked for too long. We cannot allow Iranian leaders to gain more time.

In addition to strengthening and expanding the trade embargo this comprehensive, results-oriented legislation provides for strict economic consequences to those who assist in Iran's human rights violations against its own people. It penalizes those who suppress freedom of religion and speech in Iran and the entities that aid them.

This legislation would be in effect until the day our President certifies to Congress that Iran is no longer a designated state-sponsor of terrorism, has ceased gross violations of the Nuclear Non-Proliferation Treaty, and given up its unrelenting pursuit of ballistic missile, biological and chemical weapon capability.

Mr. Speaker, I urge my colleagues to join me in unwavering support of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010.

Ms. SCHWARTZ. Mr. Speaker, I rise in strong support of the Iran Sanctions Act. This legislation makes clear to the Government of Iran that we will not tolerate their continued illicit pursuit of nuclear weapons or their support for terrorism. Supported by the ongoing multilateral efforts of the United Nations Security Council and the European Union, these tough sanctions are intended to put greater pressure on Iran to change their behavior.

President Obama will now have a range of new options to deal with the threats posed by Iran. Expanding upon previous sanctions, this legislation imposes a wide array of tough new economic, energy and financial sanctions. These sanctions target businesses involved in refined petroleum sales and those that support Iran's domestic refining efforts, as well as international banking institutions involved with the Iranian Revolutionary Guard, nuclear program or support terrorism.

Preventing Iran from obtaining nuclear weapons is one of our paramount national security priorities. Nor can we allow their flagrant support of international terrorism continue unabated. Strong sanctions and enforcement of those sanctions make it clear that Iran must change its conduct now.

Mrs. MALONEY. Mr. Speaker, I rise to express my strong support for H.R. 2194, a powerful package of sanctions against Iran. These new measures increase pressure on Iran to do the right thing and put an end to its sponsorship of terrorism and its efforts to acquire nuclear weapons. I am pleased that the United States has worked with the United Nations to secure multilateral sanctions, but the United States should also be increasing pressure on Iran by implementing the sensible, targeted sanctions contained in this bill.

This conference report contains a package of sanctions that ups the ante on Iran's trading partners, making it clear that doing business with Iran has a price. It targets Iran's energy and banking sectors, and imposes sanctions on foreign companies that are supplying energy and know-how to Iran. It allows the government to restrict access to America for the purposes of banking, foreign exchange and property investment. It requires companies seeking procurement contracts to certify that they are not engaging in sanctionable conduct. The executive branch will have to report sanctionable activity and must either implement sanctions or waive them. Our sanctions will no longer be tough on paper and weak in implementation. Iran can secure an end to them at any time by ending its sponsorship of terrorism and by ending its quest to develop or acquire nuclear, biological, and chemical weapons and ballistic missiles and ballistic-missile launch technology.

Iran has shown, time and time again, that it is determined to acquire nuclear weapons. Earlier this week, Reuters reported that Iran has enriched 17 kilograms of uranium to 20 percent purity, and that this is a significant step toward the 90 percent enrichment required for weapons-grade uranium. In April, Iran unveiled a third generation of centrifuges and has indicated that the testing phase is nearly complete and that its scientists are working on a fourth generation. It is clear that Iran is racing toward its goal of becoming a nuclear nation.

Iran has also been one of the chief state sponsors of terrorism, sending funding, weapons and know-how to terrorist organizations like Hamas and Hezbollah. These organizations specifically target civilian populations and have no compunctions against lobbing missiles at homes, schools, hospitals and nursing homes. There are reports that Iran has backed militants in Somalia, Iraq, Afghanistan and elsewhere. Iran's leaders have also targeted their own people, viciously putting down the fledgling democratic movement last year and working to restrict communication among its own people. I am pleased that these sanctions specifically ban procurement contracts to any foreign company that exports to Iran technology used to restrict the free flow of information or to disrupt, monitor, or otherwise restrict freedom of speech. We must do everything we can to persuade Iran to change its reckless course.

A nuclear Iran will be dangerous for the entire world. Iran has been most outspoken in its threats against Israel, but Israel is not the only Middle Eastern nation with reason to fear a nuclear Iran. There is longstanding tension between Shi'ite Iran and its Sunni neighbors. Some argue—because Iran's President has threatened to wipe Israel off the map and Iran has provided weapons and resources to terrorist organizations that are actively trying to accomplish that aim—that America is acting solely to help Israel. And indeed, when Iran threatens to annihilate Israel, I think we should take it at its word, and should assume that it intends to use its nuclear weapons to turn its threat into a reality. But, these sanctions are also necessary because a nuclear Iran threatens all of its neighbors and it has been exporting terrorism to a wide range of nations around the globe.

I urge my colleagues to join me in supporting the conference report for H.R. 2194, and in voting to increase pressure on Iran to turn from this dangerous path. These sanctions are a reasonable and necessary augmentation of existing restrictions and an additional means to put pressure on a state that seems intent on exporting terror and death throughout the world.

Mr. KUCINICH. Mr. Speaker, I rise in strong opposition to the conference report on H.R. 2194, the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010. Despite the inclusion of provisions in this legislation that would improve internet access and target violators of human rights, the bill will inflict severe economic hardship on the Iranian people and have no impact on the Iranian government. I oppose nuclear proliferation for military purposes for all countries and believe that sanctions have proven to be a failed policy.

The stated purpose of this legislation is to persuade the Iranian government to halt their nuclear program. Broad sanctions can only serve to further isolate Iran from the international community and cause them to be increasingly secretive. The sanctions play directly into the hands of the Iranian government

and directly undermine the efforts of the Iranian people who have courageously challenged their government—often at the cost of their lives.

The United States was unable to come to a resolution with Iran over its nuclear program, partly due to the fact that during negotiations, Iran was threatened with sanctions regardless of negotiations. At the core of the failure of negotiations was mistrust. Turkey and Brazil accomplished something the United States was unable to do in their diplomatic negotiations with Iran over a nuclear fuel swap—broker a deal based on trust. Unfortunately, the Administration missed the opportunity to capitalize on this significant breakthrough in negotiations.

It is my hope that it will not take the impending suffering of the Iranian people at the hands of U.S.-imposed sanctions to wake us up to the need to significantly change our diplomatic engagement with Iran.

Mrs. LOWEY. Mr. Speaker, I rise in strong support of H.R. 2194, the Iran Sanctions, Accountability, and Divestment Act.

Under its current leadership, Iran is a threat—to the United States, to its neighbors, and to global stability. Stopping the Iranian regime from acquiring nuclear weapons is a top priority of this Administration and Congress.

Building on the momentum of the recent adoption of UN Security Council Resolution 1929, this bill will impose punitive sanctions to immediately squeeze the Iranian regime in an effort to force change in their reckless behavior.

With the passage of H.R. 2194, we send a clear message backed by tough sanctions: investing in Iran's energy sector, conducting business with Iran's Revolutionary Guard Corps, or facilitating investments that support Iran's illicit nuclear program have severe consequences.

Penalties and travel restrictions on Iran's human rights abusers and new sanctions in the banking and financial sector will further isolate the Iranian government, increasing the cost to Iran's leaders for their nuclear ambitions.

I thank the gentleman from California for his efforts, and I urge my colleagues to vote in support of this bill.

Mr. NADLER of New York. Mr. Speaker, I rise in strong support of the conference report on H.R. 2194, the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010.

There is perhaps no greater threat to the peace and security of the world today than Iran. It supports terrorism and funds terrorist groups. And, it is bent on increasing its power and influence in the strategically important region of the Middle East.

In particular, Iran presents an existential threat to Israel, one of our closest allies. Its leader, President Mahmoud Ahmadinejad, is a holocaust denier who has threatened to wipe Israel off of the map.

As such, the consequences of Iran developing or otherwise obtaining nuclear weapons would be dire. It instantly would further destabilize the Middle East and potentially lead to a nuclear arms race there.

Moreover, unlike with other countries where nuclear deterrence has worked, it may not with Iran. Its leaders have proven themselves to hold views that are extreme, irrational, and fundamentalist, and who knows for what crazy reasons they would hold the world hostage and risk their own annihilation. These leaders also could share nuclear materials or weapons with terrorists bent on killing innocent people here and around the world, like Al Qaeda. We cannot let Iran have that power.

This threat from Iran has been building for years, but, unfortunately, during the previous Administration, very little was done about it. While the rhetoric of former President George W. Bush was tough on Iran, the reality was much different. For 8 years, they dithered while Iran built its nuclear capacity.

President Obama recognized the danger from Iran and immediately adopted a sensible policy of big sticks and big carrots. We began by engaging with the Iranian regime, a necessary part of any sensible strategy. Not only are discussions a worthy first step, they are necessary if for no other reason than to explain to your adversary the severe consequences of their continuing to be a threat to peace. We also need to start with negotiations to show that we tried and thus lay the foundation for strong efforts down the road, should they be needed. Unfortunately, Iran rejected these diplomatic overtures and continues to loudly defy the international community.

Therefore, we must ratchet up our economic pressure. That is exactly what we are doing. Thanks to the leadership of President Obama and Secretary of State Hillary Clinton, the United States was able to convince other nations to adopt new sanctions on Iran. These sanctions, adopted by the United Nations Security Council, will further isolate Iran from the world economy and, as they are multilateral, represent the optimum mechanism for economic pressure.

Of course, we also can bring the economic might of the United States to bear, and that is what we are doing today with H.R. 2194. This conference report contains a vast array of provisions which will put a significant squeeze on Iran. For example, it imposes sanctions on companies that sell refined petroleum products to Iran, targeting a key weakness of the Iranian regime. It punishes foreign banks that support Iran's Revolutionary Guard Corps, cutting off its funding. It authorizes state and local governments to divest investments from firms supporting Iran's energy sector and better enables other investment managers from similarly divesting funds.

Implementing these and the other sanctions in the conference report on H.R. 2194 is a critical next step in stopping Iran from becoming a nuclear power. While military options always remain on the table, we do not want to reach a situation where the choice is between having to engage militarily and allowing Iran to have nuclear weapons. Either of those two options is racked with problems, and so we must do all we can to see that it does not come to that.

I want to thank Foreign Affairs Committee Chairman HOWARD BERMAN and all other Members who worked so hard on putting this legislation together. Like Chairman BERMAN and others in Congress, I have endeavored to make sure that the threat from Iran is recognized and dealt with. Those of us who care deeply about this issue know that for the safety of Israel, the United States, and the entire world, we must act and we must act now.

I encourage all Members to support this conference report.

Mr. ACKERMAN. Mr. Speaker, I rise in strong support for the bill and I offer my congratulations to the Chairman of the Foreign Affairs Committee, and to all my fellow conferees on what is a remarkable piece of legislation.

This bill has teeth, real teeth, great big nasty sharp teeth that are finally going to force businesses and banks around the world to choose between access to the American economy and financial system, or business as usual with Iran's theocratic dictatorship.

This bill has real sanctions; not maybe sanctions, not sort-a sanctions, real sanctions. This bill has real sanctions investigation requirements; not maybe we'll look into it, not we'll try to get to it when we can, but a clear legal requirement to investigate potential violations. This bill creates legal safe harbor for the potential divestment of billions of dollars of equity from companies that continue to do business in Iran, the world-capital of state-sponsored terrorism. This bill has real sanctions on Iran's energy sector and all the things that keep it alive and allow it to operate. This bill will force new requirements on U.S. banks to keep Iran's blood-tainted money from being laundered by the international financial system.

This bill imposes sanctions on those in Iran responsible for human rights violations and those companies that facilitate Iranian state repression. America will not merely bear witness to the brave struggle of the people of Iran to be free; we choose to stand with the Iranian people against the jackboot of the ayatollah's tyranny.

This bill will force action to close loopholes abroad that have allowed Iran to import, smuggle and altogether befuddle international efforts to keep dangerous technologies out of their malicious hands. With this bill there will be no more blind eyes for allies; no more sleeping at the export control switch.

In short, this is a bill that forces the question: will the world watch passively as Iran crosses the nuclear arms threshold, or will we join together to squeeze, wrangle, coerce, and compel Iran to pull back from the nuclear brink?

Iran's nuclear program is the greatest threat to peace and security in the Middle East and throughout the world. We know it. Our allies in Europe know it. Russia and China know it. All the Arab states know it. Successful nuclear proliferation by Iran would likely mean the collapse of the nuclear Non-Proliferation Treaty, the onset of a mad rush for nuclear arms in the Middle East and a vastly increased possibility of the unimaginable horror of nuclear arms being used.

This bill is also a triumph for the Leadership of this Congress and for the Obama Administration. For the entirety of their eight years, the previous Administration talked tough while the Iranian nuclear program went from crawling to walking; from walking to running; and from running to sprinting towards a nuclear bomb. The rhetoric was always very fierce, the results were always very flaccid. The previous Republican-controlled Congresses, though no less aware of the looming danger following the revelation of Iran's uranium enrichment program in 2002, also said all the right things, but somehow—somehow—never got around to passing this bill or one like it.

Look at who's in charge today. Look at who is going to get this bill done with broad bipartisan support. Look at who just put Iran's energy sector under the gun. Look at who just

closed the investigations loophole and the diversion loophole. Look at who just imposed unprecedented energy, banking, and finance sector sanctions. Look at who just imposed human rights sanctions on Iran's regime of thugs.

Look also at who just got Russia and China to join with the international community in passing the toughest ever UN Security Council sanctions on Iran; sanctions that authorize the inspection of Iranian ships; that impose major new restrictions on Iranian banking, finance, shipping, and arms transactions; and that designates the Iranian Revolutionary Guard Corps and key Iranian firms and figures associated with proliferation for additional penalties. Two years ago if someone had suggested the Security Council would have adopted these positions, they would have been taken away in a straitjacket. Today it's reality.

The cowboy rhetoric and the contempt for diplomacy are gone. But the results, which are what actually matters, are compelling. Just as we in Congress have come together to pass this historic legislation, the Obama Administration has rallied the world to stand against Iran's nuclear ambitions. Results matter.

We can not guarantee the success of these measures. Ultimately, the choice lies with the regime in Tehran to decide what price they're prepared to pay to sustain their illicit nuclear activities. But it should be clear that we are doing all that we can to impose on Iran the highest possible costs for its defiance and that we are demonstrating, by our actions and by our efforts, the depth of our commitment to peacefully ending Iran's illegal nuclear activities.

We are trying diplomacy. We are trying unilateral sanctions. We are trying multilateral sanctions. We are trying our utmost to avoid making conflict inevitable. But there should be no question about the absolute determination of the United States to prevent Iran from acquiring the capability to produce nuclear weapons.

Iran can not and must not be allowed to cross the threshold of nuclear arms. They can stop their program, or it can be stopped by others. And it would be far, far better if they stopped their nuclear program themselves. The United States and the other P5+1 nations have all made clear the benefits Iran would gain if it made this choice. The United Nations and the Congress today are showing Iran the rising costs and growing isolation it will endure if its behavior doesn't change.

Iran's illicit nuclear activities and programs must stop. Above all other considerations, above all other costs, without any doubt or uncertainty, Iran's nuclear arms program must be stopped. It must be stopped.

Mr. CAMP. Mr. Speaker, I rise in strong support of this conference agreement.

I am deeply concerned that Iran continues to pursue nuclear capabilities in defiance of the international community. Such actions pose a profound threat to our national security interests.

I have repeatedly supported efforts to give U.S. Presidents the tools and capabilities needed to prevent Iran from acquiring nuclear weapons and engaging in terrorism, and I continue to do so today through this conference agreement.

In pursuing the critical goal of preventing Iran's nuclear proliferation, I am pleased that the conference agreement expands the sanctions available to the President to include refined petroleum resources. In addition, the severe financial restrictions imposed under this agreement will prevent banks from doing business with blacklisted Iranian entities.

However, while domestic sanctions are critical, it is also important that our allies participate in an international coalition so that combating Iran's nuclear proliferation is a powerful multilateral effort. This conference agreement encourages this vital endeavor.

The original House bill, like other Iran sanctions bills that have preceded it in this chamber, was referred to the Ways & Means Committee. I am pleased that as a conferee, I have been able to work with my colleagues on the Foreign Affairs Committee to address the issues in our jurisdiction in a way that maintains the strength of the bill. This has been a bipartisan and productive effort resulting in a robust agreement that takes powerful action against Iran, gives the Administration the best chance at continuing to cultivate and maintain international multilateral pressure, and is consistent with our trade obligations.

I thank Chairman LEVIN for his valuable efforts, as well as Chairman BERMAN and Ranking Member ROS-LEHTINEN, in achieving this exemplary outcome and urge my colleagues to support this conference agreement.

Mrs. MILLER of Michigan. Mr. Speaker, I rise today in strong support of this legislation because nuclear weapons in the hands of the Iranian regime is simply unacceptable.

Iran is a state sponsor of terror.

Iranian leaders have continually denied the Holocaust while expressing the desire to commit a second Holocaust through the destruction of Israel, our most important ally in the Middle East.

To that we must say ''Never Again.''

The chant of ''Death to America'' is seemingly the official slogan of this Iranian regime.

Those who would seek to profit by helping the Iranian regime to develop nuclear weapons or to suppress the people of Iran will no longer be able to do business with the United States or have access to our nation's financial system.

These sanctions are real and they have teeth.

We must send a clear and decisive message to the Iran and the world community that America is serious in our effort to deny Iran nuclear weapons.

To accomplish that we must pass these sanctions.

Mr. GALLEGLY. Mr. Speaker, I support targeted sanctions against the government of Iran in an effort to stop the Iranian regime's pursuit of nuclear weapons. For this reason, I voted in favor of the Conference Report on the Comprehensive Iran Sanctions, Accountability, and Divestment Act on the floor of the House today. The effectiveness of this legislation will now depend on whether the sanctions are forcefully implemented by the Obama Administration. I urge the President to work closely with our allies and use all the tools provided by the Act to prevent Iran from acquiring a nuclear capability.

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in support of the conference report on H.R. 2194, the Comprehensive Iran Sanctions, Accountability, and Divestment Act.

I would like to thank Chairman BERMAN for introducing this legislation, of which I am a cosponsor, and for his tireless work in support of halting Iranian aggression.

Iran's nuclear ambitions not only pose a critical threat to the security of our close ally, Israel, but they also threaten the stability of the entire Middle East region and the world. As we saw clearly last summer, the Iranian regime suppresses democracy and violates human rights at home, and they continue to sponsor terrorist organizations abroad. The bottom line is this: Iran must not be allowed to develop nuclear weapons.

This legislation builds on recent multilateral sanctions negotiated by President Obama. After strong leadership by the Obama Administration, the U.N. Security Council recently passed internationally-binding sanctions against Iran's banking, finance, shipping, and energy sectors, as well as against Iran's Islamic Revolutionary Guard Corps (IRGC). The bill we are considering today will augment and strengthen those ongoing multilateral efforts.

This bill expands the current U.S. sanctions regime to target entities involved in selling refined petroleum to Iran or in aiding Iran's domestic refining efforts, as well financial institutions doing business with blacklisted Iranian entities. It provides a legal framework under which state and local governments can divest their portfolios of foreign companies involved in Iran's energy sector.

Mr. Speaker, time is not on our side, and Iran continues to progress toward nuclear weapons capabilities. This legislation contains the most comprehensive package of Iran sanctions ever considered by Congress, and it will give us a full range of economic tools to immediately apply strong pressure on the Iranian regime to abandon the pursuit of nuclear weapons.

This legislation sends a clear message to Tehran that the regime's nuclear program, human rights record, and support for terrorists are unacceptable. I strongly urge my colleagues to join me in support of this important legislation.

Mr. BERMAN. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the conference report on the bill, H.R. 2194.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BERMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

Motion to suspend the rules on H.R. 3962, by the yeas and nays;

Motion to suspend the rules on the conference report on H.R. 2194, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote.

AFFORDABLE HEALTH CARE FOR AMERICA ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and concur in the Senate amendments to the bill (H.R. 3962) to provide affordable, quality health care for all Americans and reduce the growth in health care spending, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. LEVIN) that the House suspend the rules and concur in the Senate amendments.

The vote was taken by electronic device, and there were—yeas 417, nays 1, not voting 14, as follows:

[Roll No. 393]

YEAS—417

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boccieri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NAYS—1

Miller, George

NOT VOTING—14

Barrett (SC)
Blunt
Boehner
Brown (SC)
Campbell
Hinojosa
Hoekstra
Oberstar
Richardson
Rothman (NJ)
Teague
Visclosky
Wamp
Young (AK)

□ 1909

Mr. GEORGE MILLER of California changed his vote from ''yea'' to ''nay.''

So (two-thirds being in the affirmative) the rules were suspended and the Senate amendments were concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMPREHENSIVE IRAN SANCTIONS, ACCOUNTABILITY, AND DIVESTMENT ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the conference report on the bill (H.R. 2194) to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the conference report.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 8, answered ''present'' 1, not voting 16, as follows:

[Roll No. 394]

YEAS—408

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill

Himes
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pelosi
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Walden
Walz
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (FL)

NAYS—8

Baird
Baldwin
Blumenauer
Conyers
Flake
Kucinich
Paul
Stark

ANSWERED ''PRESENT''—1

Waters

NOT VOTING—16

Barrett (SC)
Blunt
Brown (SC)
Campbell
Duncan
Hinojosa
Hoekstra
McDermott
Oberstar
Rothman (NJ)
Schock
Teague
Visclosky
Wamp
Woolsey
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in the vote.

□ 1916

So (two-thirds being in the affirmative) the rules were suspended and the Senate amendments were concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. MCDERMOTT. Mr. Speaker, on rollcall No. 394, had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. ROTHMAN of New Jersey. Mr. Speaker, I will be attending my daughter Karen's high school graduation today, and thus will be missing the votes on H.R. 2194, the Conference Report on Comprehensive Iran Sanctions, Accountability, and Divestment Act; H. Res. 1359, the resolution calling for the immediate and unconditional release of Israeli soldier Gilad Shalit; and H.R. 5175, the DISCLOSE Act. Had I been present I would have voted "yes" on these measures.

PERSONAL EXPLANATION

Mr. TEAGUE. Mr. Speaker, I was unavoidably detained on the evening of June 24, 2010, and was unable to record my votes for rollcalls 393 and 394. Had I been present, I would have voted "yes" on the Senate Amendments to H.R. 3962, the Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010 and H.R. 2194, the Conference Report on Comprehensive Iran Sanctions, Accountability, and Divestment Act.

Although I believe we should legislate a permanent solution to the sustainable growth rate for Medicare and TRICARE, it is critical that we prevent impending cuts for the sake of our doctors, our seniors, and our veterans.

SUPPORTING NATIONAL PHYSICAL EDUCATION AND SPORT WEEK

The SPEAKER pro tempore (Mr. CRITZ). The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 1373) expressing support for designation of the week beginning May 2, 2010, as ''National Physical Education and Sport Week''.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PAYNE) that the House suspend the rules and agree to the resolution.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

CALLING FOR RELEASE OF ISRAELI SOLDIER BY HAMAS

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 1359) calling for the immediate and unconditional release of Israeli soldier Gilad Shalit held captive by Hamas, and for other purposes, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. ACKERMAN) that the House suspend the rules and agree to the resolution, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The title of the resolution was amended so as to read: ''Calling for the immediate and unconditional release of Israeli soldier Gilad Shalit, who is held captive by Hamas, and for other purposes.''.

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF HOUSE REGARDING ANNIVERSARY OF DISPUTED IRANIAN ELECTIONS

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 1457) expressing the sense of the House of Representatives on the one-year anniversary of the Government of Iran's fraudulent manipulation of Iranian elections, the Government of Iran's continued denial of human rights and democracy to the people of Iran, and the Government of Iran's continued pursuit of a nuclear weapons capability.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. COSTA) that the House suspend the rules and agree to the resolution.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

HOUR OF MEETING ON TOMORROW

Mr. DEUTCH. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 4 p.m. tomorrow, and further, when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Monday next for morning-hour debate, and further, when the House adjourns on that day, it adjourn to meet at 10:30 a.m. on Tuesday, June 29, 2010, for morning-hour debate and noon for legislative business.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

CONGRATULATING ACWORTH, GEORGIA

(Mr. GINGREY of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY of Georgia. Mr. Speaker, I would like to congratulate the city of Acworth, Georgia, for being recognized as an All-American City in the recent contest sponsored by the National Civic League.

Acworth is part of Georgia's 11th Congressional District, the district that I am privileged to represent. And after spending a good bit of time around town, I can tell you that Acworth truly embodies what is best about America.

The city recently raised $1 million to build a special needs field which will give kids with disabilities a chance to play sports. Acworth's police department and citizens ran the bases of one of these fields for 24 hours as part of a fundraiser to build the facility. The finalists in the All-American contest traveled to Kansas City to give presentations on their efforts. Acworth sent 40 members of their delegation, along with 25 special needs children, and finished in the top 10.

Mr. Speaker, I want to offer my congratulations to the Acworth community, as I am very proud to represent this city in Congress.

WASHINGTON WEEK

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON LEE of Texas. Mr. Speaker, we have had a good week, and I am very grateful we had the opportunity today to say to the doctors of America that we are committed to your practice and your medicine and your caring for our seniors.

In addition, we were able to say to Iran, which has called for the extinguishing of Israel, has caused the existence of Camp Ashraf in Iraq, and literally has tried to destroy dissidents and resisters for democracy, that we will not tolerate an Iran that is nuclear-armed. And so I am glad that we passed the Iran Sanctions Act.

But we have more to do. And I am grateful that the President saw fit to change command in Afghanistan. It is unfortunate that the commands of the commander in chief were not respected, but we know that this is a civilian government and the military respects the civilian leadership. That must be. But now we must turn to establishing a pathway out of Afghanistan. We must go after the terrorists that threaten us, but we must recognize a smart power, political power, diplomatic power, empowering the people, providing for education is the way to solve the Afghanistan problem, not 30,000 soldiers that are engaged in war.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

(Mr. MORAN of Kansas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. TOWNS) is recognized for 5 minutes.

(Mr. TOWNS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

IN MEMORIAM: U.S. ARMY SPECIALIST BLAINE E. REDDING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. FORTENBERRY) is recognized for 5 minutes.

Mr. FORTENBERRY. Mr. Speaker, on Tuesday morning, under the beautiful prairie sky, U.S. Army Specialist Blaine Edward Redding was laid to rest in an old and serene Plattsmouth, Nebraska, cemetery. Specialist Redding was a 22-year-old newlywed, married just 10 weeks to Nikki before a roadside bomb took his life in Afghanistan on June 7. He died along with four other soldiers, two of whom were his close friends.

Blaine Redding followed a family tradition of service to our Nation, in the footsteps of his father and grandfather. Heeding the call to duty was also important to Blaine's younger brother, Private Logan Redding, who was also serving in Afghanistan in the 101st Airborne, just 15 miles away. Upon learning of his brother's death, Private Redding dutifully escorted Blaine's flag-dragged coffin back to Dover Air Force Base to meet their parents, Teresa and Pete, as well as Nikki.

Mr. Speaker, at the funeral, dozens of Patriot Guard Riders; children with their mothers, hands over their hearts; saluting veterans; local officials; and hundreds of citizens lined the streets reverently bearing American flags to honor Specialist Redding's sacrifice. A hand-painted sign read, ''Thank you, Blaine.''

Also in attendance were Sally Allen and Monica Alexander, two mothers from nearby towns whose sons were killed during their service in Iraq. They came just to show their support.

By the many heartwarming accounts I heard from his loved ones on Tuesday, he was a beloved son, friend, and husband. He cared deeply about his family and his country. He had served before in Iraq, and volunteered for another tour of duty in Afghanistan.

Mr. Speaker, my heart is heavy with the loss of Specialist Redding. I am deeply humbled by his service and his sacrifice, and I wish God's blessings upon him and his family during this difficult time.

□ 1930

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

(Mr. POE of Texas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

IN HONOR OF SERGEANT FIRST CLASS ROBERT FIKE AND STAFF SERGEANT BRYAN HOOVER

Mrs. DAHLKEMPER. Mr. Speaker, it is with a heavy heart that I rise today to honor the lives of two fallen heroes from western Pennsylvania. Sergeant First Class Robert Fike of Conneautville, and Staff Sergeant Bryan Hoover of Lyndora, Pennsylvania, made the ultimate sacrifice while defending our Nation in Afghanistan.

On June 11, a suicide bomber detonated an explosive near the Bullard Bazaar in Zabul province in southern Afghanistan. Sergeant First Class Fike, 38 years old, and his friend, Staff Sergeant Hoover, 29 years old, were on foot patrol. Both of these brave men were killed in the explosion. They were members of the Pennsylvania Army National Guard's Company C, 1st Battalion, 110th Infantry, based in Connellsville, Pennsylvania.

Sergeants Fike and Hoover shared a passion for service to our country. They were patriots, soldiers, and good men. Robert Fike and Bryan Hoover were friends who fought, and ultimately sacrificed, side by side.

Robert Fike was the third generation of his family to be a member of the Armed Forces. He joined the Pennsylvania National Guard in 1993, after earning a degree in organic chemistry from Edinboro University in 1992. During his long military career, he served two tours overseas, in Saudi Arabia from 2002 to 2003 and in Iraq from 2007 to 2008.

Protecting his community and his country was a way of life for Robert. Every month he drove the 2 hours from his home in Crawford County to Johnstown for specialized drills with the 20th Military Police Company. Robert also worked as a prison guard at the State Correctional Institute in Albion, Pennsylvania.

He was a loving son and father. Robert is survived by his parents, James and Christine, and his 12-year-old daughter Mackenzie. He was a father figure to Chelsea Bliscik and a beloved friend to many.

For his brave service and sacrifice, Sergeant First Class Robert Fike was awarded the Purple Heart, the Army Commendation Medal, the Army Achievement Medal, the Armed Forces Reserve Medal, the Global War on Terrorism Expeditionary and Service Medals, and the Iraq Campaign Medal.

Staff Sergeant Bryan Hoover dreamt of joining the Army even as a child. He enlisted in the Army National Guard in 2005 and previously served in the Marines. Bryan served a total of four tours overseas: two in Afghanistan, one in Iraq, and one in Kuwait. He truly lived to serve our Nation.

To his fellow soldiers, he was one of them, but to the students of Elizabeth Forward High School in Elizabeth, Pennsylvania, he was known as Coach Hoover. Bryan was the assistant cross country and track coach at his alma mater, where he had graduated in 2000. Bryan loved sports, and was a talented athlete himself who particularly enjoyed hockey. He earned a degree in sports management from California University of Pennsylvania.

For his bravery in the field, Sergeant First Class Bryan Hoover was awarded the Purple Heart.

Bryan is survived by his father Melvin Hoover; his brothers, Richard and Ben; his sister, Samantha; his grandfather, Ray Bradford; his stepmother, Elaina Evans; and his fiancee, Ashley Tack. His mother, Debra Jean, preceded Bryan in death.

It is my sad duty to enter the names of Sergeant First Class Robert Fike and Staff Sergeant Bryan Hoover in the RECORD of the United States House of Representatives for their service, sacrifice, and commitment to our country and to our freedom.

While we struggle to express our sorrow over this loss, we can certainly take pride in the examples Robert and Bryan set as soldiers and friends. Today and always, they will be remembered as true American heroes, and we cherish their legacies.

May God grant strength and peace to all those who mourn, and may God be with all of you, as I know he is with Robert and Bryan.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. FORBES) is recognized for 5 minutes.

(Mr. FORBES addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

(Ms. ROS-LEHTINEN addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GOHMERT) is recognized for 5 minutes.

(Mr. GOHMERT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. PAULSEN) is recognized for 5 minutes.

(Mr. PAULSEN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

(Ms. FOXX addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MACK) is recognized for 5 minutes.

(Mr. MACK addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

(Mr. FRANKS of Arizona addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE DOCTORS CAUCUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Georgia (Mr. GINGREY) is recognized for 60 minutes as the designee of the minority leader.

Mr. GINGREY of Georgia. Mr. Speaker, I thank you and I thank my leadership on the Republican side, Leader BOEHNER, and our leadership team for giving me the opportunity this evening before this packed House Chamber, of course, Mr. Speaker, with the exception of those few names that you just read off, but on this occasion of the 3-month anniversary, if you will, the 3-month anniversary of the signage into law of the health care reform bill, better known as the Patient Protection and Affordable Care Act of 2010, sometimes referred to, with no disrespect, as ObamaCare, not unlike HillaryCare of 1993, which never became law.

And, Mr. Speaker, indeed, when I say ObamaCare, I do not mean any disrespect, although I consistently, along with my colleagues on this side of the aisle, voted against the passage of that legislation. I would hope, Mr. Speaker, I would hope when we on my side of the aisle, on behalf of the American people who overwhelmingly continue, 3 months after passage of this bill, continue in all polls taken oppose this legislation, so when my Republican colleagues and I, Mr. Speaker, regain the majority and control this Chamber and we repeal ObamaCare and we replace it with legislation that I am going to talk a little bit about tonight, I would not be offended in the least, Mr. Speaker, if they called it GingreyCare, or maybe even better Dr. GingreyCare. I would be very proud of that.

Mr. Speaker, the concerns I think of the American people and their continued opposition to this reform is not that they are opposed to certain health insurance industry reforms. No, not at all. Nor are we in the loyal minority for things like the rescission of a policy after the fact. So many of our colleagues in their own families, or maybe their distant relatives, extended families, have seen situations like that where health insurance industry abuse directly affected their families.

I have a grand-niece who went into the hospital, Mr. Speaker, to have a gall bladder removed. It was an emergency situation. And after the fact, she was told that the health insurance that they had had for a number of years—her family, of course, her mom and dad, that covered the children—was not going to cover, would not be applicable because somewhere in filling out that policy, 8, 10, 12, 14 pages worth of minutiae, they failed to dot one I or cross one T. Fortunately, as a Member of Congress, and this is what we do in regard to helping not just our constituents but our family members as well when we can work with other Members of Congress in their district, we were able to get the insurance company to pay that claim.

But people across the country are rightly outraged about health insurance abuse. And we need to change

that. We need, indeed, to make sure that people with preexisting conditions have a way to be able to get affordable health insurance. And certainly that can be done and was being done even before this bill, Mr. Speaker, in a number of States where they have these high-risk pools. And the health insurance companies that are licensed to sell their product in those specific States, like my State of Georgia, are required to participate in these high-risk pools and are not allowed to charge, say, an arm and a leg—that really gets medical, doesn't it—but you know what I mean, my colleagues, way over and above four, five times what a standard policy premium would be. Well, that's a de facto denial of coverage. So we all agree that that needed to be changed and the American people would like to see that changed. Of course they would.

But their concern, and I see this, Mr. Speaker, every time I go back home. And I go home, as most of my colleagues do. As soon as we get out of here, we head to the airport so we can get back in our districts and have those town hall meetings and those tele-town hall meetings and, you know, go see folks at senior centers and church and Rotary clubs and Kiwanis clubs and wherever our constituents are, ballparks with their children on Saturdays. And we talk to them about these things and we listen to them. More importantly, we listen to them.

And what I have heard from day one, Mr. Speaker, I am talking about a year-and-a-half ago, was: Why are we doing this? Why are we doing this when 15 million of us are out of work? The unemployment rate in Georgia is 10 percent—a little higher in my 11th Congressional District of northwest Georgia. We need to go back to work. Why are you men and women in Congress, you Democratic majority, Republican minority, why aren't you all working together in a bipartisan way to stimulate this economy and to put us back to work? Many of us have been out of work for 6 months or more and we don't have health insurance but, you know what, we don't have a job either. And we will take our old job back even if we don't have health insurance. Eventually, we will be concerned about that, but right now we can't put groceries on the table. We can't clothe our children. We can't pay our taxes. We cannot pay the mortgage on our home. We are going to lose the roof over our head. And you guys are spending a year-and-a-half trying to figure out how to come up with a trillion dollars. We know how you're doing it. You're doing it by slashing the Medicare program to the bone, $500 billion worth, and you are raising taxes $575 billion worth. How is that going to create jobs?

So, Mr. Speaker, that's why the people were opposed to this. That's why the people in the Commonwealth of Massachusetts, the Bay State, elected SCOTT BROWN to replace Teddy Kennedy, a Senate seat I guess held by the Kennedy family going back to our former President JFK, all those years. And the whole delegation in Massachusetts is totally Democrat. But the people in the Bay State, when SCOTT BROWN was campaigning, Mr. Speaker, what was his main point to make on behalf of his candidacy? I am going to go to Washington, if you give me this opportunity over Ms. Coakley—a decent candidate in her own right. You give me this opportunity, and I am going to be the 41st vote in the United States Senate, and you know what that means. That means that stops this bill dead in its tracks under regular order, under normal operating procedures.

□ 1945

The people of Massachusetts understood that. They understood that very clearly. They were, Mr. Speaker, very concerned, weren't they, about Commonwealth Care? They had had about 2, 2½, 3 years of that, and they knew that the cost of health insurance with that kind of approach, those premiums didn't go down; they went up. They wanted no more of that. They wanted SCOTT BROWN—the Honorable Senator SCOTT BROWN now—to go to Washington and be that 41st vote, so that cloture could not be invoked, the filibuster could not be overridden, and this bill could be stopped dead in its tracks.

And it would have been, Mr. Speaker. It would have been, except for smoke and mirrors, hook or by crook, promise them everything, anything you have to to get a vote, and then this arcane, strange stuff called reconciliation. And really, Mr. Speaker, what was done here 3 months ago, we celebrate this 3-month anniversary, a bill, a massive 2,500-page bill, was crammed down the throats of the American people.

Now they ain't done. I will say this, Mr. Speaker. It ain't over—it isn't over—it isn't over until the people win. And I tell them, I tell them in Georgia and my colleagues tell them all across the country, you resist. You continue to resist. Don't roll over and say, it's done, it's a fait accompli, it's passed, there's nothing we can do about it.

Yes, there is. Yes, there is. We can resist, we can resist, we can resist right up until November 2; and then we can make some changes. We can't change hearts, so we change faces, Mr. Speaker. And then we repeal. And then we start over. And we do this in the right way. We do it indeed by making sure that health insurance companies don't continue to literally abuse their clients by rescission of policies, by denying coverage.

All of these things we can take care of, and we could do that probably in six or eight pages' worth of legislation. It doesn't take 2,500. It doesn't take the creation of 130 new bureaucracies. It doesn't take 15,000 new IRS agents to go over with a fine toothed comb everybody's return to make sure they not only have a health insurance policy but the one the government dictates to them; and, lo and behold, if they don't, they get to pay a fine, eventually of up to something like $695. And if they don't pay the fine, Mr. Speaker, John Q. Public gets to go to jail, spend a little time in the crossbar hotel, as my father used to call it.

Can you imagine in this country that that could happen under the ruse of the commerce clause? Indeed, what does the commerce clause of our Constitution say? I know I have it here somewhere in my pocket. I try to keep that with me all the time. In fact, I tell folks in my district, if you catch me without it, the first person that catches me, I'll have a $5 bill in my pocket to hand to them.

But when you look at the commerce clause, it doesn't mandate commerce; it regulates commerce. And that's so important, Mr. Speaker, for our colleagues to remember. You can't mandate to someone that they engage in commerce, that they buy something against their will. If they're involved in commerce and it's interstate, and I realize most commerce is interstate, then the government's heavy hand is always involved, to regulate. But to mandate? To tell a young man or woman who has just graduated from college or maybe had a nice job opportunity straight out of high school, and they're making less than $25,000 a year, they take care of themselves, they're healthy, they were an athlete in high school or college, they don't smoke, they don't drink, they're not obese, they don't have a family history of heart disease or cancer. Indeed, their family seemed to have the Methuselah gene. They have grandparents in their late nineties. Those people that decide, even though maybe their employer offers health insurance and pays 60 percent of the premium or 50 percent of the premium but they've got to pay the other half, and they can't afford it. They just can't afford it. So they opt to take a chance and hope that that healthy living will serve them well, and it will be many years before they'll have a need to spend a great deal of money on health insurance.

You tell me, Mr. Speaker, my colleagues on both sides of the aisle, that they should not be allowed to do that in this country? To continue to forever be able to make that choice? I'm not as a physician Member going to stand up here and say that that's what I would advise them to do. No. I would be glad to do a public service announcement, if somebody would pay for it, saying, folks, don't take that chance now. It's kind of like riding a motorcycle without a helmet. It might look cool with your sideburns flapping in the breeze, but there's a tree up ahead, or somebody is going to run a stop sign, and you don't have much protection.

I would encourage them to try to economize and maybe have a health insurance policy that has a very low monthly premium and a high deductible. That deductible, let's say, is $3,000

or $4,000. In other words, they're going to have to pay the first $3,000 or $4,000 each and every year of health care expenditures out of their own pocket. But in return for that, their monthly premium is low, very affordable, and it gives them catastrophic coverage so that if they do hit that tree on that motorcycle without that helmet and they have a massive head injury and they're not dead but they're in a coma for a long, long time, that they're not financially totally wiped out and forced into bankruptcy. They have that kind of protection. That's called a health savings account combined with that low monthly premium, high deductible with catastrophic coverage.

Those plans, Mr. Speaker, have gotten so popular. They were limited by Teddy Kennedy back when they were first proposed a number of years ago, but since then they have been expanded and are very popular with young people. So, so many of these folks that are so-called ''uninsured,'' they're really not uninsured; they have some coverage, and it is good coverage. But under this bill—now I know people will say, well, that doesn't kick in until 2014, 2013.

Hey, Mr. Speaker, it seemed like yesterday when I walked off the campus of St. Thomas Aquinas High School in Augusta, Georgia, in 1960, and I thought I was done learning and grown up. And it seemed like that was yesterday. By golly, it's been 50 years ago. So the time flies. It will be like a blink of an eye, we'll be at 2014, 2015, and all these horrendous requirements in this bill, ObamaCare, will kick in: like the requirement under penalty of law with those IRS agents, 15,000 of them, looking over your returns and, ah, we caught another one. I don't know, maybe they get a bonus every time they catch some poor, young individual who's not poor enough to be eligible for Medicaid or PeachCare or SCHIP, that's taking a chance, and even those that have the insurance but it's not adequate because the Federal Government said, oh, that's not good enough, we want first-dollar coverage, we've cut this deal with the insurance company for them to go along with ObamaCare, and we're going to require first-dollar coverage.

That's the kind of thing that really, Mr. Speaker, is appalling to me as a physician Member. I am honored to be cochair of the GOP Doctors Caucus along with my good friend from Pennsylvania, psychologist TIM MURPHY, child psychologist, author of several books, and now a lieutenant commander in the Naval Reserves. These are the kind of folks on my side of the aisle.

There are about 15 of us. Most are MD's. We have probably 375 years' worth of clinical experience. The whole spectrum of specialties: whether it's OB–GYN, my specialty; or family practice, the specialty of Dr. JOHN FLEMING; gastroenterology, the specialty of Dr. BILL CASSIDY; psychology, the specialty of TIM MURPHY; cardiothoracic surgery, the specialty of Dr. CHARLES BOUSTANY; OB–GYN, again the specialty of MIKE BURGESS and PHIL ROE; orthopedic surgery, the specialty of my colleague from Georgia, TOM PRICE; family practice, indeed, house-call medicine, the specialty of my colleague again from Georgia, Dr. PAUL BROUN. I could go on and on.

These are Members on our side of the aisle who were just begging, calling, writing letters to the White House: let us participate. We know about that sanctity of the doctor-patient relationship. We know what rationing will do and the fear that our seniors have of being rationed because they're too old to have taxpayer dollars spent on their hip replacement. So you just say, no, take a couple of Advil and we'll buy you a walker, maybe even a wheelchair, although that's debatable as well.

And, Mr. Speaker, to compound this problem, ObamaCare, now our President has named the new director of CMS, Centers for Medicare and Medicaid Services, Dr. Donald Berwick. Dr. Berwick may be a fine human being, I'm sure he is, I don't know him personally, but I have read quotes and I know that he's written a book. And one of those quotes, and I'm not going to be able to give it verbatim, but basically, Mr. Speaker, says, it's not if we need to ration; it's that we need to ration with our eyes wide open. It's not if we need to ration care, but that we ration with our eyes wide open.

I'm looking forward, as a member of the Energy and Commerce Committee and the Health Subcommittee, to having Dr. Berwick soon after his appointment as director of CMS to come before the committee and explain to us just what he means by that. So that the seniors who are relying on Medicare, like my mom, my 92-year-old mom, is she going to be able to, as she did last year, to have her knee operated on? Or is she just going to get a walker and a bottle of Advil and told, you're just too old? We can't afford it. We're going to ration care.

Again, this is what people are concerned about. Mr. Speaker, when half of the pay-for, the trillion dollars, to be able to get an additional 15 or 20 million people into some kind of health care coverage, whether it's these State exchanges, or eventually I'm convinced that the real plan is to go to a U.K.-type system, Canadian-type system and have national health insurance; the Federal Government to take over one-sixth of our economy, one-sixth of our entire gross domestic product, $2.5 trillion a year, the Federal Government controlling this, lock, stock and barrel.

□ 2000

Madam Speaker, the American people don't want that. The American people didn't want the Federal Government to completely take over the student loan industry, but they did. This President did. This majority did, Madam Speaker. The American people don't want a cap-and-trade bill, an energy bill, that results in a $1,500-a-year minimum increase in the cost of electricity in this country. The American people don't want that.

The American people want our borders secured, Madam Speaker—ask any of them—and not just the people in Arizona. Ask the people in Georgia. Ask the people in Michigan. They want our borders secured. They don't want amnesty. That was tried in 1986, and I think something like—I don't know—6 million, maybe, were granted amnesty, and now we've got 12 million to 14 million illegals in our country.

So it is just a fact, as I said, Madam Speaker. It's not that people don't want to have more affordable health care, lower insurance premiums, and better coverage. They want that—of course they want that—but they don't want the Federal Government to take it all over and to literally come between a doctor and her patient in an exam room:

No, no, Doctor. You can't do that. It says here in the manual that bureaucrat No. 128 of the 131 new ones is over that, and you can't order that test because there is a cheaper way to do it.

The doctor says, Well, yeah, but you know, for this patient, I know this medication will work. We tried the other, and it didn't work for my patient. In fact, she had a bad reaction to it.

Well, you're going to have to get a waiver then, Doctor.

But, Madam Bureaucrat, the patient needs care today.

Well, you know, we'll probably have an answer for you in a week or two.

That is the kind of stuff that we are talking about. So I'm going to tell you this, Madam Speaker. That is the reason there are physicians all across this country, on both sides of the aisle, who are seeking the nomination of their party to come join us, to become one of the 435 or one of the 100 in the other body. I've never seen so many running for office, giving up, you know, more lucrative careers financially than what you earn as a Member of Congress.

They want to make a difference. They want to make a change. They are, I'm sure, pretty frustrated and disgusted about their lot, about their wonderful medical profession that many of them devoted 25, 30 years of their lives to. They probably didn't even get started until they were in their early thirties and had $200,000 worth of student loans to pay off.

They went through all of that, and now we're going to come along and say, Well, you doctors work for us now. You work for the President. You work for Ms. Sebelius. You work for Dr. Barwick. We are going to call the shots. Not only are we going to set your salary—and, indeed, until today, you were facing a 21 percent cut, a 21 percent cut over last year in what we reimbursed you for anything: seeing a

patient, doing a consultation in your office, making a diagnosis, taking out an appendix, delivering a baby, seeing someone at 2 o'clock in the morning in the emergency room—but, if they are Medicare, we are going to pay you 21 percent less.

Actually, Madam Speaker and my colleagues, that went into effect last Friday. So, for any claims that Medicare was holding, the doctors will be reimbursed. Now, yeah, okay. In this bill we passed today, they will be able to hire, I guess, a new employee who will spend the next several months resubmitting those claims. Maybe, within a year, they will get that 21 percent cut back.

Though, do you know what we did here today? It's amazing. We should have done this months ago. We certainly should have done it last Thursday so that this effect, this cut, this 21 percent cut, would not have been allowed to go into effect.

Madam Speaker wanted to hold that up so that these other things could get done and could be attached to it. In other words, kind of using this as an incentive to pass some other things that—yes, you guessed it—involved more government spending, more deficit, and more debt. Thank goodness our colleagues on the other side of the aisle, and especially our Republican colleagues, said, no, we will not vote for that. We are $13 trillion in debt, and our deficit for the year is $1.6 trillion. If you look at it over a 10-year period, it is going to average to about $850 billion worth of red ink each and every year over the next 10 years. We are not going to spend another dime on whatever you want to call it—Stimulus I, Stimulus II, Stimulus III. The first one hasn't worked. Yet our Speaker wanted to hold out for the passage of that and, really, figuratively, wanted to hold a gun to the heads of the doctors.

Well, we finally did pass it, as a stand-alone measure, to mitigate those cuts, but do you know what? Colleagues, you know what. Of course you do. We mitigate it until the end of November—barely 6 months. Then, all of a sudden, they are hit with it again. If we don't permanently fix this problem, then next year the cut will be 25 percent.

With ObamaCare, with the Patient Protection and Affordable Care Act, we had an opportunity, and the President promised the doctors at the convention of the American Medical Association in Chicago, his hometown, that tort reform would be in there, that payment reform would be in there—''in there,'' the bill, the Patient Protection and Affordable Care Act—but, oh, no, it was stripped out because it cost too much. Yet we gutted Medicare of $500 billion, and $130 billion of it was taken from the Medicare Advantage program.

Fully a fourth of our seniors on Medicare get their care from a Medicare Advantage plan. Why? Because screening procedures are offered and paid for. Annual physical examinations are offered and paid for. Nurses call the patients to make sure that they are taking their medications—and the medications are paid for.

Yes, it costs a little bit more, and our majority party said, Well, you know, we shouldn't be paying more for those programs, but look how much more you're getting if you believe in wellness rather than in just treating episodes of illness?

That's why you came up with this program, for goodness sakes. That's why we passed Medicare part D, the prescription drug part. This was when you criticized us so severely back in 2003 and said, Oh, you're not paying for that. It's going to cost another $450 billion on the Medicare program to provide these seniors with coverage for their prescriptions.

Well, Madam Speaker and my colleagues, you know that many of these seniors—I know. I'm one of them—are taking four, five or six medications a day to lower their cholesterol, to lower their blood pressure, or to get their blood sugar in line to make sure they don't end up on renal dialysis, to make sure they don't end up having their coronary arteries bypassed or stented.

□ 2010

In the long run, this cost of Medicare part D will be a savings because we won't be spending as much money paying cardiothoracic surgeons to crack people's chests; we won't be paying nursing homes for all these folks that couldn't take medication for the blood pressure that end up with massive strokes and, God bless them, they didn't die and they are in a nursing home for the rest of their lives, which may be another 20 years. So in the long run, that bill was a good bill, and we will save money because we will shift costs from Medicare part A and part B to part D, the prescription drug part. And isn't it a more compassionate way to treat a human being?

Madam Speaker, I'd like to suggest that we have a lot of good ideas that were ignored. But it ain't over. It ain't over.

I've got a couple of posters here I wanted to show my colleagues. I don't know how much more time I have. Maybe I will ask the Speaker how much longer we have.

The SPEAKER pro tempore (Ms. MARKEY of Colorado). The gentleman has 26 minutes remaining.

Mr. GINGREY of Georgia. Madam Speaker, thank you very much.

Well, I said, colleagues, that I'm representing the Republican minority tonight during what we call the Leadership Hour. Our Democratic colleagues will have the second hour. They may refute every word I've said, Madam Speaker. I hope not, but they could. But that's what we do up here. And it's important that we try to bring, as honestly as we can, from our own perspective our views so we can learn from each other. But, again, as representing the leadership and as cochair of the Doctors Caucus, as you can see on this first slide, this just says: Yes, today, ObamaCare. Three months later.

I'd like for my colleagues to pay attention to the easel, if you would, because I want to go through a few important things—quotes and promises. What we were promised. And this is a quote, ''Health care reform that will provide access to quality, affordable health care for all Americans is now law. The enacted reforms will help bring down costs for American families and small businesses. It will give all people the security of health insurance that can't be taken away.'' The majority leader, the distinguished gentleman from Maryland (STENY HOYER) said that on June 23, 2010. I believe that was Wednesday. That was yesterday that STENY HOYER made that quote, that statement.

Well, that's part of what we were promised. Here's what we got. My colleagues, again, I refer you to the easel: ObamaCare hurts small businesses. And these three bullet points. Small businesses were promised a tax credit to help with compliance with ObamaCare. On paper, the credit seems to be available to companies with fewer than 25 workers and average wages of $50,000, but in practice, a complicated formula that combines the two numbers, that works against companies that have more than 10 workers and $25,000 in average wages.

I will give you an example on this same slide, the last bullet point. An Illinois furniture supply store owner, Zach Hoffman, he ran the math. And his small business with 24 employees and $35,000 average wages would get—listen carefully, colleagues, if you can't see it—zero help because he created too many jobs and he paid them too much. And he's got 24 employees and an average salary of $35,000, and he's not going to get any help. So much for the promises.

More of what we got. More of what we got. ObamaCare hurts all employees. Increased costs. The majority of employers anticipate health care reform will increase health costs. Most say they plan to pass on increases to their employees—they have no choice—or reduce health benefits and programs. Some say that less benefits will be available for retirees.

Now, I want to elaborate on this a little bit. More than three in four employers—85 percent—believe health care reform will reduce the number of large organizations offering retiree medical benefits, and 43 percent of employers that currently offer retiree medical plans plan to reduce or eliminate them. Well, let me explain that to my colleagues.

Shortly after ObamaCare became law, a number of companies—IBM was among the companies; Caterpillar. I can name several others that would be recognized, I guess, by everybody in the Chamber as Fortune 500 companies—companies that employ a lot of people, companies who have a lot of retirees who were promised that they

would have a health care benefit, and if they retired at age 50, they could rely on that company providing them health care until they became eligible for Medicare, and then I guess it would become secondary to Medicare. But what a great benefit. But after all, when you work for a company—I guess a lot of people don't do that today, Madam Speaker. But if you spend 25 or 30 years, 5 days a week, 365 days a year being loyal to that company, you have earned it. It's not a gift. It's something that you have earned.

And when Medicare part D was passed, a lot of concern on the part of the Federal Government that these companies would just say, Well, okay, we'll just drop the coverage for our retirees and they can, when they get eligible agewise for Medicare, they'll just pick up their health care then.

Well, a tax break was given to these companies on that cost that they incurred in providing the health care benefit for their retirees, and indeed it did include prescription drugs for many of these companies. And all of a sudden with this new law, ObamaCare—ObamaCare, Patient Protection and Affordable Health Care Act—that tax break was taken away. I really didn't realize it. I'm on the Energy and Commerce Committee and very involved in all the markups and back-and-forth that went on for a year, but I wasn't aware of that provision. But in the aggregate, something like $6 billion worth of tax advantage to incentivize these companies to continue to pay the health insurance for their retirees was taken away.

Well, they were required, the companies, as this was a cost to their bottom line, the SEC requirement was that they immediately let the SEC know, to make a filing to that effect. And what they did, they were literally threatened to be drug before the Energy and Commerce Committee with the threat of subpoena to come and prove they weren't lying.

Madam Speaker, my colleagues, and the American people, that is a pretty scary scenario, is it not? Is it not? It's unbelievable is what it is. But these companies submitted all the required documents that the committee demanded and then the committee realized that the companies were right and they were wrong. This indeed was an unintended consequence. And this bill is riddled with stories like that. It's been 3 months and we're finding something new like that almost every day.

Here's also what we got, as I refer you back to the easel. ObamaCare hurts all employers. Independent Mercer Survey on ObamaCare: 97 percent of employers responded that the legislative changes would cause premiums to rise. And indeed they have.

□ 2020

The survey also examined business' fears about the law's new employer mandate penalties. More than one in four employers, 26 percent, and nearly two in five retailers, 39 percent, may not be in compliance with provisions requiring coverage of all employees working over 30 hours per week. And finally, of those, a majority, 59 percent, said they would consider changing their business practices so that fewer employees work 30 hours or more per week.

So what we're talking about, again, is that this bill, while it may get a few more people health insurance, it's going to cause so many more people to lose their jobs, to add to that 16 million. And, Madam Speaker, as I said earlier, these people, once they've been out of work a while, they want health insurance, but they also want a paycheck because they have to support their families. And they'll do everything they can to protect their health.

You know, they won't let them walk to school on a busy highway, and they'll make sure they're wearing their helmets when they get on their bicycles. But, you know, food is not free, clothes are not free, mortgage payments are not free.

So, again, this is why the American people said, you know, we're in a rut. We're in a ditch, and we think it's time for you to stop digging. You are making it worse. You are digging the hole deeper, borrowing all of this money and us being $13 trillion in debt. You cannot spend your way out of debt. It's impossible. It can't be done. It's never been done. Let's get this country back on its feet and get people back to work, get that unemployment rate down to 6 percent again; and then we can do the things that we need to do.

Madam Speaker, I could talk about a number of Republican alternatives. WALLY HERGER, my good friend from California who is the ranking member of the Health Subcommittee on Ways and Means, just introduced a bill within the last couple of days that does all the things that we need to do. And I can assure you, Representative WALLY HERGER's bill is not 2,500 pages long. And that's a commonsense sort of thing.

I am going to mention one other thing to my colleagues, and then I'm going to wrap up this evening. I was so disappointed, and my physician colleagues were so disappointed, Madam Speaker, when the President did not follow through on his promise to do something about medical liability reform, so-called tort reform. We've tried to many times pass that in this Chamber under a Republican majority, but we couldn't get it through the Senate. I have given a lot of thought to that. And particularly when the CBO says that we could save $54 billion over 10 years, I think it's probably closer to $100 billion a year. I have seen many other studies that suggest that.

But I think that the bill that I am introducing right now—it's called MEDMAL Act of 2010. MEDMAL is an acronym. It stands for Meaningful End to Defensive Medicine and Aimless Lawsuits. Doctors all across this country are ordering all of these unnecessary tests. They're getting criticized for getting a CAT Scan on everybody that comes into an emergency room with a headache. But I'm telling you, they're doing it not to gin up their own revenues. They're doing it because they're scared to death that if that one in a million situation where the person has a brain tumor or an impending stroke is missed, they will be sued and not only lose all of their assets, they would lose their profession. We can't continue that way. And I would think Republicans and Democrats alike, if we could join hands can do something about that.

So I have introduced a bill, and, Madam Speaker, I think that it will really make a difference. And I will be talking about that a lot as we go through these remaining 6 months of the 111th Congress and trying to work my colleagues on both sides of the aisle to make sure it's something that's fair, that our trial attorneys who, for the most part, are great people and are very skilled in what they do, and they're representing their clients who have been injured maybe by some doctor or hospital practicing below the standard of care, they deserve their day in court. We don't take that away. That would not be right.

But we also try to end this frivolous jackpot justice that exists today. And I think this bill will do that. So while I don't have too much time to talk about it tonight, Madam Speaker, I certainly do plan on sharing it with my colleagues maybe as we come back next week.

Well, let me thank you for your attention tonight. I thank my leadership for giving me the opportunity. I probably needed another hour to really go over everything that I wanted to talk about. But I think it's important for us to know that the American people are not done with this. As I said, it's not over until the American people win because that's why we're up here. We're up here to win for the American people, not for the special interests, not for ourselves. We're public servants, and we're obligated to continue to work to try to do what's right for the American people. And I think we can and will do that.

VACATING 5-MINUTE SPECIAL ORDER

The SPEAKER pro tempore. Without objection, the 5-minute Special Order of the gentleman from Texas (Mr. GOHMERT) is vacated.

There was no objection.

TOPICS OF THE DAY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes.

Mr. GOHMERT. Madam Speaker, I have appreciated my colleague's insights. Somebody who has spent his entire adult life working on the issues of health care and trying to be a healer and a helper certainly has a good idea about ways to fix our health care system. It's just a shame that in the health care bill that got crammed down everyone's throat here that my friend from Georgia as well as so many of the doctors here were not allowed any real meaningful input.

And it is interesting, as we think about the health care bill that was supposed to do so much, and you consider it in light of the Speaker's comments, that we need to pass the bill so we can find out what's in it. Well, we're beginning to find out more and more. Now, some of us read through the 1,000-page bill. We read through the 2,000-page bill, and when we got this one between 2,000 and 3,000 pages, frankly, I put off going through that.

I knew there wasn't going to be much sleep for a while while I was trying to get through that, and I think I got through about all but about 300 pages. It's tough sledding, though, of course when you are reading through a bill that references other sections and subsections and including other laws that unless you actually go look them up, then it's hard to really get a grasp. Since I have been a judge and dealt with law most of my adult life, sometimes you can pick up things others don't realize.

But it really is heartbreaking to realize as more and more people get into this new so-called health care bill just how much damage is being and will be done. You don't cut $500 billion from Medicare and not end up having seniors that don't get the care they need. You don't end up increasing taxes by $500 billion, like this did, and not hurt job creation in this country.

I heard a comment just today from someone who's not a Member of Congress, is an economist. He said, You can't love jobs and hate the people that create them. And that seems to be what we're dealing with. We've got a health care bill that punishes employers. If you dare try to provide health insurance for your employees, then you're going to actually end up paying more than you ever dreamed you would. If you don't pay for health care for your employees, if you have more than 50 employees, you're going to be paying $2,000 per employee, and that's going to get pretty expensive. It's not going to help them one whit with their health insurance.

But we have done so much damage to jobs, it's just unbelievable. And I am getting more calls and emails into my office from people that are shocked because they thought once the ObamaCare bill went through, all of a sudden they would magically get health care like they never had before. Now what people are going to get for the next few years is a lot of extra taxes, $500 billion in extra taxes, and that's not going to be good for the economy.

□ 2030

But as we approach the end of the year, a number of economists have pointed out, things should start picking up the rest of the year if the government doesn't keep interfering and creating problems as it has been because the economy wants to improve itself if we will just let it. But especially the next 6 months, things should be improving because when we get to January 1, 2011, there are going to be the biggest tax increases in American history. January 1 of 2011, it's coming.

And we have seen over and over, you want to hurt the economy, then just have a big tax increase. Our friends across the aisle constantly enjoy saying it is tax cuts that got us into this problem. It is not; it is the spending that went out of control. When the Republicans had Congress from 1995 to 2000, it is the Congress that got a balanced budget. The President doesn't pass a budget. He proposes one. His wasn't used. The Congress came up with a balanced budget. And despite President Clinton kicking and screaming, he finally came along and signed off on the bill, and we had a balanced budget.

The problem came when we had a Republican President and Republican House and Senate. You had Republicans get giddy and start thinking, gee, maybe the Democrats are right and you can show compassion by throwing money at a problem. You can spoil a child by doing that if you are a parent. You can destroy people's desire to work.

I wish more could have benefited from the exchange program from which I learned so much in 1973. There were eight Americans that were allowed into the Soviet Union that summer on that program. At one point the eight of us were out at a collective farm about 30 miles from Kiev in Ukraine, and I was amazed because the fields looked terrible. I am from east Texas and there is a lot of farming and ranching. I have worked on a lot of farms. I could not believe how bad their fields were. They were just pitiful. It looked like nobody had been working out there. The sun was eating them up, and they weren't doing anything about it. The fields were overgrown with weeds. Anyway, all of the farmers in mid-morning were sitting in the shade. I spoke some Russian back then, and I put together some words and tried to nicely say in Russian, When do you work? And they laughed. One of the guys said, in Russian, I make the same number of rubles if I am here or I am out there in the field, so I am here.

Well, there is your lesson on communism. When you end up paying people the same thing if they are working and sweating and killing themselves to grow crops, or if they are sitting in the shade, laughing, cutting up with their friends, they are going to sit in the shade and laugh and cut up with their friends. It is going to happen. That is why communism has never worked and it will never work.

The Pilgrims tried a form of it out of a Christian thought—if we bring everything in a common storehouse and share things. Even the New Testament Church at one time tried that, and it resulted in the Apostle Paul saying: Okay, new rule; you don't work, you don't eat. The Pilgrims had to do something similar, and they got to a really novel concept: How about if we just give everybody your own private property, it is yours to do with as you wish, but you eat what you grow. You have excess, you can trade it, barter, whatever, use it to buy other things. What a novel idea, giving people private property and letting them be rewarded by the sweat of their brow instead of rewarding their neighbor.

Many people think that, and as a Christian I don't seek to ram my beliefs into someone else, but as a Christian if you care you would like for people to understand what is at risk. But I hear Christians here on the floor who have spoken up and said, You know, Jesus said, as you have done to the least of these, my children, you have done to me. He said we are to help the widows and orphans. He said we are to help the less fortunate. I was naked and you clothed me. I was hungry and you fed me. Where is that compassion in here? What they misunderstand is that Jesus never said go thee therefor, use and abuse your taxing authority, take somebody else's money, and do your charitable work. He meant for you to do it with your own money, your own effort, not go take from somebody else and legalize your stealing from somebody else so you give to your favorite charity. That is not what he intended. He knew in an orderly society you would have need of government. You would need courts. That is why Romans 13 talks about the role of government. If you do evil, be afraid, because the government is supposed to be fair. But fairness is not taking in a form of legalized stealing, taking somebody else's money to give to your favorite charity.

That is why after Zacchaeus met Jesus, the first thing he did was go and cut taxes. Fact is he even created a 4 to 1 rebate for those from whom he improperly took tax money. But you don't hear that kind of talk a whole lot here; you hear you guys are heartless and uncaring.

When you think about eagles or birds, it seems so mean and uncaring for a mother to shove that bird out of the nest and force them to learn to fly. It seems mean. It seems uncaring. But unless they do that, they are never going to learn to fly. There are people who could fly in this country, figuratively speaking, and yet the government keeps pushing just enough money into their hands to keep them subsisting and just enough money to keep them beholden to the big master here

in Washington. It is as if there are people here in this city who want people across America to see us in Congress as the big master. And you are the slave. You are the servant. We want you beholden to us. That's not what this Nation was founded on.

This Nation was founded on the ideas, and you read them and hear them if you study history—I had wonderful history teachers, and it breaks my heart to hear people who don't understand where we came from and the basis for this country. But it was not to lure people into subsistence and dependence on the government. That was never the purpose. It was to inspire people. It was to give them liberty and freedom and say you can be anything you want to be. And some of us were blessed to have parents who loved us and would say that: you can be anything you want to be.

□ 2040

And now today, unfortunately, surveys are showing, indicating 70 percent of American adults, first time in our history, are saying we don't believe our children are going to have the opportunities and liberties, the life as good as we have had it. That is tragic. And that is why some of us ran for Congress, because we are going to do everything in our power to prevent that from happening, so our children can have an even better life, better liberty, better freedoms than we had. It can still happen, but it cannot happen when this government is determined to make people completely reliant on it.

One of the things that drove me to run for Congress, to leave the judicial bench, was I knew judges were not supposed to legislate, and I didn't. Sometimes I didn't like the laws I had to follow, but if we were going to have a rule of law in this country, judges have to follow the laws, and I did. But it was seeing how many examples over and over presented themselves that had indications that government lured these people away from their God-given potential and into ruts from which they could not extricate themselves, with no hope of getting out unless they committed a crime. That's the way it would look to them. How did we get so far afield from the foundation of this Nation that inspired people to reach their heights?

And I understand, I mean we're all affected by how we're raised and the people that had an impact on our lives. And I am sure there are those in America who, if they came from a broken home, there are even people who have been given everything with a silver spoon who would seem to have come from nothing and yet had the best schools all the way up, had the greatest things. And I can understand if somebody has been given everything their whole life that they've ever wanted that they would think, Well, we need to do that for other people because, look at me, I've reached the top and, you know, I had everything given to me. I never really had a real job, never really had to work to earn things for myself. Everything was given to me, so let's just give everything to everybody else.

Unfortunately, we come back to the quote I read earlier, ''You can't love jobs and hate the people who create them.'' It doesn't work. And jobs are not created for very long by government without hurting the private sector, meaning eventually the government takes over everything, provides the jobs. And there's no better example of where that goes than we had in the Soviet Union.

Eventually, just like the Pilgrims, just like the New Testament church, people in leadership realize we've made a mess. Now, the question is: Can we get back on track? It was one of the Caesars that realized providing bread and circuses had made the people lazy, they were unproductive, and it was destroying the Roman Empire. And he tried to do away with bread and circuses to push people, as the mother eagle does, push the baby out of the nest so it will be forced to fly.

Unfortunately, when you have made them dependent for so long, for too long, they don't fly. They start rioting in the streets. They don't reach their potential. They start destroying what others have and what others have created for themselves, and you eventually destroy the society. They had to reinstate the bread and circuses, and they knew there was no way to avoid the eventual end because people had become too dependent on government.

Phil Gramm used to say, when you got one more in the wagon than pulling the wagon, the wagon's going to stop. We've gone from 39 percent of U.S. adults not paying income tax now approaching 50 percent. And when we get over 50 percent, if those people that do not pay any taxes all vote, then we're done for, because you'll have people picking the leaders, just as has been predicted thousands of years ago, you will have people selecting the leaders based on how much they will be promised from the public treasury, and the public treasury will go broke. And then you are put to the situation that the Soviet Union had. You can't print it fast enough to get out of debt. You can't borrow enough to sustain you any longer, so you have to announce this country is out of business. We're done. And that's where this country is going.

My friends across the aisle in 2005 and 2006 who complained bitterly about deficit spending were right. We should not have been deficit spending. It's a big reason that our friends across the aisle won the majority. But in the 4 years since, nearly 4 years, we have gone, in one case, a $160 billion budget to a $1.6 trillion budget. They said the right things. I thought they believed them. You've got to stop deficit spending. Yet here after the majority shifted, we have found ourselves with 10 times the deficit that we were beat up for, properly, 4 or 5 years ago. The deficits have to stop. We are destroying this country.

You look back at what President Reagan did, had a great economist, Art Laffer. And he had said you need a 30 percent tax cut. If you will cut taxes 30 percent, you will see this economy explode. Unfortunately, that 30 percent tax cut was put in place over a 3-year period. In 1981, there was only like a 1½ percent tax cut; in 1982, a 10 percent tax cut; in 1983 about a 20 percent tax cut. So just as Laffer predicted, when he got so troubled when he heard that it was going to be phased in over 3 years, he said 1981 and 1982 are going to be disastrous, 1983, when the full tax cut comes through, it will be terrific. And that's what happened, and that's how President Reagan got a second term.

The big tax cuts came through. The problem was deficit spending did not stop. And it's carried on even today, with that brief interim. When the serious Republicans took the majority, 1995 to 2000, they balanced the budget. But we've got to get back to that or those 70 percent of American adults who think their kids will not have it as good as they did, they will end up being right.

Now, look at some of the judgment that is being utilized these days. You have people that say they believe in the law, and yet you had a Federal judge say you can't act arbitrarily and capriciously and just ban all offshore drilling even among people who are doing everything right.

You know, I betcha if the Federal Government had said we are going to have a moratorium on our dear friends, the big Democratic contributors from a company called British Petroleum, if we just have a moratorium on British Petroleum offshore rigs, there would have been a basis, because we knew, it appears at least, that they cut some corners. And the more you find out, the more you realize they kind of felt like somebody here in Washington had their back.

They were working with this administration, with the Democratic majority, particularly in the Senate, to pass a number of bills that most people think were not a good idea. But the TARP bill, British Petroleum supported that. The stimulus bill. Most people think, you know, oh, these big oil companies, they are all Republican. Well, if you look, just like Wall Street, Wall Street gives about four to one to Democrats over Republicans. And with British Petroleum, they were working so closely with the administration and with Democrats in the majority, as one article talks about, Senator KERRY communicating with, working with British Petroleum to try to pass the crap-and-trade bill at the very time that the Deepwater Horizon blew out.

□ 2050

It is beginning to appear that British Petroleum used a cheap way of drilling in such deep water. It shouldn't have

been used in such deep water. That is what is beginning to emerge, it appears may be the case, and that it seems like there was almost an attitude that we don't have to worry; we're big buddies with the White House and with the majority. They've got our backs; we can cut corners.

We find out Minerals Management Service sent out their two-man unionized father-and-son team to be the last team of offshore inspectors that inspected the Deepwater Horizon. There's certainly plenty of anecdotal stories about how the inspections were not occurring as they should and there were gifts changing hands, all kinds of problems.

We find out that a lady who was in the Clinton administration that actually signed the notices about the deepwater leases, offshore leases, back in '99 and '98, that pulled the price adjustment language, which has now apparently cost our country billions of dollars from its Treasury where they should have gone to big companies like British Petroleum. It turns out that lady went to work for British Petroleum for 8 years, from 2001 until 2009; and then in June of 2009 she came back to work for Minerals Management Service, even though we heard from the Deputy Secretary of the Interior, oh, yeah, we've recused her from areas where she may have a conflict. Give me a break. From British Petroleum?

No wonder they thought somebody here in Washington, their Democratic majority friends, the White House, had their back, so they could go cheaply, they could cut corners and make extra profit because they were in with the powers that be here in Washington. They were in. They were in favor of the crap-and-trade bill. They had supported TARP. They had supported the stimulus. And this administration loved having a big oil company that supported them on this stuff so that they could tout that.

So, sure, BP thought they had their back covered. And it was only when, after a number of weeks when it became very clear that the American public was furious, appropriately, at British Petroleum, that the administration realized they needed to throw them under the bus, and so they finally did. But what better thing to do, if you're going to hurt one of your friends by throwing them under the bus, then just hurt all the oil companies so that they're all hurt equally, except, of course, the one we heard on television that may be George Soros' biggest individual investment, over $900 million to drill offshore Brazil. We loaned them $2 billion from this country even though we won't drill our own stuff and have a moratorium.

In this article about the deepwater drilling ban and the Federal judge, Feldman, that lifted it, this article, and this was from Bloomberg, indicates that Judge Feldman granted a preliminary injunction halting the moratorium and immediately prohibited the U.S. from enforcing the ban. Government lawyers told Feldman the ban was based on findings in a U.S. report following the sinking of the Deepwater Horizon rig off the Louisiana coast in April.

But then Judge Feldman, after he reviewed that, said: ''The court is unable to divine or fathom a relationship between the findings and the immense scope of the moratorium.'' The quote continues: ''The blanket moratorium, with no parameters, seems to assume that because one rig failed and although no one yet fully knows why, all companies and rigs drilling new wells over 500 feet also universally present an imminent danger.''

I bet if they had just only imposed a moratorium on this administration's former dear friend and the majority, particularly in the Senate, British Petroleum, then that moratorium probably would have held, because there are, seem to be, indications they were cutting corners.

Judge Feldman said this, also: ''The court cannot substitute its judgment for that of the agency, but the agency must, quote, cogently explain why it has exercised its discretion in a given manner.'' Judge Feldman then says ''it has not done so'' and that it must be ''immediately prohibited'' in order to avoid ''irreparable harm.''

And then what seemed to be offensive even more so from this administration was announcing that there would be an appeal even before the opinion was read. It's as if this administration really and truly does not care about the law. We saw that with the auto task force. Their bankruptcy laws say there have to be time for alternative plans for reorganization, secured creditors take the first, unsecured creditors take last and least. Those laws were turned, just thrown out by an auto task force meeting in the White House, appointed by the President, without any confirmation from the Senate, without any input from Congress.

We couldn't even find out what was discussed in those meetings. They just threw aside the bankruptcy law, threw aside the Constitution that says before you can take property there must be due process, threw all those laws to the side, completely dismembered the Constitution and the bankruptcy laws and found a bankruptcy judge. Perhaps since they have to be reappointed, it's not a lifetime, this bankruptcy judge was hoping to be reappointed as a bankruptcy judge, perhaps he was hoping for a lifetime appointment, but the judge signed off on it. Clearly illegal.

The Supreme Court should have stopped it but apparently the administration scared enough of the Supreme Court judges that if they held up this bankruptcy plan and the sale to an Italian, an inferior car company, then all people in the car business would lose their jobs, and they used scare tactics and got even the Supreme Court to overtly walk away from the Constitution and ignore it. And this is the kind of thing we see now. They won't even read the opinion of the judge to see if it makes sense, just simply announces we're going to appeal.

But then again, what would you expect from an administration that didn't have the decency to call the Governor of Arizona and say, you know what, Governor, we owe you an apology. We are so sorry. We should have been doing our job as a Federal Government. We should not have allowed 75 percent of gang members who are violent in this country to be here illegally. We shouldn't have allowed illegals to destroy wilderness area national parks and put people at life and liberty at risk, property at risk. We shouldn't have allowed that to happen to Arizona. We should have done our job, and we're sorry.

Oh, no, that didn't happen. Instead, the Secretary of State was sent to Ecuador to tell Ecuador, since I guess the administration thinks we owe Ecuador more than we do one of the 50 States, of the U.S. citizens, we owe more to Ecuador apparently, so they were told about the lawsuit that would be forthcoming against Arizona's law from people who announced without ever reading the law that it was a terrible thing, it was racist, it was profiling; and they had not even read the law.

□ 2100

You know, it's scary. It's really scary what's going on around here when the law doesn't matter. I never thought I would see a time in our country's history like this when the law just didn't matter.

''We're in power.''

I really enjoy Bill O'Reilly's show on Fox, but I heard him say the other night, What's wrong with the President's bringing in a company CEO and having the Attorney General there, who has already announced he is investigating them? He wants to charge them with a crime, and have him sitting there for no other reason, obviously, than to intimidate the CEO of British Petroleum and to get them to fork up a $20 billion fund. There is a reason that one man in this country is not supposed to have that kind of authority to extort money.

Bill O'Reilly said, oh, he thought it was fine. In fact, he would even go in with a machine gun and force them to give up that kind of money. I hope and pray he got carried away when he made that comment and that he really doesn't believe that, because what that would be saying is, when someone does something as hideous as what British Petroleum has done here—taking lives, wounding, injuring people, destroying landscape, destroying vast areas—it's okay if you become a criminal if they have been so very negligent.

It's not okay to let someone's negligence force you into becoming a criminal. We've got to be above those things, and we've got to follow the law. There are laws that say you cannot abuse your office by threatening prosecution unless someone does something financially that you direct.

Anyway, these are just amazing times when smart, people, with wisdom on most occasions, are letting that go to the wind as a result of some heinous negligence—and maybe at some point we'll find out—some criminally negligent activity, as we've seen from British Petroleum.

We owe it to Arizona and the people of the United States to enforce the borders. There are people coming into this country who want to destroy our way of life.

I talked to a retired FBI agent who said that one of the things they are looking at are terrorist cells overseas which have figured out how to game our system. It appears they would have young women who would become pregnant. They would get them into the United States to have a baby, and they wouldn't even have to pay anything for the baby. Then the babies would return back where they could be raised and coddled as future terrorists. Then one day 20, 30 years down the road, they could be sent in to help destroy our way of life because they would have figured out how stupid we've been in this country to allow our enemies to game our system, to hurt our economy, to get set up in a position to destroy our way of life. Yet we won't do anything about it. We'll even sue a State that tries to do something about it.

We have a national park down on the Arizona-Mexico border that now has signs posted to warn American citizens not to go into the area because it is being used by people illegally there. You know, it's kind of like those spaces in roads where a city just doesn't want to spend the money to fix a hole or a bump. So, instead of fixing the problem, they'll just stick up a sign, saying, ''Bump.'' That's what we're doing. We have got a problem. People are putting life and limb and sacred fortunes at risk, and all we're doing is putting up a sign saying that this is a dangerous area and that you probably don't want to come over here.

Let's see. This is an article from Fox News, authored by Joshua Rhett Miller. Anyway, in quoting from the article:

''Roughly 3,500 acres of the Buenos Aires National Wildlife Refuge—about 3 percent of the 118,000-acre park—have been closed since October 6, 2006, when U.S. Fish and Wildlife Service officials acknowledged a marked increase in violence along a tract of land that extends north from the border for roughly three-quarters of a mile. Federal officials say they have no plans to reopen the area.''

We've just got to let the illegal, violent people have that property, and U.S. citizens can't use it. It has been closed.

The article reads, ''Elsewhere, at Organ Pipe Cactus National Monument, which shares a 32-mile stretch of the border with Mexico, visitors are warned on a federally run Web site that some areas are not accessible by anyone.

''Due to our proximity to the international boundary with Mexico, some areas near the border are closed for construction and visitor safety concerns,'' the Web site reads.

We're not going to fix the bump in the road. We're just going to put up a sign that says, ''Bump.'' Well, why don't you spend the money that's being spent on the sign to stop the problem? Instead, States like Arizona are driven to try to protect themselves.

Now, we have got an area down there, a wilderness area in this park, the Organ Pipe Cactus National Park, with a 32-mile stretch. It is wilderness area, so you can't even drive a vehicle. Border Patrol can't drive a vehicle into that area. A helicopter can't land in that area. Border Patrol is not allowed to adequately do their job there. How crazy is that? It's because we've got massive numbers of illegals—some violent, as we've found out—coming in there, doing damage and putting our Nation at risk. Instead, we declare it off limits to our own people. You can't keep a country going when you have that little regard for the country's future safety and current safety.

It's interesting, too. Under U.S. law, the Border Patrol can go onto private land along the U.S. border with Mexico or Canada. It can go in up to 25 miles away from the border to do their jobs except in this national park area. They're not allowed to go in to do their job there.

That's why I've prepared a bill that would direct the Secretary of the Interior or Border Patrol—and this is the way it works in this country, in this government. The law is we have to have a study done to see what would be an appropriate amount of land before we would be allowed to transfer it. This bill would require that a study be completed to determine the buffer area needed to allow for border protection and for environmental protection on lands administered by the Department of the Interior along the border of Arizona and Mexico. Then they'd have to come back very quickly. I put in 6 months. They want to have 2 years normally. We haven't got that kind of time. They'd come back and tell us how much would be appropriate to convey over, away from the park, so that we could adequately control our border. It's the only thing that makes sense in that regard, and I'm hoping that many of my colleagues will sign onto that bill.

Another thing we've done here is we, today, passed a bill making tougher sanctions regarding Iran. They are tougher sanctions, and that's a good thing. The trouble is it has taken so long to get sanctions in place and the centrifuges in Iran have been spinning for so long that, according to the IAEA, they have enough nuclear material to make two bombs now.

Well, let's think about that.

I have a resolution here, and I'm hoping, Madam Speaker, that we will have people who will get on board. I think I've got around 50 cosponsors, but there is no reason that most of the Congress should not be sponsoring this bill, so I would submit the following, and this is from the bill that has been crafted and that I am proposing.

□ 2110

The whereases are as follows:

Whereas, with the dawn of modern Zionism, the national liberation movement of the Jewish people some 150 years ago, the Jewish people determined to return to their homeland in the Land of Israel from the lands of their dispersion;

Whereas, in 1922, the League of Nations mandated that the Jewish people were the legal sovereigns over the Land of Israel and that legal mandate has never been superceded;

Whereas, in the aftermath of the Nazi-led Holocaust from 1933 to 1945, in which the Germans and their collaborators murdered 6 million Jewish people in a premeditated act of genocide, the international community recognized that the Jewish State, built by Jewish pioneers, must gain its independence from Great Britain;

Whereas, the United States was the first Nation to recognize Israel's independence in 1948, and the State of Israel has since proven herself to be a faithful ally of the United States in the Middle East;

Whereas, the United States and Israel have a special friendship based on shared values, and together share the common goal of peace and security in the Middle East;

Whereas, on October 20, 2009, President Barack Obama rightly noted that the United States-Israel relationship is a ''bond that is much more than a strategic alliance'';

Whereas, the national security of the United States, Israel, and allies in the Middle East face a clear and present danger from the Government of the Islamic Republic of Iran seeking nuclear weapons and the ballistic missile capability to deliver them;

Whereas, Israel would face an existential threat from a nuclear weapons-armed Iran;

Whereas, President Barack Obama had been firm and clear in declaring United States opposition to a nuclear-armed Iran, stating on November 7, 2008, ''Let me state—repeat what I stated during the course of the campaign. Iran's development of a nuclear weapon, I believe, is unacceptable.''

If I might interject here, this bill was drafted to be extremely bipartisan to show that people on both sides of the aisle have the same concerns. We've just got to get people signed on as cosponsors so that we can get this to the floor for a vote.

But going back to the resolution:

Whereas, on October 26, 2005, at a conference in Tehran called ''World Without Zionism,'' Iranian President Mahmoud Ahmadinejad stated, ''God willing, with the force of God behind it, we shall soon experience a world without the United States and Zionism'';

Whereas, The New York Times reported that during his October 26, 2005, speech, President Ahmadinejad called for ''this occupying regime—Israel—to be wiped off the map'';

Whereas, on April 14, 2006, Iranian President Ahmadinejad said, ''Like it or not, the Zionist regime, Israel, is heading toward annihilation'';

Whereas, on June 2, 2008, Iranian President Ahmadinejad said, ''I must announce that the Zionist regime—Israel—with a 60-year record of genocide, plunder, invasion, and betrayal, is about to die and will soon be erased from the geographical scene'';

Whereas, on June 2, 2008, Iranian President Ahmadinejad said, ''Today, the time for the fall of the satanic power of the United States has come, and the countdown to annihilation of the emperor of power and wealth has started'';

Whereas, on May 20, 2009, Iran successfully tested a surface-to-surface long-range missile with an approximate range of 1,200 miles—which, by the way, if it were on a ship off the Texas coast could get it up to the middle of the country, 300 miles up, and which if exploded, as well-known among those who have looked at the issue, would create an electromagnetic pulse, an EMP, which some experts have told us will fry every computer chip in the country, and indications are even Wal-Mart would not be able to sell a product. Electricity would not be generated. It just is important to note what 1,200 miles means.

Whereas, Iran continues its pursuit of nuclear weapons;

Whereas, Iran has been caught building three secret nuclear facilities since 2002;

Whereas, Iran continues its support of international terrorism, has ordered its proxy Hezbollah to carry out catastrophic acts of international terrorism such as the bombing of the Jewish AMIA Center in Buenos Aires, Argentina, in 1994, and could give a nuclear weapon to a terrorist organization in the future;

Whereas, Iran has refused to provide the International Atomic Energy Agency with full transparency and access to its nuclear program;

Whereas, United Nations Security Council Resolution 1803 states that according to the International Atomic Energy Agency, ''Iran has not established full and sustained suspension of all enrichment-related and reprocessing activities and heavy water-related projects as set out in Resolution 1696 (2006), 1737 (2006), and 1747 (2007), nor resumed its cooperation with the IAEA under the Additional Protocol, nor taken the other steps required by the IAEA Board of Governors, nor complied with the provisions of Security Council Resolution 1696 from 2006, 1737 from 2006, and 1747 from 2007 . . . '';

Whereas, at July 2009's G–8 Summit in Italy, Iran was given a September 2009 deadline to start negotiations over its nuclear programs, and Iran offered a 5-page document lamenting the ''ungodly ways of thinking prevailing in global relations,'' and included various subjects but left out any mention of Iran's own nuclear program, which was the true issue in question;

Whereas, the United States has been fully committed to finding a peaceful resolution to the Iranian nuclear threat, and has made boundless efforts seeking such a resolution and to determine if such a resolution is even possible;

And, whereas, the United States does not want or seek war with Iran, but it will continue to keep all options open to prevent Iran from obtaining nuclear weapons:

Now, therefore, be it resolved that the House of Representatives:

Condemns the government—number one, condemns the Government of the Islamic Republic of Iran for its threats of ''annihilating'' the United States and the State of Israel, for its continued support of international terrorism, and for its incitement of genocide of the Israeli people;

Two, supports using all means of persuading the Government of Iran to stop building and acquiring nuclear weapons;

Three, reaffirms the United States' bond with Israel and pledges to continue to work with the Government of Israel and the people of Israel to ensure that their sovereign nation continues to receive critical economic and military assistance, including missile defense capabilities needed to address the threat of Iran; and

Four, expresses support for Israel's right to use all means necessary to confront and eliminate nuclear threats posed by Iran, defend Israeli sovereignty, and protect the lives and safety of the Israeli people, including the use of military force if no other peaceful solution can be found within a reasonable time.

□ 2120

Now, that's what we should have passed today instead of sanctions because the sanctions have not been productive, the centrifuges continue to turn, and Ahmadinejad continues to make threats.

Another thing that's been going on is the snubbery of Israel by this administration and the incredibly hurtful vote with Israel's enemies to force them to open up and reveal their most powerful defenses, similar to what Hezekiah did back 2,000 years before there was a Mohammed—back, unfortunately, as Helen Thomas never had anybody kind enough to teach her the truth, the historic truth. Thousands of years before Mohammed, Hezekiah was in Israel—well, I guess not quite 2,000 years. But after he showed the Babylonians his treasure and all his defenses, Isaiah came and said, Because of this, everything they have seen will be taken away.

You don't show your enemies all of your defenses, your strongest defenses because they'll figure out a way to defeat them. And because this administration has been rather rude to Prime Minister Netanyahu—there's a letter that I'm hopeful, Mr. Speaker, that Members will join in signing, bipartisan, Speaker PELOSI and Leader REID. The letter simply, bipartisan in nature, says: ''This letter is to simply state the obvious need for the Prime Minister of our dear friend Israel to address a joint session of Congress. He has been here in Washington on numerous occasions but has not addressed a joint session of Congress since 1996.

''In our Nation's history, we have invited over 100 leaders from 50 different countries to speak before joint sessions of Congress. At this time, with the enemies of America and Israel looking for weaknesses in our close relationship, we can show them that Israel is our friend and will be our friend, and we want to hear from its leader, Prime Minister Netanyahu.

''With the magnitude of international events and tensions swirling in recent years and the threat of nuclear proliferation in the Middle East, it is desperately important that we show the world the importance of our relationship with Israel by inviting Prime Minister Netanyahu to come address this body. The sooner we extend such an invitation, the more stabilizing it will be. We, the undersigned, urge you to extend the invitation to Prime Minister Netanyahu to speak to a joint session of Congress as soon as possible.''

When the enemies of Israel were to see both sides of the aisle standing and applauding the Prime Minister of Israel, the message could not be more clear, but we need to send that message. It needs to be clear. It needs to be unequivocal. People need to know that we support our friend, and there is not a great deal of distance between our two countries. We're close friends.

And if I might inquire how much time remains?

The SPEAKER pro tempore (Mr. MINNICK). The gentleman has about 2½ minutes remaining.

Mr. GOHMERT. Well, in closing, let me just refer to this little Bible my aunt says my uncle received going into World War II from the Federal Government when he went in the Army. It has a metal plate on it. It says: ''May the Lord be with you.'' And I realize this will be the last couple of minutes we're in session this week. So these are the words of Franklin D. Roosevelt on the flyleaf:

''The White House, Washington. As Commander in Chief, I take pleasure in commending the reading of the Bible to all who serve in the Armed Forces of the United States. Throughout the centuries, men of many faiths and diverse origins have found in the Sacred Book words of wisdom, counsel and inspiration. It is a fountain of strength and now, as always, an aid in attaining the highest aspirations of the human soul.''

Franklin Roosevelt had a good idea there. And I will commend that, Mr. Speaker.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. DAHLKEMPER) to revise and extend their remarks and include extraneous material:)

Mr. TOWNS, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mrs. DAHLKEMPER, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

(The following Members (at the request of Mr. FORTENBERRY) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, July 1.

Mr. JONES, for 5 minutes, July 1.

Mr. BURTON of Indiana, for 5 minutes, June 28, 29, 30, and July 1.

Ms. FOXX, for 5 minutes, today.

Mr. MACK, for 5 minutes, today.

Mr. FRANKS of Arizona, for 5 minutes, today.

Mr. FORTENBERRY, for 5 minutes, today.

ENROLLED BILL SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3962. An act to provide a physician payment update, to provide pension funding relief, and for other purposes.

SENATE ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The Speaker announced her signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 1660. An act to amend the Toxic Substances Control Act to reduce the emissions of formaldehyde from composite wood products, and for other purposes.

S. 2865. An act to reauthorize the Congressional Award Act (2 U.S.C. 801 et seq.), and for other purposes.

S.J. Res. 32. Joint resolution recognizing the 60th anniversary of the outbreak of the Korean War and reaffirming the United States-Korea alliance.

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 25 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, June 25, 2010, at 4 p.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Speaker-Authorized Official Travel during the second quarter of 2010 pursuant to Public Law 95–384 are as follows:

(AMENDED) REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, JENNIFER M. STEWART, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 29 AND MAY 4, 2010

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Jennifer M. Stewart	4/30	5/1	Qatar		390.00		8,578.00				8,968.00
	5/1	5/2	Afghanistan		78.00						78.00
	5/2	5/3	Pakistan		721.00						721.00
Committee total											9,767.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. JOHN A. BOEHNER, June 10, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO QATAR, AFGHANISTAN, AND GERMANY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 6 AND MAY 10, 2010

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Nancy Pelosi	5/7	5/8	Qatar		227.00		(3)				227.00
Hon. Susan Davis	5/7	5/8	Qatar		341.00		(3)				341.00
Hon. Donna Edwards	5/7	5/8	Qatar		341.00		(3)				341.00
Hon. Niki Tsongas	5/7	5/8	Qatar		341.00		(3)				341.00
Hon. Madeleine Bordallo	5/7	5/8	Qatar		341.00		(3)				341.00
Hon. Wilson Livingood	5/7	5/8	Qatar		280.00		(3)				280.00
Wyndee Parker	5/7	5/8	Qatar		291.00		(3)				291.00
Bridget Fallon	5/7	5/9	Qatar		682.00		(3)				682.00
Kate Knudson	5/7	5/9	Qatar		682.00		(3)				682.00
Brendan Daly	5/7	5/8	Qatar		277.31		(3)				277.31
Debra Wada	5/7	5/8	Qatar		341.00		(3)				341.00
Hon. Nancy Pelosi	5/8	5/9	Afghanistan				(3)				
Hon. Susan Davis	5/8	5/9	Afghanistan		28.00		(3)				28.00
Hon. Donna Edwards	5/8	5/9	Afghanistan		28.00		(3)				28.00
Hon. Niki Tsongas	5/8	5/9	Afghanistan				(3)				
Hon. Madeleine Bordallo	5/8	5/9	Afghanistan		28.00		(3)				28.00
Hon. Wilson Livingood	5/8	5/9	Afghanistan				(3)				
Wyndee Parker	5/8	5/9	Afghanistan		10.00		(3)				10.00
Brendan Daly	5/8	5/9	Afghanistan				(3)				
Debra Wada	5/8	5/9	Afghanistan				(3)				
Hon. Nancy Pelosi	5/9	5/10	Germany		87.00		(3)				87.00
Hon. Susan Davis	5/9	5/10	Germany		177.25		(3)				177.25
Hon. Donna Edwards	5/9	5/10	Germany		177.25		(3)				177.25
Hon. Niki Tsongas	5/9	5/10	Germany		177.25		(3)				177.25
Hon. Madeleine Bordallo	5/9	5/10	Germany		177.25		(3)				177.25
Hon. Wilson Livingood	5/9	5/10	Germany		116.25		(3)				116.25
Wyndee Parker	5/9	5/10	Germany		96.87		(3)				96.87
Bridget Fallon	5/9	5/10	Germany		230.50		[3]908.00				1,138.50
Kate Knudson	5/9	5/10	Germany		230.50		[3]908.00				1,138.50
Brendan Daly	5/9	5/10	Germany		53.25		(3)				53.25
Debra Wada	5/9	5/10	Germany		85.25		(3)				85.25
Committee total											7,662.93

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

HON. NANCY PELOSI, Speaker of the House, June 10, 2010.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

8061. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Silver Nitrate; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2009-0663; FRL-8824-9] received June 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8062. A letter from the Under Secretary, Department of Defense, transmitting authorization of five officers to wear the authorized insignia of the grade of Rear Admiral; to the Committee on Armed Services.

8063. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on transactions involving U.S. exports to South Korea pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended, pursuant to (88 Stat. 2335; 91 Stat. 1210; 92 Stat. 3724); to the Committee on Financial Services.

8064. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Designation of Areas for Air Quality Planning Purposes; State of California; PM-10; Determination of Attainment for the Coso Junction Nonattainment Area; Determination Regarding Applicability of Certain Clean Air Act Requirements [EPA-R09-OAR-2010-0172; FRL-9153-3] received June 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8065. A letter from the Director, Office of National Drug Control Policy, transmitting reports on the National Youth Anti-Drug Media Campaign for Fiscal Year 2009, pursuant to Public Law 109-469, section 203 and 503; to the Committee on Energy and Commerce.

8066. A letter from the Secretary, Department of Commerce, transmitting the annual report for FY 2009 of the Department's Bureau of Industry and Security (BIS); to the Committee on Foreign Affairs.

8067. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 10-11 informing of an intent to sign a Memorandum of Understanding with the Czech Republic; to the Committee on Foreign Affairs.

8068. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting determination related to Serbia under section 7072(c) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010 (Div. F, P.L. 111-117); to the Committee on Foreign Affairs.

8069. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting report on the translating of the Department's human rights reports into principal languages and the distribution on post websites, pursuant to Public Law 110-53, section 2122(b); to the Committee on Foreign Affairs.

8070. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report concerning methods employed by the Government of Cuba to comply with the United States-Cuba September 1994 ''Joint Communique'' and the treatment by the Government of Cuba of persons returned to Cuba in accordance with the United States-Cuba May 1995 ''Joint Statement'', together known as the Migration Accords, pursuant to Public Law 105-277, section 2245; to the Committee on Foreign Affairs.

8071. A letter from the Senior Vice President and Chief Financial Officer, Federal Home Loan Bank of San Francisco, transmitting the 2009 management report and statements on system of internal controls of the Federal Home Loan Bank of San Francisco, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

8072. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-444, ''Prohibition Against Human Trafficking Amendment Act of 2010''; to the Committee on Oversight and Government Reform.

8073. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-435, ''Brookland Streetscape Temporary Act of 2010''; to the Committee on Oversight and Government Reform.

8074. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-439, ''Solar Thermal Incentive Temporary Amendment Act of 2010''; to the Committee on Oversight and Government Reform.

8075. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-437, ''Commission on Uniform State Laws Appointment Authorization Temporary Act of 2010''; to the Committee on Oversight and Government Reform.

8076. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-436, ''Renewable Energy Incentive Program Fund Balance Rollover Temporary Amendment Act of 2010''; to the Committee on Oversight and Government Reform.

8077. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-438, ''District of Columbia Public Schools Teacher Reinstatement Temporary Act of 2010''; to the Committee on Oversight and Government Reform.

8078. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-440, ''Senior Housing Modernization Grant Fund Act of 2010''; to the Committee on Oversight and Government Reform.

8079. A letter from the Secretary, Department of the Treasury, transmitting the Department's semiannual reports from the Office of the Treasury Inspector General and the Treasury Inspector General for Tax Administration, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

8080. A letter from the Chairman, National Endowment for the Arts, transmitting the Semiannual Report of the Inspector General and the Semiannual Report on Final Action Resulting from Audit Reports, Inspection Reports, and Evaluation Reports for the period October 1, 2009 through March 31, 2010, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

8081. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Red Snapper Management Measures [Docket No.: 100217094-0195-02] (RIN: 0648-AY57) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8082. A letter from the Assistant Attorney General, Department of Justice, transmitting interim report on the feasibiliy of performing fingerprint-based criminal history background checks on individuals that participate in national service programs; to the Committee on the Judiciary.

8083. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Civil Penalty Inflation Adjustment for Commercial Space Adjudications [Docket No.: FAA-2009-1240; Amendment No. 406-6] (RIN: 2120-AJ63) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8084. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Extended Debris Removal in the Lake Champlain Bridge Construction Zone (between Vermont and New York), Crown Point, NY [Docket No. USCG-2010-0271] (RIN: 1625-AA00) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8085. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Special Issuance of Airman Medical Certificates to Applicants Being Treated With Certain Antidepressant Medications; Re-Opening of Comment Period [Docket No.: FAA-2009-0773] received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8086. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135 and -145, -145ER, -145MR, -145LR, -145XR, -145MP, and -145EP Airplanes [Docket No.: FAA-2009-0714; Directorate Identifier 2009-NM-041-AD; Amendment 39-16290; AD 2010-1011] (RIN: 2120-AA64) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8087. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hawker Beechcraft Corporation (Type Certificate No. A00010WI Previously Held By Raytheon Aircraft Company) Model 390 Airplanes [Docket No.: FAA-2010-0158; Directorate Identifier 2010-CE-006-AD; Amendment 39-16289; AD 2010-10-10] (RIN: 2120-AA64) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8088. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Corporation Model DC-9-30, DC-9-40, and DC-9-50 Series Airplanes [Docket No.: FAA-2009-0685; Directorate Identifier 2009-NM-113-AD; Amendment 39-16299; AD 2010-10-20] (RIN: 2120-AA64) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8089. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Sikorsky Aircraft Corporation (Sikorsky) Model S-92A Helicopters [Docket No.: FAA-2010-0060; Directorate Identifier 2010-SW-06-AD; Amendment 39-16282; AD 2010-10-03] (RIN: 2120-AA64) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8090. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Claremore, OK [Docket No.: FAA-2009-0538; Airspace Docket No. 09-ASW-15] received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8091. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Jet Route J-120; Alaska [Docket No.: FAA-2009-0007; Airspace Docket No. 09-AAL-20] received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8092. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca Arriel 1B, 1D, 1D1, and 1S1 Turboshaft Engines [Docket No.: FAA-2005-21242; Directorate Identifier 2005-NE-09-AD; Amendment 39-16288; AD 2010-10-09] (RIN: 2120-AA64) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8093. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Marion, IL [Docket No.: FAA-2009-1154; Airspace Docket No. 09-AGL-35] received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8094. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model CL-600-2C10 (Regional Jet Series 700, 701, & 702) Airplanes, Model CL-600-2D15 (Regional Jet Series 705) Airplanes, and Model CL-600-2D24 (Regional Jet Series 900) Airplanes [Docket No.: FAA-2009-0972; Directorate Identifier 2009-NM-057-AD; Amendment 39-16300; AD 2010-10-21] (RIN: 2120-AA64) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8095. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model BD-100-1A10 (Challenger 300) Airplanes [Docket No.: FAA-2010-0475; Directorate Identifier 2010-NM-083-AD; Amendment 39-16297; AD 2010-10-18] (RIN: 2120-AA64) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8096. A letter from the Attorney, Department of Transportation, transmitting the Department's final rule — Safety Zone; St. Louis River, Tallas Island, Duluth, MN [Docket No.: USCG-2010-0124] (RIN: 1625-AA00) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8097. A letter from the Director, Regulations Management, Office of the General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Copayments for Medications after June 30, 2010 (RIN: 2900-AN65) received June 10, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

8098. A letter from the Director, Regulations Management, Office of the General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Copayments for Medications (RIN: 2900-AN50) received June 10, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

8099. A letter from the Director, Office of Natinoal Drug Control Policy, transmitting update on the National Institute Justice (NIJ) field experiment of the Decide Your Time Program, pursuant to Public Law 109-469, section 1119; jointly to the Committees on Transportation and Infrastructure and the Budget.

8100. A letter from the Acting Fiscal Assistant Secretary, Department of the Treasury, transmitting the annual reports that appear on pages 119-145 of the March 2010 ''Treasury Bulletin'', pursuant to 26 U.S.C. 9602(a); jointly to the Committees on Ways and Means, Transportation and Infrastructure, Natural Resources, Agriculture, Education and Labor, and Energy and Commerce.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. KING of New York (for himself, Mr. DANIEL E. LUNGREN of California, Mr. ROGERS of Alabama, Mr. MCCAUL, Mr. DENT, Mr. BILIRAKIS, Mr. BROUN of Georgia, Mrs. MILLER of Michigan, Mr. OLSON, Mr. CAO, and Mr. AUSTRIA):

H.R. 5590. A bill to strengthen measures to protect the United States from terrorist attacks and to authorize appropriations for the Department of Homeland Security for fiscal year 2011, and for other purposes; to the Committee on Homeland Security, and in addition to the Committees on Armed Services, Rules, the Judiciary, Energy and Commerce, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MCMORRIS RODGERS:

H.R. 5591. A bill to designate the facility of the Federal Aviation Administration located at Spokane International Airport in Spokane, Washington, as the ''Ray Daves Air Traffic Control Tower''; to the Committee on Transportation and Infrastructure.

By Mr. REHBERG:

H.R. 5592. A bill to modify the purposes and operation of certain facilities of the Bureau of Reclamation to implement the water rights compact among the State of Montana, the Blackfeet Tribe of the Blackfeet Indian Reservation of Montana, and the United States, and for other purposes; to the Committee on Natural Resources.

By Ms. SUTTON (for herself, Mr. GINGREY of Georgia, and Mr. GENE GREEN of Texas):

H.R. 5593. A bill to amend title XVIII of the Social Security Act to provide for timely access to post-mastectomy items under Medicare; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARROW:

H.R. 5594. A bill to amend the Workforce Investment Act of 1998 to establish a technical school training subsidy program; to the Committee on Education and Labor.

By Mr. ELLISON:

H.R. 5595. A bill to amend section 214(b) of the Immigration and Nationality Act to create, for an alien seeking to enter the United States as a nonimmigrant to care for a relative with a serious health condition, an exemption from the presumption that the alien is an immigrant; to the Committee on the Judiciary.

By Ms. ZOE LOFGREN of California (for herself, Ms. ESHOO, Mrs. CAPPS, Ms. MATSUI, Mr. WAXMAN, Mr. FARR, Mr. COSTA, Mr. HONDA, Mr. STARK, Ms. LEE of California, and Mr. SHERMAN):

H.R. 5596. A bill to prohibit States from carrying out more than one Congressional redistricting after a decennial census and apportionment, to require States to conduct such redistricting through independent commissions, and for other purposes; to the Committee on the Judiciary.

By Ms. MATSUI (for herself, Mr. RUSH, Mr. BRALEY of Iowa, Mr. VAN HOLLEN, Mr. GERLACH, Mr. TERRY, Mr. BRADY of Texas, and Mr. PITTS):

H.R. 5597. A bill to establish a Medicare patient IVIG access demonstration project; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MELANCON (for himself and Mr. BOYD):

H.R. 5598. A bill to exclude from gross income compensation provided by BP, PLC for victims of the explosion on and sinking of the mobile offshore drilling unit Deepwater Horizon and the discharge of oil in the Gulf of Mexico caused by such explosion and sinking, and for other purposes; to the Committee on Ways and Means.

By Mr. MURPHY of New York (for himself and Mr. GUTHRIE):

H.R. 5599. A bill to amend title 18, United States Code, to clarify the scope of the provision commonly referred to as the ''Wire Act'', and for other purposes; to the Committee on the Judiciary.

By Mr. POMEROY (for himself and Mr. SAM JOHNSON of Texas):

H.R. 5600. A bill to make permanent the exclusion from gross income for employer-provided educational assistance; to the Committee on Ways and Means.

By Mr. PUTNAM (for himself and Mr. MILLER of Florida):

H.R. 5601. A bill to provide relief to homeowners with mortgages insured by the FHA who are economically affected as a result of the discharge of oil in the Gulf of Mexico caused by the explosion on and sinking of the mobile offshore drilling unit Deepwater Horizon, and for other purposes; to the Committee on Financial Services.

By Mr. PUTNAM (for himself and Mr. BOUSTANY):

H.R. 5602. A bill to amend the Internal Revenue Code of 1986 to provide for distributions from retirement plans for losses as a result of the explosion on and sinking of the mobile offshore drilling unit Deepwater Horizon, the discharge of oil in the Gulf of Mexico caused by such explosion and sinking, or the effects of such discharge on the economy in the areas affected by such discharge; to the Committee on Ways and Means.

By Mr. SABLAN:

H.R. 5603. A bill to amend the Older Americans Act of 1965 to make available to Guam, American Samoa, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands additional funds for community service senior opportunities; to the Committee on Education and Labor.

By Mr. CUMMINGS:

H. Con. Res. 289. Concurrent resolution directing the Clerk of the House of Representatives to make a technical correction in the enrollment of H.R. 3360; to the Committee on Transportation and Infrastructure, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCDERMOTT (for himself, Mr. SMITH of Washington, Mr. LARSEN of Washington, Mrs. MCMORRIS RODGERS, Mr. INSLEE, Mr. BAIRD, Ms. RICHARDSON, Ms. WATSON, Mr. GARY G. MILLER of California, Ms. WOOLSEY, Mr. JOHNSON of Georgia, Mr.

DINGELL, Mr. BOYD, Mr. NADLER of New York, Mr. CHANDLER, Ms. PINGREE of Maine, Mr. BERRY, Ms. DELAURO, Mr. COOPER, Mr. DOYLE, Mr. THOMPSON of California, Ms. CHU, Mr. ELLSWORTH, Mr. GORDON of Tennessee, Ms. ESHOO, Ms. LORETTA SANCHEZ of California, Mr. STARK, Ms. MATSUI, Mrs. DAVIS of California, Mr. GARAMENDI, Mr. FARR, Mr. WAXMAN, Ms. BALDWIN, Mr. BISHOP of New York, Mr. PERLMUTTER, Ms. KAPTUR, Mr. KILDEE, Mr. CONNOLLY of Virginia, Ms. DEGETTE, Mr. DEFAZIO, Mr. TAYLOR, Ms. HIRONO, Ms. JACKSON LEE of Texas, Ms. SCHAKOWSKY, Mr. PAYNE, Mr. GRIJALVA, Mr. HINCHEY, Mr. KLEIN of Florida, Mr. ANDREWS, Ms. BERKLEY, Mr. PALLONE, Mr. GENE GREEN of Texas, Mr. SCOTT of Georgia, Mrs. CHRISTENSEN, Mr. GONZALEZ, Mr. CAPUANO, Mr. GOODLATTE, Mr. SHIMKUS, Mr. PENCE, Mr. BLUMENAUER, Mr. GEORGE MILLER of California, Mr. ENGEL, Mr. HIGGINS, Mr. DEUTCH, Mr. ACKERMAN, Mr. FRANKS of Arizona, Mr. OWENS, Ms. SUTTON, Mr. OLVER, Ms. SHEA-PORTER, Mr. HOLT, Mr. HONDA, Mr. CANTOR, Mr. BURTON of Indiana, Mr. COSTA, Mr. SKELTON, Mr. REYES, Mr. LEVIN, Mr. CROWLEY, Mr. ROYCE, Mr. FORTENBERRY, Ms. HARMAN, Mr. SIRES, Mr. BACA, Ms. GIFFORDS, Ms. SCHWARTZ, Mr. ISRAEL, Mr. MINNICK, Ms. CASTOR of Florida, Mr. WALZ, Ms. EDWARDS of Maryland, Ms. KILROY, Ms. MCCOLLUM, Mr. LANGEVIN, Mrs. DAHLKEMPER, and Ms. MOORE of Wisconsin):

H. Con. Res. 290. Concurrent resolution expressing support for designation of June 30 as ''National ESIGN Day''; to the Committee on Energy and Commerce.

By Mr. POLIS (for himself, Mr. GRIJALVA, Mr. HINOJOSA, Mr. HONDA, Mr. SARBANES, and Mr. YARMUTH):

H. Res. 1472. A resolution expressing support for designation of the week of September 13, 2010, as National Adult Education and Family Literacy Week; to the Committee on Education and Labor.

By Mr. REHBERG (for himself, Mr. EHLERS, Mr. BOYD, Mr. SIMPSON, and Mr. MINNICK):

H. Res. 1473. A resolution supporting backcountry airstrips and recreational aviation; to the Committee on Transportation and Infrastructure.

By Ms. RICHARDSON (for herself, Mr. CONYERS, Mr. GRIJALVA, Mr. DAVIS of Illinois, Mr. LEWIS of Georgia, Mr. RUSH, Ms. CORRINE BROWN of Florida, Mr. STARK, Ms. MOORE of Wisconsin, Mr. COHEN, Mr. MEEK of Florida, Ms. NORTON, Mr. WATT, and Mr. TOWNS):

H. Res. 1474. A resolution commending Harry Belafonte for receiving the Hubert H. Humphrey Civil and Human Rights Award from the Leadership Conference on Civil and Human Rights; to the Committee on the Judiciary.

By Mr. BUTTERFIELD (for himself, Mr. PRICE of North Carolina, Mr. SHULER, Mr. KISSELL, Mr. JONES, Mrs. MYRICK, Mr. COBLE, Mr. WATT, Mr. ETHERIDGE, Mr. CLAY, Mr. CARSON of Indiana, Ms. NORTON, Mr. DAVIS of Illinois, Mr. RANGEL, Mr. BARROW, Mr. FATTAH, Mr. CARNAHAN, Ms. SHEA-PORTER, Ms. WATSON, Ms. SPEIER, Mr. HARE, Mr. BISHOP of Georgia, Ms. FUDGE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. AL GREEN of Texas, Ms. JACKSON LEE of Texas, Mr. CLYBURN, Mr. CLEAVER, Ms. CORRINE BROWN of Florida, Ms. KILPATRICK of Michigan, Ms. CLARKE, Ms. EDWARDS of Maryland, Mr. PAYNE, Mr. THOMPSON of Mississippi, Ms. MOORE of Wisconsin, Mr. SCOTT of Georgia, Mr. RUSH, Mr. HASTINGS of Florida, Mr. LEWIS of Georgia, Mr. COURTNEY, Ms. SUTTON, Mr. ELLISON, Mr. MORAN of Virginia, Mr. CUMMINGS, Ms. SLAUGHTER, Mr. CONNOLLY of Virginia, Ms. DEGETTE, Mr. GONZALEZ, Mr. COHEN, Mr. MCHENRY, Mr. HILL, Mr. TAYLOR, Mr. OLVER, Mr. MCINTYRE, and Ms. FOXX):

H. Res. 1475. A resolution congratulates the town of Tarboro, North Carolina, on the occasion of its 250th anniversary; to the Committee on Oversight and Government Reform.

By Ms. CHU (for herself, Ms. BALDWIN, Mr. BRADY of Pennsylvania, Mr. BRALEY of Iowa, Mrs. CAPPS, Mr. CAPUANO, Mr. CARSON of Indiana, Mr. COHEN, Ms. DEGETTE, Ms. DELAURO, Mr. FARR, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. HINCHEY, Ms. NORTON, Ms. LEE of California, Mr. LOEBSACK, Mrs. LOWEY, Mr. MAFFEI, Mrs. MALONEY, Mr. MCGOVERN, Mr. NADLER of New York, Ms. SCHAKOWSKY, Ms. SLAUGHTER, and Mr. WU):

H. Res. 1476. A resolution supporting and recognizing the achievements of the family planning services programs operating under title X of the Public Health Service Act; to the Committee on Energy and Commerce.

By Mr. KILDEE:

H. Res. 1477. A resolution expressing support for the designation of May as Ehlers-Danlos Syndrome Awareness Month to increase the knowledge of this little-known, potentially fatal, genetic disease; to the Committee on Energy and Commerce.

By Ms. LEE of California:

H. Res. 1478. A resolution supporting the goals and ideals of National HIV Testing Day, and for other purposes; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Mr. KILDEE.
H.R. 208: Mr. HOLDEN.
H.R. 235: Mr. DEUTCH.
H.R. 442: Mr. GRAVES of Georgia.
H.R. 460: Ms. BALDWIN.
H.R. 678: Mr. CHAFFETZ, Mr. TONKO, Mr. TIERNEY, Mr. LANGEVIN, and Mr. GONZALEZ.
H.R. 758: Mr. RUSH.
H.R. 840: Mr. ROTHMAN of New Jersey and Mr. ADLER of New Jersey.
H.R. 878: Mr. GRAVES of Georgia and Mr. REHBERG.
H.R. 1006: Mr. INSLEE.
H.R. 1023: Mr. LUETKEMEYER.
H.R. 1032: Mr. COHEN.
H.R. 1074: Mr. GRAVES of Georgia.
H.R. 1126: Mr. COURTNEY.
H.R. 1205: Mr. DEUTCH.
H.R. 1347: Mr. ETHERIDGE and Mr. COHEN.
H.R. 1351: Mr. WESTMORELAND.
H.R. 1362: Mr. BLUMENAUER.
H.R. 1476: Mr. MARSHALL.
H.R. 1625: Mr. LANGEVIN.
H.R. 1723: Mr. DEUTCH.
H.R. 1799: Mr. OWENS.
H.R. 1829: Mr. BOUCHER and Mr. ARCURI.
H.R. 1910: Mr. COHEN.
H.R. 2057: Mr. DAVIS of Illinois.
H.R. 2067: Ms. TITUS and Mr. ELLISON.
H.R. 2103: Mr. ETHERIDGE and Mr. PLATTS.
H.R. 2132: Mr. DEUTCH.
H.R. 2262: Mr. DEUTCH.
H.R. 2275: Ms. EDDIE BERNICE JOHNSON of Texas, Ms. CORRINE BROWN of Florida, Mr. LOEBSACK, Mr. OBERSTAR, Mr. NADLER of New York, Mr. SCOTT of Virginia, Mr. KLEIN of Florida, Mr. NYE, Mr. HIMES, and Ms. JACKSON LEE of Texas.
H.R. 2296: Mr. GRAVES of Georgia.
H.R. 2350: Mr. MOORE of Kansas.
H.R. 2378: Mr. LUETKEMEYER.
H.R. 2408: Mr. HIMES and Mr. BOCCIERI.
H.R. 2425: Mr. COHEN, Mr. HIMES, and Mr. RAHALL.
H.R. 2565: Mr. EHLERS and Mr. HOLDEN.
H.R. 2625: Ms. MCCOLLUM.
H.R. 2740: Mr. PETERS.
H.R. 2746: Mr. DEUTCH.
H.R. 2866: Mrs. BLACKBURN.
H.R. 2906: Mr. SIRES and Mr. FILNER.
H.R. 2999: Mr. MCNERNEY.
H.R. 3001: Ms. MCCOLLUM.
H.R. 3012: Mr. OLVER.
H.R. 3035: Mr. COURTNEY.
H.R. 3101: Ms. CLARKE.
H.R. 3140: Mr. GRAVES of Georgia.
H.R. 3151: Mr. ELLSWORTH.
H.R. 3257: Mr. COHEN.
H.R. 3286: Mrs. MALONEY.
H.R. 3301: Mr. CONAWAY.
H.R. 3328: Mr. DAVIS of Alabama and Mr. SCOTT of Georgia.
H.R. 3408: Mr. TONKO.
H.R. 3464: Mr. LUETKEMEYER and Mr. CHAFFETZ.
H.R. 3486: Ms. KOSMAS.
H.R. 3488: Mr. BRALEY of Iowa, Mr. GORDON of Tennessee, Mr. MURPHY of Connecticut, Ms. SCHAKOWSKY, Ms. ESHOO, Mr. WEINER, Ms. HARMAN, and Ms. HIRONO.
H.R. 3491: Mr. COHEN.
H.R. 3524: Mr. HARPER.
H.R. 3525: Mr. VAN HOLLEN.
H.R. 3567: Mr. DEUTCH.
H.R. 3586: Mr. DELAHUNT and Mr. COURTNEY.
H.R. 3668: Ms. GIFFORDS, Mr. MCINTYRE, Mr. PERLMUTTER, Mr. BLUMENAUER, Mr. BRIGHT, and Mr. KRATOVIL.
H.R. 3710: Mr. BRADY of Pennsylvania, Mr. HASTINGS of Florida, Mr. WEINER, Ms. LINDA T. SÁNCHEZ of California, Mr. LYNCH, and Mr. CONNOLLY of Virginia.
H.R. 3721: Mr. LEWIS of Georgia.
H.R. 3729: Mr. SCHRADER, Mr. MCGOVERN, Ms. CHU, and Ms. WOOLSEY.
H.R. 3907: Mr. DEUTCH.
H.R. 3927: Mr. YARMUTH and Mr. COHEN.
H.R. 3936: Mr. FOSTER.
H.R. 4045: Mr. COHEN.
H.R. 4054: Mr. LOBIONDO.
H.R. 4115: Mr. KUCINICH and Mrs. MCCARTHY of New York.
H.R. 4116: Mr. KRATOVIL, Mr. HOLT, Mr. LATHAM, and Mr. DAVIS of Alabama.
H.R. 4132: Mr. BUCHANAN.
H.R. 4195: Mr. KILDEE.
H.R. 4241: Mrs. LOWEY.
H.R. 4306: Mr. BUCHANAN.
H.R. 4347: Mr. INSLEE.
H.R. 4371: Mr. MICHAUD.
H.R. 4376: Mr. BLUMENAUER.
H.R. 4386: Mr. ADLER of New Jersey and Ms. MATSUI.
H.R. 4402: Ms. PINGREE of Maine.
H.R. 4420: Ms. CHU.
H.R. 4427: Mr. TIM MURPHY of Pennsylvania and Mr. FILNER.
H.R. 4443: Mr. COHEN.
H.R. 4446: Mr. KENNEDY.
H.R. 4455: Mr. VAN HOLLEN.
H.R. 4525: Mr. ROGERS of Kentucky.
H.R. 4530: Mr. LOEBSACK.
H.R. 4544: Mr. COURTNEY, Ms. SCHWARTZ, and Mr. FRANK of Massachusetts.
H.R. 4599: Mr. HEINRICH and Mr. WELCH.
H.R. 4632: Mr. COHEN.
H.R. 4671: Ms. WOOLSEY.
H.R. 4677: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 4684: Mr. PETERS.
H.R. 4689: Mr. PLATTS, Mrs. MALONEY, and Mr. BARROW.
H.R. 4692: Mr. DUNCAN.
H.R. 4693: Mr. CALVERT.
H.R. 4709: Mr. LOEBSACK and Mr. HINCHEY.
H.R. 4743: Mr. CONAWAY.
H.R. 4771: Mr. GORDON of Tennessee, Ms. RICHARDSON, Mr. HOLT, Mr. CLEAVER, and Mr. DOGGETT.
H.R. 4796: Mr. MCCARTHY of California and Mr. JOHNSON of Georgia.
H.R. 4879: Mr. CONYERS, Mr. BAIRD, Mr. MICHAUD, Ms. HIRONO, Mr. MURPHY of Connecticut, Mr. VAN HOLLEN, Mr. DOGGETT, Mr. OLVER, Ms. RICHARDSON, and Mr. BRALEY of Iowa.
H.R. 4883: Mr. GOODLATTE.
H.R. 4886: Mrs. MILLER of Michigan.
H.R. 4914: Mr. MARKEY of Massachusetts.
H.R. 4926: Mr. MARSHALL and Mr. BLUMENAUER.
H.R. 4947: Mr. BRIGHT.
H.R. 4951: Mr. MCCOTTER.
H.R. 4952: Mr. ALEXANDER.
H.R. 4959: Ms. WOOLSEY and Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 4972: Mr. GRAVES of Georgia.
H.R. 4985: Mr. BURTON of Indiana.
H.R. 4993: Mr. SALAZAR, Mr. ETHERIDGE, Mrs. NAPOLITANO, Mr. BOCCIERI, Mr. DOYLE, and Ms. LINDA T. SÁNCHEZ of California.
H.R. 4999: Mr. GINGREY of Georgia, Mr. CHAFFETZ, and Mr. SMITH of Nebraska.
H.R. 5012: Mr. BERMAN and Mr. HOLDEN.
H.R. 5016: Mr. GOHMERT, Mr. MCCARTHY of California, Mr. DUNCAN, Mr. WAMP, and Mr. FORBES.
H.R. 5035: Mr. FILNER.
H.R. 5041: Mr. PATRICK J. MURPHY of Pennsylvania.
H.R. 5090: Ms. PINGREE of Maine.
H.R. 5092: Ms. VELÁZQUEZ.
H.R. 5117: Mr. MCGOVERN, Mr. SIRES, Mr. PRICE of North Carolina, Mr. TOWNS, Mr. KUCINICH, Mr. SERRANO, Mr. ANDREWS, Mr. MCNERNEY, Mr. WEINER, Ms. NORTON, Ms. MOORE of Wisconsin, Mr. HIMES, Mr. PAYNE, Mr. MOORE of Kansas, Mr. RYAN of Ohio, Mr. KIND, Mr. CONYERS, Mr. HEINRICH, Ms. CASTOR of Florida, and Mr. FILNER.
H.R. 5120: Mr. COHEN.
H.R. 5141: Mr. FORBES.
H.R. 5142: Mrs. BIGGERT.
H.R. 5191: Ms. DELAURO.
H.R. 5211: Mr. COHEN.
H.R. 5234: Mr. HIMES, Mr. OWENS, and Mr. BISHOP of Georgia.
H.R. 5268: Mr. FRANK of Massachusetts and Mr. HOLT.
H.R. 5309: Mr. ADLER of New Jersey.
H.R. 5312: Ms. LINDA T. SÁNCHEZ of California, Mr. DEFAZIO, and Mr. WEINER.
H.R. 5313: Mr. CALVERT.
H.R. 5340: Mr. DUNCAN.
H.R. 5354: Mrs. BONO MACK.
H.R. 5412: Mr. HIMES.
H.R. 5424: Mr. SAM JOHNSON of Texas.
H.R. 5434: Ms. WOOLSEY, Mr. CARSON of Indiana, and Mr. BERMAN.
H.R. 5441: Mr. LATHAM.
H.R. 5449: Mr. SCHIFF.
H.R. 5455: Mr. DAVIS of Illinois.
H.R. 5457: Mr. KIND.
H.R. 5462: Mr. HINCHEY, Mr. HALL of Texas, and Mr. MURPHY of Connecticut.
H.R. 5497: Mr. WAXMAN, Mr. SCHRADER, Mr. DRIEHAUS, Mr. COOPER, Mr. MCNERNEY, Mr. ARCURI, and Mr. MORAN of Virginia.
H.R. 5498: Mr. DENT.
H.R. 5503: Ms. LORETTA SANCHEZ of California, Mr. MAFFEI, and Ms. MATSUI.
H.R. 5506: Mr. QUIGLEY.
H.R. 5523: Mr. HERGER.
H.R. 5533: Mr. PLATTS.
H.R. 5537: Mr. BURTON of Indiana and Mr. COURTNEY.
H.R. 5538: Mr. HERGER.
H.R. 5539: Mr. PLATTS.
H.R. 5552: Mr. CONAWAY, Mr. PETERSON, Mr. CASSIDY, and Mr. SHUSTER.
H.R. 5555: Mrs. LUMMIS, Mr. ROONEY, Ms. KOSMAS, and Mr. WILSON of South Carolina.
H.R. 5561: Ms. DEGETTE, Ms. BALDWIN, Ms. LEE of California, Ms. HIRONO, Mrs. DAVIS of California, Mr. MCGOVERN, Ms. HARMAN, Ms. RICHARDSON, Mr. MOORE of Kansas, and Mr. HINCHEY.
H.R. 5565: Mr. SAM JOHNSON of Texas, Mr. GOHMERT, Mr. THORNBERRY, Mr. CARTER, Mr. SMITH of Texas, Mr. BILBRAY, Mr. BURGESS, Mr. HALL of Texas, Ms. GRANGER, Mr. HENSARLING, Mr. POE of Texas, Mr. OLSON, Mr. MCCAUL, Mr. CONAWAY, Mr. BRADY of Texas, Mr. CULBERSON, Mr. MARCHANT, and Mr. SESSIONS.
H.R. 5566: Mr. WITTMAN.
H.R. 5580: Mr. CHAFFETZ.
H.R. 5588: Mr. KISSELL and Mr. HOLT.
H.J. Res. 1: Mr. GRAVES of Georgia.
H.J. Res. 61: Mr. ADLER of New Jersey.
H.J. Res. 79: Mr. TIM MURPHY of Pennsylvania.
H. Con. Res. 195: Mr. ROHRABACHER.
H. Con. Res. 226: Ms. BERKLEY, Mr. LUJÁN, Mr. SKELTON, Mr. LATHAM, and Ms. LORETTA SANCHEZ of California.
H. Con. Res. 245: Mr. OWENS and Mr. FRANK of Massachusetts.
H. Con. Res. 259: Mr. ARCURI.
H. Con. Res. 266: Mr. ORTIZ.
H. Con. Res. 273: Mr. GARY G. MILLER of California.
H. Con. Res. 275: Mr. GONZALEZ, Ms. HARMAN, Mr. NADLER of New York, and Ms. DEGETTE.
H. Con. Res. 284: Mr. MEEK of Florida.
H. Res. 93: Mr. SHERMAN.
H. Res. 173: Ms. DEGETTE and Ms. ROS-LEHTINEN.
H. Res. 363: Ms. CLARKE.
H. Res. 554: Mr. GRAVES of Georgia.
H. Res. 771: Mr. CONNOLLY of Virginia.
H. Res. 1195: Mr. MURPHY of New York.
H. Res. 1207: Mr. SAM JOHNSON of Texas, Mr. JORDAN of Ohio, Mr. PENCE, and Mr. SCHIFF.
H. Res. 1244: Mr. REYES, Mr. BECERRA, Mr. FILNER, Ms. SCHAKOWSKY, Mr. SALAZAR, Mr. GENE GREEN of Texas, Mrs. LOWEY, Mr. BERRY, Ms. ROYBAL-ALLARD, Mr. PRICE of North Carolina, Mr. FARR, Mr. RUPPERSBERGER, Mr. ORTIZ, Mr. HINOJOSA, Mr. SERRANO, Mr. PIERLUISI, Mr. GRIJALVA, Mr. SIRES, Mr. FRELINGHUYSEN, Mr. KUCINICH, Mr. SMITH of Texas, Mr. NADLER of New York, Mr. MORAN of Virginia, Ms. CLARKE, and Ms. SHEA-PORTER.
H. Res. 1264: Mr. DONNELLY of Indiana.
H. Res. 1296: Mr. HOLT, Ms. SCHWARTZ, Mr. FRANK of Massachusetts, Mr. CASTLE, Mr. EHLERS, and Mr. WU.
H. Res. 1321: Mr. CROWLEY, Ms. WATSON, Mr. TANNER, Mr. ACKERMAN, Mr. COSTA, Mr. SHERMAN, Mr. ISSA, Mr. ROSS, Mr. ENGEL, Mr. CARNAHAN, Mr. BROWN of South Carolina, Mr. RANGEL, Ms. RICHARDSON, Mr. ROHRABACHER, Mr. LARSEN of Washington, Mr. CARSON of Indiana, Mr. FLAKE, Mr. ORTIZ, and Mr. COBLE.
H. Res. 1359: Mr. JACKSON of Illinois and Mr. ROSKAM.
H. Res. 1375: Mr. SIRES and Mr. MEEK of Florida.
H. Res. 1379: Mr. HONDA.
H. Res. 1401: Mr. SHUSTER, Mr. ELLSWORTH, Mr. ALTMIRE, Mr. COHEN, Mr. PAYNE, Mr. ROGERS of Michigan, Mr. DONNELLY of Indiana, Mr. MORAN of Kansas, Ms. KOSMAS, Mr. YARMUTH, Mr. LARSEN of Washington, Mr. PASCRELL, and Mr. THOMPSON of Pennsylvania.
H. Res. 1405: Mr. JONES, Mr. CASTLE, Mr. ROYCE, Mr. EHLERS, Mr. UPTON, Mr. MANZULLO, Mr. ROHRABACHER, Mr. CAO, Mr. BILBRAY, Mr. HENSARLING, Mr. BURGESS, and Ms. WOOLSEY.
H. Res. 1420: Mr. MORAN of Virginia, Ms. KILPATRICK of Michigan, Mr. JOHNSON of Georgia, Mr. MOORE of Kansas, and Mr. CARSON of Indiana.
H. Res. 1423: Mr. POMEROY.
H. Res. 1428: Mr. THOMPSON of Mississippi, Mr. GUTIERREZ, Mr. ARCURI, Mr. BOREN, Mr. BARROW, Mr. CONYERS, Mr. HIGGINS, Mr. QUIGLEY Ms. SLAUGHTER, Ms. KILPATRICK of Michigan, Mr. MURPHY of New York, Mr. OWENS, Mr. NYE, and Mr. MICHAUD.
H. Res. 1460: Ms. DELAURO.
H. Res. 1471: Mrs. LUMMIS, Mrs. BIGGERT, and Mr. SULLIVAN.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 5299: Mr. POE of Texas.