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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.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, SECOND SESSION

Vol. 156 WASHINGTON, THURSDAY, JUNE 24, 2010 No. 96

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by guest Chaplain Rev. Marvin Ray Gant from Central Christian Church in Henderson, NV.

The guest Chaplain offered the following prayer:

Let us pray.

Almighty God, we thank You for our very health and ability to be here today. We pray that You will inspire the minds of our Senators to whom You have committed the responsibility of government and the leadership of the United States of America. Give to them the wisdom and truth and justice that by their wisdom and counsel people of all races and creeds can, from your legislators, receive the dignity they deserve and, even more, side by side with the people of this great Nation, feel their pain, share their joys, dream their dreams, and strive to accompany them truly to life, liberty, justice, and the pursuit of happiness. I therefore this day lift up our Senate and President to You. Give them the wisdom they need to strengthen and prosper our Nation and our future.

In Your Holy Name we all pray. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 24, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

THE GUEST CHAPLAIN

Mr. REID. Madam President, it was really a pleasure for me this morning to listen to and visit with Rev. Marvin Gant. Marvin is from the town where I went to high school. When I went to high school there, Henderson was a relatively small community, but, of course, now it is the second largest city in Nevada. It is a metropolitan area. But when Reverend Gant first started preaching in Henderson, it was a much smaller community. So I am happy to have him here. He is now part of—not a small church like he has been involved in in other phases of his life but a huge church—a megachurch, it is called, the largest in Nevada, led by a man by the name of Judd Wilhite.

Judd Wilhite is a man who has such a great presence, as we say. The first time I witnessed his presence was at a funeral service he conducted for a police officer who was killed, a U.S. marshal who was killed. There were thousands of people there. When it came time for him to talk, he did speak and it was for less than 5 minutes, but he was conducting the ceremony and did it in a unique and brilliant and spiritual way.

I am very happy to have my friend Reverend Gant here. He brings honor to Nevada and to all the congregations he has served over many years in his pastoral duties. I am glad to call him my friend.

SCHEDULE

Mr. REID. Madam President, following leader remarks, there will be a period of morning business for an hour, with Senators permitted to speak for up to 10 minutes each. The majority will control the first 30 minutes and Republicans will control the final 30 minutes.

Following morning business, the Senate will resume consideration of the House message on H.R. 4213, the tax extenders legislation. Last week, I filed a motion to invoke cloture with the Baucus substitute amendment. The cloture vote will occur tomorrow morning unless an agreement can be reached to vote today.

We also hope to reach an agreement to consider the Iran sanctions conference report today or we will do it tomorrow, if necessary. It is something we need to do. Senators will be notified when any votes are scheduled.

TAX EXTENDERS

Mr. REID. Madam President, this morning I want to take just a few minutes and update the Senate on our work here in the Senate. Not only do I want to update our fellow Senators but also our constituents watching around the country about the bill currently before this body.

For people around America, for people in the State of New York, the State of the Presiding Officer, I have received calls from the Governor of New York

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

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on many occasions, and I mean many occasions. We have had long discussions about how this money that is in this bill is so necessary for the State of New York.

Yesterday, I met with Mayor Bloomberg. Mayor Bloomberg was here trying to reach out on a bipartisan basis to get this bill passed. He called a number of Republican Governors and reported to me as to those conversations. Without a single exception, Republican Governors, Democratic Governors—I have not talked personally to any Republican Governors, but, as I indicated, Mayor Bloomberg did—I have talked to Democratic Governors who have called me about how desperate parts of this country are for this money. It is not only the money we refer to as FMAP, the money for teachers, the money for police officers, firefighters, but it is all other moneys.

The State of New York, I have been told—I say New York because the Presiding Officer is here, but this story could be told many times over in the Senate Chamber about other States—the State of New York badly needs these summer jobs. It may be the only opportunity these young men and women will have to learn how to work. You have to learn how to work.

The bill that is before the Senate creates jobs, cuts taxes, and closes corporate loopholes. We are closing many of those loopholes used by people who are shipping jobs overseas, in effect, cheating the government, according to our constituents.

This is really a good bill, a necessary bill, and it would make our economy stronger. It is a bill we are fighting for because the recession has hit Nevada. Unemployment rates there are extremely high. I am personally fighting for it because we need to help small businesses grow and hire and once again be the engine that runs our country. I am fighting for it because I don't think big business should get rewarded for shipping jobs out of America when so many here at home are desperate for a paycheck and the dignity of a day's work.

I didn't recognize here on the Senate floor the distinguished Senator from the State of Michigan. No Senator has fought harder for the underprivileged and the unemployed than the Senator from Michigan, Ms. STABENOW. I appreciate her ability to communicate a message, and the message we all have to communicate is that this money is going to help our States, it will save jobs, and it will create jobs.

This is the eighth week since March that we have tried to find a resolution for this issue. We have gone back and forth countless times, considering ideas, compromising when necessary, and courting support. But I have come to the conclusion that the other side does not want a solution. We have changed, we have moved—you want this, we will give you this. Everything in this bill is paid for—everything is paid for except unemployment compensation. FMAP, the money for firefighters, police officers and teachers and nurses, is paid for. Everything is paid for except the long-term unemployed.

We have tried to bring it to the floor, but the Republicans have said no. Once we finally succeeded in bringing it to the floor, we tried to bring it to a vote. The Republicans said no. Somewhere along the line throughout these charades, this job-creating, tax-cutting, loophole-closing bill has become a political football, and that is really too bad. The debate is focused more on winning and losing than on doing what is right.

I want to take a step back and talk about what is really in the text of this legislation. Let's be really clear about all the good things a ''yes'' vote enables our country to do—this is not what it allows the Senate to do; this is what will benefit the country—and what a ''no'' vote stops us from doing. Remember, everything is paid for except unemployment compensation.

This bill has an extension of a tax deduction for tuition.

It has an extension of the deduction for State and local sales tax.

It has an extension of the standard deduction for property taxes. If this bill does not pass, they are not there.

It has an extension of a deduction for cost of classroom supplies purchased by teachers. This is not much. It may not seem like much to most people. Teachers under this legislation get a $250 deduction for the supplies they buy. My niece teaches high school. She buys lots of stuff because the school district doesn't supply the supplies that are needed. She will get a $250 tax credit. That is not much, but it means a lot to her, and it means a lot to the millions of teachers around this country. That is in this legislation.

We have in this bill a $4 billion extension of Build America Bonds that provide low-cost financing for infrastructure investments. We had that first of all in the economic recovery package, the so-called stimulus bill, and that has created hundreds of thousands of jobs all over America. We put a few dollars in it in our last jobs package, we put some money in. That money is gone now, Build America money. State and local governments are begging for these moneys. This $4 billion would create jobs all over America, jobs that are needed for infrastructure development.

This legislation has in it an extension of the Small Business Administration lending programs that provide low-cost loans to small businesses.

This legislation includes a $2.5 billion fund for State wage assistance programs to move people from welfare to work, the so-called TANF Program. This was created during the Clinton years to do something about getting people off welfare and to work. It has been a wonderful program, but it is out of money. The State of Michigan and the State of New York are desperately in need of this money.

This legislation before the Senate extends a research and development tax credit and provides more than $6 billion in assistance to firms conducting research on new technology.

This legislation provides $5 billion in new markets tax credits that encourage investments in economically distressed areas.

Everything I have talked about is job creating.

This legislation has in it something that is so important. We have had a program here that was initiated and continued and was the brainchild of Senator ISAKSON, from Georgia. It said: The housing market is very depressed. There are a lot of houses on the market. For first-time home buyers, why don't we give them an incentive. And we did. We called it a first-time home buyers tax credit. It was $8,000. Millions of homes have been purchased on that program. Right now, we have lots of people who have qualified for these first-time home buyer loans. They are totally qualified, but the banks and other financial institutions are moving very slowly. That money will be unavailable after June 30 unless we extend this. We want to extend this for 90 days. It is totally fair. It is totally paid for, again.

The legislation we have before us allows retail and restaurant businesses to write off property investments over 15 years rather than over 39 years.

This bill provides tax credits to assist mining firms with rescue team training and virtual safety equipment.

This bill provides wage assistance so firms can continue to pay normal wages to employees who are members of the military's Reserves and are Active Duty.

The bill contains incentives to encourage film and television production in the United States. Most television production now is going some other place outside the United States.

I have only talked about a few of the things in this legislation that are so very important. Later today, we will hold a vote on all these items I talked about and more. Those who want to help middle-class America will vote yes. Those who want to help business in America will vote yes—big business, small business. This is not just for the middle class, it is for helping create jobs in America.

Those who want to protect corporate America with not having them do their fair share should vote no. If they want to continue to allow these jobs to be shipped overseas and have these companies get tax benefits for doing so, then they should vote no. If they want those billionaires in our country—billionaires, these hedge fund operators and others who pay less taxes than someone who draws minimum wage—then they should vote no if they want to continue that.

Many people I have met who run these hedge funds and are wealthy people have called me and said: You are

doing the right thing. There is no reason that we should pay a less percentage of our tax than somebody who draws minimum wage.

Those who want to create jobs and create the conditions for recovery will vote yes. Those who want to kill jobs, want to stop our recovery in its tracks and want to keep things the way they are, will vote no. Those who want our economy to prosper and succeed will vote yes. Those who want this Congress and this country to fail will vote no.

There are people betting on our country to fail. Maybe that will help them in November. Those who put people first will vote yes. Those who put politics first will vote no.

The American people are watching and they are waiting for us to act. They demand that their Senators understand what they are going through and how they are struggling.

I met a man who is back in Washington to attend seminary. He writes insurance for small contractors. One problem. There are no contractors to write insurance for. There is no work.

The American people are watching and they are waiting for us to act. I do my very best to understand. I know what the people of Nevada are going through. I have heard from the Senator from Michigan what the people of Michigan are going through. I have heard from the Senator from New York, the Presiding Officer, what the people of New York are going through.

But it is not just Nevada, New York, and Michigan; it is, with very few exceptions, everyplace in America. I know how much good a bill like this would help a family in Nevada, a family in Michigan, a family in New York. We are not Senators from New York, Senators from Michigan, Senators from Nevada. We are United States Senators. We have an obligation to protect our States, and we do our utmost to do that. But we also have to recognize national problems. That is why we are United States Senators.

I do hope other Senators here, for the sake of those in Nevada and New York and Michigan and States all around the country, for the sake of those in our States, for the sake of our Nation's economy will vote yes. For those who still do not see the value in creating jobs, cutting taxes, and closing corporate loopholes, I hope they will take some time today to come to the floor and listen to their fellow Senators who believe in this legislation.

I hope they will listen with an open mind and with their constituents' best interests in mind. The time to decide is closing in on us. But it is not over yet. It is not too late to do what is right.

RECOGNITION OF THE MINORITY LEADER.

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

DEFICIT EXTENDERS

Mr. MCCONNELL. Madam President, last night Senate Democrats introduced their latest version of the deficit extenders bill.

It has one thing in common with every other version they have offered: it adds new taxes and over $30 billion to an already staggering $13 trillion national debt despite consistent bipartisan rejection of that idea.

Both sides have offered ways to address the programs in this bill that both sides agree should be extended. And now we even agree on redirecting untimely and untargeted money from the failed stimulus bill. The only difference is that the Republican proposal reduces the deficit while the Democrat proposal adds to it.

So the only thing Democrats are insisting on in this debate is that we add to the debt.

The principle they are defending here is not some program. The principle Democrats are defending is that they will not pass a bill unless it adds to the debt.

DISCLOSE ACT

Mr. MCCONNELL. Madam President, as I stand here this morning, House Democrats are desperately trying to round up the votes they need to pass Congress's latest effort to do what the first amendment specifically says it cannot, namely, to make a law abridging the freedom of speech.

The first thing to say about the so-called DISCLOSE Act is that it was authored behind closed doors without even a flicker of sunlight. In other words, a bill that is purportedly about bringing transparency to the electoral system was written without any. Just yesterday, a 45-page amendment was proposed to the bill without any public oversight.

The second thing to say about this bill is that it was written by the House Democrats' campaign committee chairman, who has been out trumpeting it as a ''response'' to the Supreme Court's recent decision in Citizens United.

As I noted yesterday, Democrats have done this before with free speech rulings they have found to be politically inconvenient. In the mid-1990s, they did not like Justice Breyer's decision in Colorado Republicans, so the Clinton administration and Elena Kagan set about finding ways to benefit Democrats at the expense of Republicans. So past is prologue.

This bill is not about preserving any principle of transparency. It is about protecting incumbent Democrat politicians. As for the substance, a brief review of the bill itself shows that the DISCLOSE Act is about as ill-named as the American Recovery and Reinvestment Act of 2009 and ensures as much freedom as the poorly named Employee Free Choice Act. But, of course, House Democrats have said they do not care what they pass. They just want to pass something. Now that is quite the way to legislate.

Supporters of the bill say it is needed to deal with special interests. But the loopholes Democrats wrote into it show that they view some interests as more special than others. Take for example the spate of new speech prohibitions that did not exist prior to the Citizens United decision.

That is right, this bill goes far beyond what the court held to muzzle the speech of some while granting a pass for others.

Expansive new restrictions on government contractors and TARP recipients, but not their unions or government unions.

Expansive new speech restrictions on domestic subsidiaries which employ Americans who pay American taxes, without restricting unions at these same companies or international unions.

And that is just in the first few pages. Over the next few weeks I will highlight more of these ''winners and losers'' provisions Democrats are advocating in this bill.

If there were any doubt that this one-sided bill is not about principle but about changing the rules to the political game, just look at the special treatment House Democrats have been shopping around for weeks in an effort to sell this bill. They have engaged in a game of special interest carve outs which is the legislative equivalent of a game of Twister.

For example, in drafting a bill that House Democrats say is designed to deal with special interests, they have deliberately exempted what they have long called one of the biggest special interests of all: the National Rifle Association.

So in writing a bill that is supposedly about diminishing the influence of special interests, Democrat leaders cut a deal to allow a chosen few to operate unfettered by its restrictions, thereby enhancing the power of those chosen few. Apparently they did not learn their lesson from the reaction they got to the Cornhusker Kickback or the Louisiana Purchase.

What is transpiring in the House right now with this bill turns the first amendment on its head. Incumbent politicians are intentionally protecting some large groups so they can muster the votes to restrict many more citizens groups that have less political clout but whose participation in the political process the incumbent politicians find inconvenient.

Let me be clear. I support the second amendment, and I support the NRA's vigorous exercise of its first amendment rights in order to defend the second amendment rights of its members. But this is not about the Democrats' affinity for the second amendment. If it were, they would have carved out an exception for the Gun Owners of America as well. As it is, the GOA vehemently opposes this bill. Why? Because they know it restricts first amendment rights.

This bill is opposed by over 350 groups ranging from the Sierra Club and the ACLU, to the Chamber, the NFIB, and National Right to Life.

That is right, Democrats have done a unique thing here: they have united the left and the right in opposition to the effort to take away political speech from some and enhance it for others. These organizations, standing on firm first amendment principles, have been vigorously opposing this effort to stifle their speech.

And I stand with them in asking each and every one of my colleagues to join me in honoring the oath we took to protect and uphold the Constitution of the United States of America, and, in particular, the first amendment to free speech.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. STABENOW. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

RESERVATION OF LEADER TIME

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

MORNING BUSINESS.

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the majority controlling the first 30 minutes, and the Republicans controlling the final 30 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

UNEMPLOYMENT INSURANCE

Ms. STABENOW. Madam President, with all due respect to our Republican leader, I have to express concern on a couple of points. He was just talking about court decisions, a court decision that said BP is a person; that said all big corporations have the same rights as individuals. What we are trying to do, both in the House and the Senate, is to make sure that, in fact, the democratic process can work and that huge corporate interests that have controlled too much of this country are not allowed to do even more in terms of overriding elections and putting money into elections.

I also have to disagree with our distinguished Republican colleague when he says this is all about the deficit. As we would say in Michigan, that is a bunch of bunk. This is about who we care about and how we think we should move forward as a country in terms of what is best for the majority of the American people. Very different views. Very different beliefs.

Our Republican colleagues have believed if we give tax breaks to the wealthiest Americans and wait for it to trickle down, things will get better. If we back up and let corporations police themselves, everything will be OK.

Well, we saw that for 8 years, 6 years of which they had control of the whole system. I tell you what, it did not trickle down to the people in Michigan. After the Wall Street collapse and what we saw with BP in the gulf and what we have seen with miners' loss of life, I would suggest that view, that belief, has not worked for the majority of people.

So we have a different view. We have a different view. It is one that actually worked in the 1990s under President Clinton when 22 million jobs were created. Yes, we believe this is about jobs. This is about how we get out of deficit.

I also find it amazing that the people who dug the hole, the deepest hole we have ever had in the history of the country, when they were handed a surplus—they dug the hole—now want us to give the shovels back. They want more shovels to dig even deeper.

So this is a difference of opinion on how we believe we should move the country forward and who we are trying to move it for—not the large corporate interests that the Republican leader just talked about who want to be able to give millions of dollars for elections and have no rules and regulations and be able to control the democratic process of elections in this country.

It is not about the folks who are concerned about paying their fair share in this jobs bill, with the tax loopholes we want to close so they cannot take jobs overseas and requiring people to pay their fair share. That is not what we are about. What we are about is creating jobs for the American people. The bill in front of us, the bill we are going to have a chance to vote on one more time, is all about jobs and who we are fighting for. That is what it is about. It is about whether we believe we should only invest in what the wealthy and powerful of this country care about or should we invest in the majority of Americans and create good-paying, middle-class jobs.

It really is a philosophy right now about how we get out of debt. They say more tax cuts to the wealthiest Americans. We will have an estate tax fight where they say: Oh, we ought to be more and more for the top few hundred families, billionaires in the country. Give them more tax relief.

We say, in this bill, what we ought to be doing is focusing on creating jobs to grow out of debt. We are all opposed to debt. I was opposed to the debt when I voted to balance the budget. I was opposed to debt when they got us into debt in the last 8 years, 10 years, when they were focusing on racking up debt. I was opposed then.

Now the question is, How do we get out of debt? We say we have to create jobs, and we have to help the people who are out of work be able to get some help to be able to get some training to be able to keep a roof over their heads and food on their tables while they look for a job.

That is what we believe. That is what this is about. We believe we will never get out of deficit with over 15 million out of work, having to ask for temporary assistance. We will never get out of debt unless we are creating jobs. We have begun to do that. Our colleagues on the other side of the aisle say: We want to stop that.

Let's look at what happened. I talk about the previous administration not only to focus on the past, but these are the same ideas that are on the floor today. They are promoting the ideas that got us into these job losses. When President Obama came into office, we were losing about 750,000 jobs a month. That is what he inherited. We said: This hasn't been working for the majority of people. It didn't work for the majority of people in Michigan. We want to go back to investing in people and communities, helping businesses get the capital to grow, supporting small businesses, focusing on manufacturing, making things in this country. Let's take away the incentives to take jobs overseas. We are in a global economy, but we want to export our products, not our jobs.

This bill takes away incentives to go offshore, overseas, keeps the jobs here. It creates more capital for manufacturers. I was pleased to craft a provision that will create the ability to buy more equipment and facilities to create jobs. It helps small businesses keep jobs. That is what we believe. We have put in place the Recovery Act. We have begun to climb out. We are not out. But these guys are going: Stop. Oh, my gosh, it is beginning to work. This may affect the elections. Let's do everything we can to stop the recovery. Let's take the resources that have been used to invest in a battery manufacturing plant, private sector, in Midland, MI, where I attended a groundbreaking on Monday, Dow Kokam. Let's take that money away now. We will say: We have too big deficits. We can't invest in jobs. We can't invest in jobs.

They want to take that away and come over and say: We will take the money that is creating jobs and we will give it to people who don't have a job.

Wait a minute. So you want to use the Recovery Act money that is beginning to create jobs and put it over here to help people who don't have a job, and then we will create more people who don't have jobs?

We say that is a bunch of hooey, that is a bunch of bunk. In Michigan, we have stronger words for that, but I won't say them on the Senate floor. My people in Michigan are sick and tired of this.

It is pretty bad when we have one side in this Chamber rooting for failure

every day. I have people in my State, Republicans who are out of work, small businesses that are Republican. They don't have capital, manufacturers that are Republicans who want us to pass legislation to give them more capital. This is not a partisan issue. This is about whose side we are on in this country. It is about whether we embrace a philosophy that will work for the majority of Americans or work for only a few. That is what this is about.

What we have from the other side is a litany of no, no, no. We will be yes, if you take away the money for the recovery, which they all voted against—most, excuse me, not all but most—we will take away those dollars because that will slow us down, that will make sure this President is not successful. God help us if this President is successful and this majority is successful. Let's keep people hurting as long as possible, because maybe that will help us pick up some seats.

No wonder people are angry. No wonder people are cynical. I am pretty angry myself.

There are real people's lives at stake in all of this. All we get is no, no, no—cynical, political games on the other side. Even though things are moving up slowly but surely—way too slow from my perspective but, thank God, they are not continuing to go down, it is beginning to work. Instead of letting it work—and it certainly is not everything we want, but it is beginning, it is turning—instead, they want to stop it. The election is coming up. Let's make sure people are as mad as possible, and then we will blame the people who were in the majority, even though we are stopping them every day. We are stopping them from doing things. We filibuster. The cynical view is that the public won't understand that so we will keep making sure that nothing happens so people are hurting. That is what is happening here.

Let's talk about unemployment benefits and the fact that we do have people hurting. We do, in fact, have 3 million jobs available and 15 million people looking for work. Some say: Those folks are just lazy. Go get a job. I would like to show them the real world and what is happening for too many families. The numbers are changing. When I first started coming to the floor, we were talking about six people out of work for every one job opening. Now it is five. I don't celebrate that because I want to make it one for one. It is getting better. It is creeping around. It is turning around. It is turning around because the Recovery Act incentivized people to buy a new home which, in this bill, we want to extend for people, to get as many people who have benefited from that $8,000 tax credit as possible, or the $6,500. But our colleagues on the other side say no.

Realtors tell me in Michigan things are turning around because of support from the Recovery Act. The stimulus has helped begin to turn things. But, oh, my gosh, no, we cannot possibly continue to support something that is actually working, because it might have bad political effects. People might not be hurting as much or as mad, and that may not help us in the election.

We have today people who are looking for work, have been looking for work for months, some longer than a year—in some cases, 2 years. People did what we told them to do. They went back to school. They are living off of unemployment for their family while they are going to school. They are trying to do everything they can. These are people who have done nothing but work hard and take care of their families and love this country. They assume, just as in every other economic downturn in the country, that we will understand, we will get it. The Congress will get it and support them to turn their lives around without losing their homes and the ability to care for their families.

I want to read a few letters from people in Michigan. We have thousands of e-mails and letters. It breaks our heart. People cannot believe what in the world is going on around here that we are not doing everything conceivable to create jobs. These artificial debates about deficits—again, it is a very big issue, these deficits, but it is pretty hard for us to be lectured by the people who created the deficits who are now saying: We can't help people caught in this economic recession because of deficits. It is pretty hard to accept their view, the way they would get us out, which didn't get us out, which created more deficit, that somehow we should go back to that rather than what has worked in the past which is putting people to work, having people work so they can pay into the system and contribute and buy things. They become part of the economy. Then deficits begin to go away. We begin to come out of the hole. That is what we believe, focusing on people.

Kim from Flint says:

> I am writing today to beseech you to urge Congress to act quickly to extend federal unemployment benefits. In this unprecedented economy, especially where I live in Michigan, extra time is much needed to find employment. Many of my family, friends and neighbors are in the same situation I am. I personally was laid off from what I thought was a stable position back in July and despite having experience and a BBA, I have not been able to find comparable work. Our no worker left behind program in Michigan is out of funding. My college career services department has not been helpful. While I'm trying to keep hope in pursuing job leads and even looking at going back to school for an entirely different field, I fear what will happen to me if these benefits are not extended. I will lose everything. I am indeed writing from my own self-interest but not only for my own interests. With so many people in the same situation as I am, what will happen to them? Will you have a large segment of your constituent population suffer so, or will you have the economic situation in Michigan worsen as many become unable to even provide the bare necessities for themselves and their families? Or will you act quickly to extend much needed unemployment benefits?

Kim, we are trying to act as quickly as we can. We have been trying to. I know it is no consolation. It feels so frustrating and empty to talk about differences between Republicans and Democrats when people are hurting. But the reality is, we don't have one Republican right now willing to step forward, as one, and stop this filibuster that has been going on for weeks. We have been dealing with this now every time we bring up the extension. We don't have one colleague, people with whom we work in good faith on so many different issues, not one has been willing up to this point to step up and join us based on the larger good, not the political pressure, not the partisanship but the larger good of making sure somebody who is out of work knows that they have at least the bare minimum so they can continue and not lose a house and be homeless on top of job loss and then try to figure out what to do to take care of the kids. We don't have one colleague who has been willing to do that, to step up and have the courage to join us in stopping this incredibly irresponsible filibuster that has been going on.

We will have an opportunity later today. We fully expect the same result, unfortunately. The politics of the moment seem to be overwhelming. It is amazing to me. But I guess if it works, people will keep doing it. That is the question, whether it will work with the American people. With all of the mumbo-jumbo going on, numbers and so on, the bottom line in the world in which I live and the world in which my family lives in Michigan and the people I represent is a world that is very different from here. We in Michigan, Democrats and Republicans, are rooting for success as Americans. We want things to get better. We want our country to be safe. We want it to get better for everybody. We will go on, have another day to fight about differences, ideological differences on issues. But we are at least rooting for the country to succeed, for the President, for the government to be working together to do the right thing so we can get out of this hole.

When we look at what is happening around the world, when we look at the brink of disaster last year when President Obama came in and we were on the edge of the cliff—some would say over the cliff—holding on with our fingers, losing 750,000 jobs a month, we began to walk it back through some very bold things that had to be done at the time, such as investing in people and jobs.

In the previous administration, when they stepped up and did what was called the Wall Street bailout, a lot of folks in Michigan said: What about us? Who is going to bail out us working people? Well, the Recovery Act, in my judgment, was that. It was the people's bail out. It was focusing on people, jobs, and job training, and helping those who are temporarily out of work while they get their lives together and find another job, and investing in the future.

That is what that was about. And that is what it is still about. It is a 2-year effort, and it is beginning to work. We can go back and look at the numbers again. We are certainly not where we want to be, but it is turning around. We are coming out of the hole. Step by step, we are coming out of the hole. Now the folks who created the hole say: Oh, give us more shovels so we can dig some more. We are saying: No, let's keep it going. Let's give it a try. We can tinker with it. We can change some things that we need to, but let's keep it going, let's give it a try here so we can keep this thing moving in the right direction. These folks are saying no. In order to do the bill in front of us on jobs, we want to take money away from jobs, slow this down in order to be able to ''pay'' for the bill in front of us.

Well, what is in front of us? We have a bill today that provides tax cuts to businesses, tax relief to State and local governments to help them invest and create jobs. The other side of the aisle has said no.

We have a bill in front of us to provide tax cuts that are going to put dollars back into the pockets of working families trying to make it. The other side has said no.

We have a bill that is going to help restore credit to small businesses. It is the one thing I hear over and over, and I want to thank our leader for keeping small businesses at the forefront, and we are working on additional legislation to help small businesses. We have to free up capital. Too many cannot get their line of credit or get the loan they need to operate or to be able to expand. That is certainly true in Michigan. But this bill has provisions to help small businesses expand, hire new workers. The other side has said no.

It would expand career training so the people we want to be able to get off unemployment benefits and to be able to get into jobs will have an opportunity to focus on new careers. This bill includes provisions to help people get career training to get new jobs. The other side has said no.

It would extend help for people who are out of work right now, people who have had the dignity of working their whole lives, breadwinners who are no longer bringing home the bread. It would help them keep a roof over their head and food on the table and maybe a little gas in the car so they can go look for a job while they are moving through this difficult time and while we are focusing on job creation. The other side has said no.

This bill would ensure that senior citizens, military servicemembers, and Americans with disabilities would continue to have access to their doctors. We did get agreement to pull out that one provision to be able to extend it for 6 months, which I hope will get done very quickly. But the rest of this, frankly, is being held up, in my judgment, because—even though it is all paid for. None of this I have just talked about—other than unemployment benefits, which are always funded differently as an emergency because it is an emergency—the rest of this is entirely paid for, does not add a penny to the deficit. But I do think it then brings up the question: Why would they be objecting?

Well, we are paying for jobs and job training by closing some tax loopholes. You will no longer get tax benefits if you take the jobs overseas. We want the jobs in America. We want to stop that. The other side says no.

We want to make sure people who are very wealthy but whose income comes in in a different way are paying their fair share, contributing just like middle-class people, low-income people. We close some loopholes to pay for this. They say no.

We also have in this bill a provision that would increase the dollars, by pennies—49 cents—on every barrel of oil to be able to clean up the spill in the gulf, to be able to add money to the Oil Spill Liability Trust Fund. In the past, oil companies only had to kick in 8 cents a barrel. Well, given what has happened in the gulf, that is not enough. So we have said 49 cents for every barrel. A barrel of oil—I do not know the price now but $70, $80 a barrel, whatever it is: 49 cents.

The oil companies probably do not like that. So the other side said no. In fact, the day the distinguished Republican Congressman in committee was apologizing to BP on the House side—that same day—Republican colleagues here were doing the bidding of the oil companies by voting ''no'' on increasing their contributions by 41 cents a barrel into the liability trust fund to clean up the oilspills.

I think it is pretty clear whose side we are on, whose side they are on, what is happening right now. We have a stalemate going on. We have tried and tried, and our leader and the chairman of the Finance Committee, who has worked and worked and worked and worked, as he always does, in good faith to find some compromise, to be able to move this jobs bill forward and help people who are out of work. It appears right now we do not have one Republican colleague willing to join us in that effort. There have been discussions, but there has been no agreement.

So we have the votes. That is the darnedest thing about this place. We have the votes. We just cannot stop a filibuster. Somehow in our democracy, with men and women fighting around the world for our democratic process of majority rule—when you win an election, you have to get one more than the other guy, one more vote than the other guy to win the election. And here, instead of having majority rule, they are using the political processes and tricks in a way so as to tie us up in a pretzel like I have never seen before, unprecedented, using rules in a way that is absolutely unprecedented so that the public shakes their head and says: What is going on here? What are these people doing?

But they are doing this in a way so that instead of majority rule, you have to get a supermajority. That is what we are talking about: Trying to get 60 votes, not 51, which is majority rule in every town and city and State and every Federal election; you have to get one more than the other guy. But because of a gross misuse of the rules in the last year and a half, we have to now get 60 for everything. And we cannot—up to this point—get even one Republican colleague to join us. So that is where we are.

I would ask, Madam President, how much time is remaining on the majority side?

The ACTING PRESIDENT pro tempore. One minute forty-five seconds.

Ms. STABENOW. I am sorry?

The ACTING PRESIDENT pro tempore. One minute forty-five seconds.

Ms. STABENOW. Thank you.

Let me indicate again, there is a huge difference in view as to how to get us out of the deficit hole. One side, with a set of policies—I am sure they were sincere—a set of policies that said: We will give it to the wealthiest Americans—tax cuts—and then it will trickle down, coupled with 8 years of not paying for things—two wars and a whole series of other things—created red lines down, job loss, so that President Obama came in at losing about 750,000 jobs a month.

We have tried a different view. We have said the only way to get out of deficit is to focus on jobs, putting money in the pocket of middle-class families, and growing our way out by focusing on the middle class, working people, the majority of people, small businesses, with manufacturers making things again in this country.

We both care about deficits. We have different views about how we got to those deficits, and certainly different views about how to get out of deficit. What we will not support is taking money away from efforts that have begun to get us on a road to recovery. We have a long way to go, but it has begun to get us out of the ditch. We no longer are losing 750,000 jobs every month. We are now gaining jobs. It is not as even as we would like, but we are gaining jobs. The question is, do we allow this to continue, while helping people who are out of work right now, and grow our way out of this deficit by creating jobs, or do we go back to the old philosophy, the old beliefs that got us into the hole in the first place?

That is the basic debate on the floor of the Senate. That is the debate. We have one view that worked in the 1990s, creating 22 million jobs over the course of 8 years in the Clinton Presidency, and one view that has lost us jobs. Now we are back again to that philosophy to create jobs, and that is what this is about.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. STABENOW. Thank you, Madam President.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

NOMINATION OF ELENA KAGAN

Mr. HATCH. Madam President, next week the Judiciary Committee will hold its hearing on the nomination of Elena Kagan to replace Supreme Court Justice John Paul Stevens. The Senate's role of advice and consent, especially for Supreme Court Justices, is one of our most important constitutional duties. I wish to share a few thoughts about how I will approach this task.

America's Founders designed the judiciary to be, as Alexander Hamilton described it, the weakest and least dangerous branch of government. Things have not worked out as planned. The judiciary today is, instead, the most powerful, and potentially the most dangerous, branch of our government. Rather than being accountable to the people by being subject to the people's Constitution, activist judges often make the people accountable to them by seeking to control the people's Constitution. My objective in this confirmation process is to find out which kind of Justice Ms. Kagan would be if confirmed to the Supreme Court.

Judicial qualifications fall into two categories: legal experience and judicial philosophy. Legal experience is a summary of what a nominee has done in the past and can be described in a resume or on a questionnaire. Judicial philosophy describes how a nominee will approach the task of judging in the future. It is harder to determine, but I believe it is much more important.

Let me first look at Ms. Kagan's legal experience. I have never believed that judicial experience is necessary for Supreme Court service or, to put it another way, I have never believed it to be a disqualification if you do not have judicial experience. In fact, 39 Supreme Court Justices—about one-third—had no previous judicial experience. What they did have, however, was extensive experience in the actual practice of law, an average of more than 20 years. These are Justices such as George Sutherland, one of my predecessors as Senator from Utah, who practiced for 23 years, or Robert Jackson, who practiced for 21 years and served as both Solicitor General and Attorney General. In other words, Supreme Court Justices have had experience behind the bench as a judge, before the bench as a lawyer, or both.

Ms. Kagan has neither. She spent only 2 years as a new associate in a large law firm. She never litigated a case or argued before any appellate court before becoming Solicitor General last year.

And her work in the Clinton administration was focused on policy and legistation. As the Washington Post described it recently, Ms. Kagan would bring to the Court experience ''in the political circus that often defines Washington.'' Some people may see little difference between the legal and the political, but I do and am concerned about blurring the lines even further.

Last week, one of my Democratic colleagues with whom I serve on the Judiciary Committee talked about Ms. Kagan's qualifications and claimed that some Senators question her fitness for the Supreme Court solely because she has never been a judge. No one has made that argument. This Democratic colleague identified Justices Byron White, William Rehnquist, Louis Brandeis, and Lewis Powell as among those with no prior judicial experience. These Justices had practiced, respectively, for 14, 16, 37, and 39 years and Justice Powell had also been president of the American Bar Association. There really is no comparison.

So on this first element of legal experience, we have to be honest about what the record shows. Unlike other Supreme Court nominees, Ms. Kagan has no judicial experience and virtually no legal practice experience. That leaves her academic and political experience. The Democratic Senator I mentioned identified as among Ms. Kagan's strongest qualifications for the Supreme Court her experience crafting policy and her ability to build consensus. Judges, however, are not supposed to be crafting policy, and consensus-building only begs the question of what a consensus is being built to support.

This relatively light record of legal experience only places more importance on judicial philosophy, the other qualification for judicial service. Frankly, finding reliable clues about judicial philosophy is often harder in an academic and political record such as Ms. Kagan's than in a judicial record. This is especially true when, like Ms. Kagan, a nominee has rarely written directly about the topic. This does not mean that reliable clues do not exist, just that they are harder to find. I have to take Ms. Kagan's record as it is because I have to base my decision on evidence, not blind faith.

Judicial philosophy refers to the process of interpreting and applying the law to decide cases. That is what judges do, but they can do it in radically different ways. Notice I said this is about the process of deciding cases, not the results of those cases. Many people, including some of my Senate colleagues and many in the media, focus only on the results that judges reach, apparently believing that the political ends justify the judicial means.

That is the wrong standard for evaluating either judicial decisions or judicial nominees. Politics can focus on the results, but the law must focus on the process of reaching those results. Rather than the desirable ends justifying the means, the proper means must legitimate the ends. It makes no difference which side wins, which political interest comes out on top, or whether the result can be labeled liberal or conservative. If the judge correctly interprets and applies the law in a particular case, then the result is correct.

So I wish to pin down, as best I can, what kind of Justice Ms. Kagan would be. Will the Constitution control her or will she try to control the Constitution? Will she care more about the judicial process or the political results? As I said, those clues come primarily from her record, secondarily from next week's hearing. So let me briefly focus on a few areas of Ms. Kagan's record and mention some questions that need to be answered and some concerns that need to be addressed.

First, while in graduate school, Ms. Kagan wrote that the Supreme Court may overturn previous decisions ''on the ground that new times and circumstances demand a different interpretation of the Constitution.'' Not a different application, mind you, but a different interpretation. She wrote quite candidly that it is ''not necessarily wrong or invalid'' for judges to ''mold and steer the law in order to promote certain ethical values and achieve certain social ends.''

In a 1995 law journal article, she agreed that in most cases that come before the Supreme Court, the judge's own experience and values become the most important element in the decision. In her words, ''many of the votes a Supreme Court Justice casts have little to do with technical legal ability and much to do with conceptions of value.'' That sounds a lot like President Obama, who said as a Senator that judges decide cases based on their own deepest values, core concerns, the depth and breadth of their empathy, and what is in their heart. If that is too results oriented, Ms. Kagan wrote, so be it.

While Ms. Kagan has not herself been a judge, those judges she has singled out for particular praise have this same activist judicial philosophy. In a tribute she wrote for her mentor Justice Thurgood Marshall, for example, she described his judicial philosophy as driven by the belief that the role of the courts and the very purpose of constitutional interpretation is to ''safeguard the interests of people who had no other champion. The Court existed primarily to fulfill this mission. . . . And however much some recent Justices have sniped at that vision, it remains a thing of glory.''

In 2006, when she was dean of Harvard Law School, Ms. Kagan praised as her judicial hero Aharon Barak, who served on the Supreme Court of Israel for nearly 30 years. She called him ''the judge or justice in my lifetime whom I think best represents and has best advanced the values of democracy and human rights, of the rule of law, and of justice.'' That is not simply high praise, but the highest praise possible, for she said that Justice Barak was literally the very best judge anywhere during her entire lifetime in representing and advancing the rule of law.

Who is this judge who, for Ms. Kagan at least, is literally the best representation of the rule of law? Judge Richard Posner has described Justice Barak as ''one of the most prominent of the

aggressively interventionist foreign judges'' who ''without a secure constitutional basis. . .created a degree of judicial power undreamt of by our most aggressive Supreme Court justices.'' Judge Posner concluded that to Justice Barak, ''the judiciary is a law unto itself.''

These and other examples, over a period of more than two decades, fit consistently together. They indicate that for most of her career, Ms. Kagan has endorsed, and has praised others who endorse, an activist judicial philosophy. She appears to have accepted that judges may base their decisions on their own sense of fairness or justice, their own values of what is good and right, their own vision of the way society ought to be. This activist philosophy, she has said, is a thing of glory and best represents the rule of law. That is what her record shows, and we will have to see what next week's hearing uncovers on this important subject.

There are also some specific subjects or controversies that must be explored. These might have been less important if Ms. Kagan did not have the record I just described. If she had not endorsed and praised judges making decisions based on their personal values and objectives, then evidence of her own personal values or objectives would obviously be less relevant. But as Ms. Kagan said in a 2004 interview, since a judge's personal attitudes and views make a difference in how they reach their decisions, ''the Senate is right to take an interest in who these people are and what they believe.''

I wish to note two of the areas in which it appears Ms. Kagan's personal or political views have driven her legal views. The first is abortion. When she clerked for Justice Marshall, she recommended against the Court reviewing the decision in a case titled Lanzaro v. Monmouth County Correctional Institutional Inmates. The U.S. Court of Appeals for the Third Circuit held that prison inmates have a right to elective abortions and that by refusing to pay for them, the county violated the Constitution's eighth amendment ban on cruel and unusual punishment. Ms. Kagan properly rejected this bizarre holding, even calling parts of the analysis ludicrous. Yet she urged against the Court reviewing this decision because, as she put it, ''this case is likely to become the vehicle that this court uses to create some very bad law on abortion and/or prisoners' rights.'' Broader policy objectives seemed more important than even reviewing a ludicrous constitutional decision.

The record also shows that later Ms. Kagan was a key player behind the Clinton administration's extreme abortion policy. In May 1997, after President Clinton had vetoed the Partial Birth Abortion Ban Act, Ms. Kagan wrote a memo recommending that he support the substitutes for the ban being offered by Senators Daschle and FEINSTEIN. She recommended this solely for political reasons, because it might attract some votes from Senators who would otherwise vote to override his veto. Had that strategy worked, of course, the substitutes would not have passed and partial birth abortion would have remained legal. The barbaric practice of partial-birth abortion would have remained legal.

Significantly, however, Ms. Kagan noted that the Office of Legal Counsel had concluded that these substitute amendments were unconstitutional under the Supreme Court's Roe v. Wade decision. There is no indication that she disagreed with this conclusion. The point is that Ms. Kagan urged a purely political position on abortion that was at odds with what the Clinton administration then believed the Constitution required. Once again, it looks as though politics trumped the law.

Another controversy involved the military's ability to recruit at Harvard Law School during Ms. Kagan's tenure as dean. Ms. Kagan made her personal views and values as plain as anyone could make them, saying repeatedly that she abhorred the military's policy with regard to homosexuals and calling it a profound wrong and a ''moral injustice of the first order.'' Federal law, known as the Solomon amendment, denies Federal funds to schools with policies or practices that have the effect of preventing military recruiters the same access to campus or to students that other employers have. A group called the Forum for Academic and Institutional Rights, or FAIR, challenged the law in court.

Ms. Kagan first joined a legal brief filed in support of FAIR's challenge with the U.S. Court of Appeals for the Third Circuit. Within 24 hours of the court enjoining enforcement of the Solomon amendment, Ms. Kagan again banned military recruiters from access to Harvard's Office of Career Services. She was not required to do this because the Third Circuit does not include Massachusetts. She kept the ban in place even after the Third Circuit stayed its own injunction while it was being appealed to the Supreme Court. In other words, Ms. Kagan denied military recruiters access even though the law still required access. She could have opposed the military's policy in various ways, but chose to do so in a way that undermined military recruitment during wartime. And the recruitment ban was lifted only after the president of Harvard University stepped in and overrode Ms. Kagan's decision.

Ms. Kagan then joined a group of law professors filing a brief with the Supreme Court. To its credit, FAIR actually agreed with the government about the proper reading of the Solomon amendment. But Ms. Kagan and her fellow professors urged the courts to read the statute in an artificial and unnatural way that actually contradicted both the plain terms of the statute and the position of the very party on whose behalf she had filed her brief. The statute required that the military be treated the same as employers who are granted access to campus. Ms. Kagan argued instead that the military be treated the same as employers who are denied access to campus. Not surprisingly, the Supreme Court unanimously rejected Ms. Kagan's position, saying that her group of law professors simply misinterpreted the statute in a way that would literally negate it and make it ''a largely meaningless exercise.'' She did everything she could, including defying Federal law and making legal arguments that even Justice Stevens could not accept, to pursue her political objective.

In closing, I wanted to come to the floor today to describe for my colleagues the approach I am taking to evaluate Ms. Kagan's nomination to the Supreme Court. The most important qualification for the position is her judicial philosophy, the kind of Justice she will be. The evidence for her judicial philosophy comes primarily from her record, and I have touched on some areas of concern that must be examined more closely.

This is a grave decision. It is about more than simply one person. The liberty we enjoy in America requires that the people govern themselves and that, in turn, depends upon the kind of Justices who sit on the highest court in the land. George Washington said this in his farewell address: ''The basis of our political systems is the right of the people to make and alter their constitutions of government. But the Constitution which at any time exists, till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all.'' Judges who bend the Constitution to their own values and who use the Constitution to pursue their own vision for society take this right away from the people and undermine liberty itself.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

Mr. CORNYN. I ask unanimous consent to speak for up to 15 minutes as in morning business.

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

IMMIGRATION

Mr. CORNYN. Madam President, last week the media reported that 17 Afghan military trainees had gone AWOL—absent without leave—from the Defense Language Institute at Lackland Air Force base in San Antonio, TX. The shocking thing about this is not that 17 Afghan trainees left the military base without leave, but that we hadn't heard anything about it. Even though these officers went missing over a period of 2 years, neither the Department of Homeland Security, the U.S. Air Force, nor the Department of Defense notified me. No one advised the Congress or the American people, to my knowledge, that this had happened. Obviously, it created a lot of consternation and concern.

The fact is, this is just one example—really the tip of the iceberg—of some of the problems with our broken immigration system—our inability to track individuals who come into the United States with visas, whether it is a tourist visa, a student visa, or a visa like those issued to the Afghan military officers. We have virtually no ability to track individuals who overstay their visa and then simply choose to melt into the great American landscape.

This is true in spite of the fact that in 2007, Congress passed on a recommendation of the 9/11 Commission, which highlighted visa overstays as a potential national security threat to our country. All we have to do is recall people like Ramzi Yousef, the mastermind of the 1993 World Trade Center bombings, an example of people who came into the country and overstayed their visa. The recent attempt of a would-be terrorist to bomb a skyscraper in Dallas, TX, is another example of people who enter the country legally and do so with the clear intent to overstay their visa and do us harm.

Congress passed a law in 2007 that required the Department of Homeland Security to come up with a plan by June 2009 to track every entry into the country pursuant to a visa and biometrically track those individuals who overstay their visas. Obviously, that has not happened yet or else the Department of Homeland Security would have been able to track the 17 Afghan military officers. As far as we have been informed, we don't have clear information as to exactly where all of these individuals are.

We have talked a lot about border security, and appropriately so, particularly in light of the exploding violence in Mexico and the cartel drug wars that have killed 23,000 people since 2006. Many have expressed concerns that our borders, which are still too porous, will allow people to come across but not just people who want to work. Our porous borders will allow people to enter who want to smuggle drugs, smuggle weapons, and who potentially want to do us harm. Last year alone, about 50,000—or closer to 45,000 individuals from countries other than Mexico—so-called OTMs—have been detained coming across our southern border. These OTMs have come from countries such as Somalia, Yemen, Afghanistan, Iran, China—you name it. The southern border is being used as a means to enter our country without detection and in violation of our laws.

The problem I wish to highlight today is that apparently the Administration is just now waking up to this danger along our border. I say that because only in the last couple of days, the President has requested an emergency supplemental appropriation of $600 million for southern border enforcement. Unfortunately, in spite of the fact that it is a large sum of money, it simply does not go far enough.

Recently, I introduced a border security amendment that was defeated—even though it got a majority vote, but didn't get the 60 votes it needed to pass. It was on the Defense supplemental appropriations bill. It would have been paid for; it was not deficit spending. It would have provided an additional $2 billion to make up for shortfalls in funding to Federal, State, and local agencies that are on the front line and need that funding to get the job done.

Some critics have said that Members of Congress have focused too much on border security and that the real solution is to pass a comprehensive immigration reform bill. I disagree. Until we have credible border security and a credible system of tracking visa overstays, the American people are simply not going to believe we have either the credibility or the competence to enforce whatever law we pass. All you have to do is to look at where we find ourselves now. You also need to look back to 1986, when President Ronald Reagan signed an amnesty for 3 million people. He did so premised on the belief that we were actually going to pass an immigration law that could be and would be enforced. We know, from our sad experience, that even though an amnesty was adopted, enforcement did not follow. That is why I say the American people simply don't believe we have the credibility or even the competence, as demonstrated so far, to get the job done.

I don't think the American people believe we have done a good job of controlling illegal immigration, let alone national and domestic security. If Washington was doing its job, we would not see States such as Arizona and Nebraska passing laws trying to deal with immigration at the State and local level. If Washington was doing its job, we would not continue to hear about the many illegal immigrants who have committed heinous crimes in the United States and who have been deported multiple times, only to reenter the United States and commit further crimes. If Washington had been doing its job, we would not continue to hear about terrorists exploiting our lax immigration enforcement—terrorists who are in this country right now trying to do us harm, such as the Christmas Day bomber, who had a valid visa—amazing as it sounds—and the foreign national who overstayed his visa who I mentioned a moment ago, who tried to blow up a Dallas skyscraper recently—a plot foiled by the FBI.

I believe we need credible immigration reform, but first we need to demonstrate to the American people that we are serious about border security by making sure the resources—both the boots on the ground and the technology—are in place to help, as a force multiplier, provide the kind of border security that will allow us to know with a much greater certainty who is coming into the country and why they are here.

The other component of our nation's security has to do with the visa overstay issue, which is a huge part of the problem. Put another way, even if we were able to secure the border today and know with certainty who was coming across our southern or northern border and what their purpose was for entering, we would still have a huge, gaping hole in our immigration enforcement system because of the problem of visa overstays.

Most Americans probably don't realize that between 40 and 50 percent of the people who have come into the country and who are here without a valid visa—an estimated 4.5 to 6 million people—are visa overstays. In other words, they came in legally but simply ran out the clock and overstay their visa, and now they have attempted to just melt into the American landscape.

Unfortunately, notwithstanding the recommendations of the 9/11 Commission and Congress's mandate to the Department of Homeland Security to come up with a way to biometrically track visa overstays coming in through our airports—the Department of Homeland Security still has yet to come up with a credible and workable solution to deal with this very real problem. We know the visa overstays come from countries all around the world, not just Mexico or countries to our south. These overstays come from places such as Iraq, Iran, Pakistan, Afghanistan, Syria, and Sudan.

It seems just as plain as the nose on my face to say that America's security depends on our tracking not just people who illegally come over the border, but also those who come in legally and then illegally overstay their visas. Our failure to track visa overstays and enforce our immigration laws has already put our country in jeopardy.

I mentioned some of the examples a moment ago. The World Trade Center mastermind was a visa overstay. The 9/11 hijackers, lest we forget, were visa overstays, people who came in under false pretenses as students, only to try to do our Nation harm and then killing thousands of people in the process. I mentioned the Dallas office tower attempted bomber, who was a visa overstay. Most recently, the 17 Afghan pilots in training at Lackland Air Force Base in San Antonio, TX, my hometown. These were visa overstays. Yet when you ask the Air Force, the Department of Defense, and the Department of Homeland Security where they are now and what they are doing, we have yet to get a comprehensive and complete report. Why? Because the U.S. Government simply doesn't have a workable and effective and efficient means of tracking people who come into the country legally on a temporary visa but then choose to overstay.

Foreign nationals overstaying their visas is not a new issue, but, as we have seen, it can be a national security issue. Even the Department of Homeland Security, the Government Accountability Office, the Pew Hispanic

Center have highlighted the number of overstays in the United States.

Like its predecessor, the Immigration and Naturalization Service, the Department of Homeland Security has a real inability to track down and remove aliens who overstay their visas. Each year, approximately 300,000 foreign nationals who come to the United States legally, overstay their visa. That is 300,000 a year.

My amendment, which was defeated last month by a narrow vote, would have given the U.S. Immigration and Customs Enforcement the personnel and money needed for additional investigators, detention officers, and detention space.

We need a plan, our government needs a plan from the administration to enforce our immigration laws regarding visa overstays or the American people will continue to see threats to our national security materialize before their very eyes.

Madam President, I ask unanimous consent to have printed in the RECORD my letter to Secretary Napolitano at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. CORNYN. Madam President, there are a number of think tanks—and I will allude to just one—that have come up with a strategy to do what needs to be done to deal with visa overstays. I refer to a Backgrounder, published by the Heritage Foundation, dated January 25, 2010, entitled ''Biometric Exit Program Shows Need for New Strategy to Reduce Visa Overstays.''

I think we need to put our best minds together and devote our efforts to dealing with this problem. Just like our broken border, unless Congress and the Administration come up with a credible plan to deal with this problem of visa overstays, I don't think the American people will have the confidence they demand and are entitled to when it comes to enacting a credible immigration enforcement program.

I thank the Chair and yield the floor.

EXHIBIT 1

U.S. SENATE,
Washington, DC, June 22, 2010.

Secretary JANET NAPOLITANO,
U.S. Department of Homeland Security, Nebraska Avenue Complex, Washington, DC.

DEAR SECRETARY NAPOLITANO: Last week, the media reported that 17 Afghan military officers had gone Absent Without Leave (AWOL) from a Defense language training institute at Lackland Air Force Base in Texas. Needless to say, I was deeply disturbed by this report and by the fact that I had not received official notification from either the Departments of Defense or Homeland Security.

On Friday, I sent a letter to Secretary of the Air Force Michael Donley requesting an immediate explanation and report on how such a serious violation of security occurred, as well as an assessment of the potential threat posed by these 17 officers. In statements to the media, the Air Force stated that they work in close coordination with DHS and ''[w]hen the Defense Department learns an international student has gone missing, DHS Immigration and Customs Enforcement is immediately notified and appropriate action is taken.''

I have been informed by ICE the majority of these missing Afghan officers have not been located. According to the recent media reports, these Afghan officers disappeared over a 2-year period. Two years is a significant period of time and I find it alarming that we are still unable to locate these officers in the United States.

I recognize that tracking visa overstays in the United States is a challenge. However, I continue to see a disturbing pattern that began with Ramzi Yousef and the 1993 World Trade Center bombings, came to fruition with the 9/11 hijackers, and has continued recently with Hosam Maher Husein Smadi's planned attempts to bomb of a skyscraper in Dallas, Texas—terrorists using legal visas to gain entry into the United States with the clear intent to overstay and do harm. The 9/11 Commission pointed out this area as a vulnerability and the Government Accountability Office (GAO) has echoed concerns about visa overstays and our ability to track and remove them from the United States.

According to one study, the number of current overstays in the United States ranges anywhere from 4.5 million to 6 million, approximately 40 to 50% of the total illegal immigration population. Overstays come from every continent, and from many nations known to harbor terrorists, including Iraq, Iran, Afghanistan, Pakistan, Syria, and Sudan. Given that this number is growing each year by approximately 300,000 additional aliens, it is imperative that your Department make identifying and removing visa overstays a national priority.

In a public statement, ICE indicated that they notified the U.S. law enforcement community about the missing officers and had ''no information that any of these individuals pose a national security threat.'' As you can imagine, I am not assured by this statement, especially given the fact that these officers remain at large in the United States with their whereabouts unknown to the U.S. government. I view this situation as a clear security failure that needs to be remedied immediately.

I would appreciate a response as soon as possible on how you intend to locate these officers immediately and remove them from the United States. I would also ask that you provide me with the Department's strategic plan to deal with visa overstays.

Sincerely,

JOHN CORNYN,
U.S. Senator.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is recognized.

TAX EXTENDERS

Mr. WHITEHOUSE. Madam President, I wish to say a few words about an amendment I had offered to the original tax extenders bill as No. 4324, which has also been offered as an amendment to the current package. It very much appears that in the crucible of the pressures the bill has had to go through in order to get to its present status, this amendment will not succeed.

The chairman of the Finance Committee is on the Senate floor. I thank him for his persistent efforts to try to get it into the agreed package and for his patience with my even more persistent efforts to try to get it into the agreed package.

It is a bipartisan amendment. I thank the five Republican colleagues who cosponsored it. I particularly thank Senator SESSIONS, who is the ranking member on the Judiciary Committee. He was an early, initial cosponsor. We introduced it together in the Judiciary Committee. It passed out of the committee uneventfully. It was a pleasure to work with Senator SESSIONS. I was delighted he was willing to not only support it as a bill on the Senate floor but also to cosponsor it as an amendment to this tax extenders package. I extend a particular appreciation to him and to his staff for working with us on this legislation.

Let me say briefly what it is about. If you are an American business and you are doing business in a different State, in a State in which you are incorporated and domiciled, you would ordinarily have to file an agent for service of process in that State so that if your conduct or product injures somebody in that State, service can be achieved in the place of the injury.

We have a world economy, and we are undoubtedly the world's greatest importer of goods. Some of these goods are harmful. Most of them are good for Americans, good for the economy, good for our consumers, but some are not. The wallboard that came from China filled with sulfur so that when it was installed in houses, the sulfur leached, corroded piping, made the occupants unhealthy, required a complete stripout and rebuild not only of the walls but also of plumbing and other fixtures and air-conditioning—that was a disastrous imported product.

Toys with lead that children could absorb: We all know what damage lead will do to developing brains of young children, particularly Chinese toys with lead in them. Pharmaceutical products with unacceptable chemicals added to them: There have been a lot of products that have come in from overseas and have harmed Americans.

If you are a big, legitimate foreign manufacturer, you probably have an office here. If somebody is hurt, it is not too hard for the person representing you to find the office and file suit and seek recovery for whatever injury was sustained. Many foreign manufacturers even have manufacturing facilities in this country. That makes it very easy to locate them. But some do not. Some live in a shadowy world where they send their products into the United States, get the money out, but when their defective product injures an American, trying to find them is like trying to grasp a handful of fog. They have disappeared, and they hide behind complicated international treaties and foreign laws in their home countries, making both service of process, getting the papers on the lawsuit to them, and actually getting your hands on them legally under our due process—long-arm statutes—is very challenging and difficult.

We heard from people who spent literally tens of thousands of dollars trying to have their pleadings translated

into a foreign language, work their way through all the complex ministries in the foreign country, all trying to find a company that, in many cases, simply reforms itself in a new corporate form and leaves them with nothing at the end of the chase.

When that happens, it is a very unfortunate result for American people, and it is a very unfortunate result for American businesses. The unfortunate result for American people is that somebody who was injured, whose child was lead-poisoned, for instance, has no one from which to seek recovery, and they lose the opportunity we ordinarily enjoy as Americans when we are injured by a product to get compensation for the injury. It is the family who gets hurt in that circumstance. That is one way it is bad.

The other way it is bad is because commerce is often a chain. When the wrongdoing foreign manufacturer disappears, the other folks who are still in the chain are still around to be sued. Under our theory of joint and several liability, the American company has to pick up the liability for the foreign company that absconded after it created the injury.

We had a very good example in our committee of an Alabama contractor who had a very good reputation, who built developments and homes. He got caught with this Chinese drywall. There was no Chinese drywall manufacturer to sue, but both for purposes of protecting his own reputation with the people for whom he had built these houses and because the liability now fell on him as the joint and several liability party, he had to go in and clean it all up. He had to put up the people who were living in these houses. He had to rebuild their air-conditioning systems and their plumbing systems. He had to strip out all the drywall and rebuild it all back. It was an immense expense, and it fell on the American company because the Chinese company had absconded and was not amenable to service and, consequently, to our laws.

The very simple premise of this bill is, if you are a foreign manufacturer that exports goods into the United States of America, with your export has to come an agent for service of process. You have to file agent of service for process. When that Chinese drywall, when that defective pharmaceutical, when that lead-poisoned toy hits an American consumer, hits an American home, hits an American family, they can go to that agent for service of process and find the wrongdoer, and they are amenable to justice in our courts.

It is from a competitiveness point of view wrong that foreign manufacturers should be able to underprice American companies because they know they can dodge liability, dodge the consequences for their actions, and have an American company have to charge more, knowing they have to bear that liability.

Setting aside the whole public safety and consumer protection piece, it is a systemic disadvantage to American industry to not fill this loophole and make our workers' international competitors hit the same bar that American companies have to hit in terms of being available for suit when their products create an injury.

Obviously, the tax extenders legislation has not proven to be the vehicle for this legislation. My contention for my colleagues is that because this is a bipartisan bill, because Senator SESSIONS and I worked so hard on it, because all of the initial concerns that were raised by the U.S. Chamber of Commerce have been cleared and it is now good to go with the Chamber of Commerce—which I know has a significant voice in the views of my colleagues on the other side of the aisle—and because this is a simple mechanism that will treat foreign companies no differently than American companies are treated and put them on a level playing field and protect American jobs, as well as consumers, I look forward to continuing to pursue this legislation and look for further opportunities and further vehicles to find a way to remedy what is now an unjust situation for American consumers, an anticompetitive and unfair situation for American businesses, and a tilted situation against America's interests for the American economy.

I thank again the distinguished chairman of the Finance Committee who I know is supportive of our efforts. As I said at the outset, the intensity of the crucible of the negotiations that finally appears to be moving this tax extenders bill forward in an unfortunately diminished way, but in the best way we have been able to do it, did not permit this particular amendment to proceed. But it was not for his lack of effort.

I appreciate his courtesy with my persistent lobbying and his support.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

AMERICAN JOBS AND CLOSING TAX LOOPHOLES ACT OF 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the House message with respect to H.R. 4213, which the clerk will report.

The assistant legislative clerk read as follows:

Motion to concur in the House amendment to the Senate amendment with an amendment to H.R. 4213, an act to amend the Internal Revenue Code of 1986, to extend certain expiring provisions, and for other purposes.

Pending:

Reid (for Baucus) motion to concur in the amendment of the House to the amendment of the Senate to the bill, with Baucus Amendment No. 4386 (to the amendment of the House to the amendment of the Senate to the bill), in the nature of a substitute.

Reid (for Baucus) amendment No. 4387 (to amendment No. 4386), to change the enactment date.

Reid motion to refer in the amendment of the House to the amendment of the Senate to the bill to the Committee on Finance, with instructions, Reid amendment No. 4388, to provide for a study.

Reid amendment No. 4389 (to the instructions (amendment No. 4388) of the motion to refer), of a perfecting nature.

Reid amendment No. 4390 (to amendment No. 4389), of a perfecting nature.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Madam President, we are on the message now.

First, I commend my colleague from Rhode Island for his efforts to enact legislation which will level the playing field. It is only proper that foreign companies that operate in the United States have the same ability of service of process that American companies have. I commend him and tell my friend from Rhode Island that at the first opportunity, I will work hard to include his provision in an appropriate bill so it can pass and be enacted into law.

I remind my colleagues that for several weeks now the Senate has been working to pass this important bill that is before us, the so-called extenders bill. This week marks at least the eighth week the Senate has spent most of the week on this bill to extend current tax law and safety net provisions.

This is a bill that would remedy serious challenges that American families face as a result of this great recession. This is a bill that works to build a stronger economy. Americans want that. It is a bill to put Americans back to work. Clearly, with national unemployment hovering around 10 percent, Americans want that, too.

With this bill, we have fought to pass policies to create jobs. We have fought for tax cuts for businesses. We have fought for small business loans. We have fought for career training programs, and we have fought for infrastructure investment.

We have fought to pass tax cuts for families paying for college. We have fought to pass tax cuts for Americans paying property taxes and sales taxes.

We have fought to extend eligibility for unemployment insurance, health care tax credits, and housing assistance for people who have lost their jobs.

As of this week, 900,000 out-of-work Americans have stopped receiving unemployment insurance benefits. Why? Because of the Senate's failure to enact this bill.

We have fought to help States cover the cost of low-income health care programs so that families in need can continue to get quality health care.

Unfortunately, this has been a difficult fight. I don't know why, but it has been difficult. Those provisions I mentioned are clearly provisions the American public would like.

For months now, we have been trying to address Senators' concerns. Senators expressed concern about the size

of the bill. So we cut the total size of the bill. We cut it from $200 billion to $140 billion. Then we cut further to $118 billion, then to $112 billion, then to less than $110 billion today.

We cut spending on health care benefits to unemployed workers under the COBRA program. We cut spending on the $25 bonus payments to recipients of unemployment insurance. We cut spending on the relief to doctors in Medicare and TRICARE. We have now cut spending on the help to States for Medicaid by one-third. We have provided additional offsets for the package. Senators requested that.

Since the first time the Senate passed this bill, we have sought and found more than $75 billion in new offsets, and the bill is now more than two-thirds paid for.

We have revised the carried interest provisions in at least eight different ways to address concerns raised by Senators.

We have modified the S corporation loophole closer to limit its effect on firms with fewer than four partners.

We heard Senators express an interest in more spending cuts. The substitute before us today comes forward with additional spending cuts.

We have fought mightily to adjust the bill to address Senators' concerns. But in the fight for this legislation, let's not lose sight of what the real fight is about. For many families, this is a fight for the roof over their heads. This is a fight for the food on their tables. This is a fight for the jobs they desperately need. And this is a fight for the opportunity they hope will come through.

I urge my colleagues to support this amendment to create jobs this economy needs. I encourage my colleagues to support this amendment for the families who are counting on us to come through. I urge my colleagues, at long last, to pass this bill.

Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT REQUEST—H.R. 2194

Mr. REID. Madam President, I ask unanimous consent that today at 12:30 p.m., the Senate proceed to the consideration of the conference report to accompany H.R. 2194, the Iran Refined Petroleum Sanctions Act, notwithstanding receipt of the official papers from the House; that debate on the conference report be limited to 2½ hours, with the time equally divided and controlled between the leaders or their designees; that upon the use or yielding back of time, the conference report be set aside and that the vote on adoption of the conference report occur at a time to be determined by the majority leader, following consultation with the Republican leader, the Senate having received the official papers from the House, and without further intervening action or debate.

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

Mr. REID. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. LANDRIEU. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

Ms. LANDRIEU. Madam President, I ask unanimous consent to speak as in morning business for about 15 minutes. It might go to 20 minutes.

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

GULF DISASTER

Ms. LANDRIEU. Madam President, I come to the floor today to add some comments to the RECORD about this horrendous environmental and economic disaster unfolding in the gulf and to try to provide some additional perspective on behalf of the people I represent, the people of Louisiana. I have been proud to represent them over the last 14 years in the Senate, and in that capacity I have had the opportunity, on a variety of occasions, to speak up strongly for our neighboring States, the gulf coast, America's working coast—a coast that does the work of this country in many ways. We produce most of the oil and gas off the shores of our Nation. We provide a great percentage of petrochemicals that are relied on by men and women in every part of the world, including those in our own country.

I could go on and on, from agriculture, to seafood, to navigation of the Mississippi River. We work hard down South, and we are proud of the work we do.

We are extremely troubled, as you can imagine, by what is happening today. I would like to share just a few thoughts and potential suggestions for a way forward.

It has been 66 days now since the tragic explosion of the Deepwater Horizon that unleashed one of the worst manmade disasters this Nation has ever witnessed. Every day you can simply turn on the television or many sites on the Internet and find pictures, disturbing pictures of that well still gushing uncontrollably into the Gulf of Mexico.

Millions of Americans, including 105 million who call the Louisiana coast home, watch, in some ways helplessly, as this brown sludge washes up onto our beaches and into our marshes. It is not only staining our lands but threatening our way of life. We must move decisively.

This is an emotional issue for me, for many people I represent, from the broad political spectrum of liberals to conservatives, Democrats to Republicans to Independents, from individuals to families, people of all ages. We try to debate the appropriate way forward.

It is important for us not to lose focus that 66 days ago our Nation lost 11 men. More importantly, more directly, 21 children lost their fathers, and hundreds of families lost members, friends, and coworkers. They lost these men, and we will keep them forever in our memory.

We must also remember these 11 men were just like literally thousands of other men and women who put on their blue jeans and overalls and work outside for a living on the land and on the water in Louisiana, Mississippi, Texas, and all over the United States, who engage in difficult work, and at times dangerous work, to produce what our country needs to operate—many of us can work in the comfort of air-conditioning in buildings like this.

In fact, in my State, there are more than 300,000 men and women working in the oil and gas industry alone. Every day, they go to work with the risk associated with offshore and onshore development, but they understand what I understand, that this country needs to produce more, not less, oil and gas domestically for our economy and, I would contend, for our environment—and I will get to that point in a minute—and for our national security.

As I said on the floor of the Senate last week, I fully supported a thorough review of offshore drilling safety standards. Obviously, we need them. Not only do we need new standards, we need to enforce the ones we have. I have welcomed the efforts of Department of Interior Secretary Salazar to rewrite, reorganize, and retool an agency that has fallen down on the job, and in some ways been part of the disaster—in many ways. We now have a new agency emerging, and we most desperately need it.

However, if we are going to ensure that an incident of this magnitude never happens again, this new agency—whatever it ends up being called—must train, recruit, and pay the most qualified people to carry out this new urgent mission. Robust oversight, greater transparency, strong safety standards, and high ethical standards must be maintained.

This administration did not inherit, obviously, a perfectly well run, well-tuned agency. It inherited a mess. I share their desire to see it cleaned up, retooled, and refocused. I commend the Secretary and the new appointee, Michael Bromwich, whom I had the opportunity to meet for the first time this morning, in their efforts to do so. That is an important step forward and one this Congress seems to be willing to take, both from the Republican and

Democratic sides of the aisle. I am looking forward to working in a nonpartisan way as we strive to find the right way forward.

But the President and his administration have imposed a very arbitrary and, in my view, ill-conceived 6-month moratoria on new deepwater drilling in the Gulf of Mexico—the only place in the country now where we drill in depths, and one of the few places that allows drilling off the coast at any depth of water. The first well was drilled off our coast 12 feet off the shore many decades ago in just a few feet of water. Now, as we know, we are drilling in thousands of feet and have successfully done that, safely done that, for now 20 years—until this undescribable blowout that has occurred.

In Louisiana, unfortunately, we are coming to terms with what a prolonged moratoria will mean for our families and our businesses, large and small, and it is not a pretty picture. It is painful, it is frightening, it is upsetting, and it needs to be told.

A 6-month moratoria on all of these 33 rigs that operate in the Gulf of Mexico will wreak economic havoc on this region. Right now, there are thousands of people out of work—fishermen, oystermen, boat captains, recreational. They cannot fish. It is not safe. No one is coming down to Louisiana. They are going to Florida. They are going to Mississippi because there are actually beaches that are still clean and available for people.

But in Louisiana, we do not have that many beaches actually. We have America's great wetlands. These boat captains have—I have met with them on many occasions. As to these people, their clients contract with them months in advance. They do not come down to sunbathe and take their kids on a few little rides here and there and then occasionally rent a boat. They come down to rent the boats to fish in some of the greatest, most wonderful fishing places in the world. They are closed down.

In addition to them being closed down and not being able to work at all in many instances—these are small businesses that can generate anywhere from a few thousand dollars a month to millions of dollars a month, and companies worth millions of dollars—the President and the administration have slapped down an ill-conceived 6-month moratoria without any real timeframes.

I am encouraged that just this morning—I came to the floor right after the energy hearing—Ken Salazar, who continues to have my great respect and support despite my differences of opinion with him on some of these issues, spoke before our committee and said that based on the judge's decision, with which I agree, and comments made by the Secretary's own experts that ''a blanket moratorium is not the answer. It will not measurably reduce risk further and it will have a lasting impact on the nation's economy which may be greater than that of the oil spill. . . . We do not believe punishing the innocent is the right thing to do''—these are not Mary Landrieu's words. These are not words from the congressional delegations that represent the gulf coast. These are words from the Secretary's own experts.

We urge—I urge—the Secretary and the President to listen to these men who submitted the first report and try to find a better way forward.

Marty Feldman—a judge I know well—I hold in the highest esteem. He is more conservative than some Members here but, nonetheless, has served with distinction. He said the moratorium was arbitrary and capricious. He said:

> [A] blanket, generic, indeed punitive, moratorium on deepwater oil and gas drilling is not the way to go.

He said:

> 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.

He goes on to a well-reasoned argument that has been well published and well debated.

I hope, as the Secretary said this morning, he and the President are trying to find the way forward that would involve reaching very high safety, more certification of the engineers and managers on these rigs. That is obvious since this looks like, in many instances, it might be more human error than equipment error that caused this. So I think we should focus on the humans in charge and try to make sure they are up to the task on all of these 33 rigs. That could be done well within 6 months.

There needs to be, in other words, some more urgency to find the safety level that is now being demanded by the American people, and rightly so. No one wants it more than the women who lost their husbands. They sat with me at my kitchen table just 2 weeks ago and said those words to me: Senator, no one in America could want this to be more safe than we do. But they also said: We believe the moratorium is wrong. We cannot stand by and not say this because our neighbors, the husbands of our best friends, are being laid off. People we know in our community are being irreparably harmed. They said: We told this to the President. Do you think, Senator, he will listen?

I have assured them that the President is listening, that the President is a man with a great mind and a great heart. I have assured them that Secretary Salazar could not be a more honest broker. He has been beat up on both sides. The environmentalists do not think he is tough enough. The oil and gas industry beats him up all the time. So that convinces me he is probably the right person for this job.

But this moratorium that idles these 33 rigs is dangerous, and I will tell you why. These rigs can move, and they will move. There is more oil to be found in this world. There are reserves off many coasts, and there is more oil than there are rigs able to drill. Since the world is a thirsty sponge, it just continues to need billions and billions of barrels of oil to operate.

In the United States, we use 20 million barrels a day. We used 20 million barrels yesterday. We will use 20 million barrels today. None of that is changing. So the world is needing this oil. There are fewer rigs than there is oil. They cannot and will not sit idly in the Gulf of Mexico while we try to decide what to do. They will leave, and they will not then be coming back any time soon.

I will submit for the RECORD—because it really got me upset this morning, and it should get everyone upset who reads it—a very moving article in the New York Times about what is happening in the Niger Delta, a delta we don't pay a lot of attention to here. Why would we? There are just a lot of poor people who live there, and we don't represent them here. But in the Niger Delta, I read this morning, they have to put up with a spill equal to the Valdez. They put up with it, the size of it, every year. The mangroves that I read about—the mangroves I can imagine in my mind because we have them in Louisiana and in Florida and in places I have been—are destroyed. The swamp is lifeless.

Madam President, I tell my Democratic colleagues: If you drive this oil drilling off our shore, you will simply drive it to places with greater environmental degradation than either you or anyone you know could probably imagine.

I ask unanimous consent for 5 more minutes.

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

Ms. LANDRIEU. That is what is going to happen. This is not Mary Landrieu's opinion; this is just the nature of this business. They don't have to stay in the gulf. They can break these contracts. They are doing that as I speak. There are lawsuits being filed from Houston to Mobile to New Orleans. This is a great boon for lawyers, a bad day for people, and a terrible day for our environment.

I am begging this administration to look worldwide. We are a world leader. We are up to the task of finding out what happened quickly, getting these rigs back drilling, and setting an example for the world and showing some sympathy for people who are much less powerful than we are. I would like to hear a leader stand up and say: I am concerned about Niger. I am concerned about Africa. I am concerned about Brazil and South America and what happens off the coast, even in places we are not very happy with right now such

as Venezuela or Cuba. Cuba is only 90 miles from Florida. Do you think we can control what Cuba does in offshore drilling? No, ma'am. All we can do is try to do the best we can in America, as we have done for decades and decades and generations and generations, and lead by example and show the world the technology that can work. We can make rational and reasonable decisions in a public arena such as this—very transparent, as corruption-free as possible, as rational and as educated as possible. That is what the world expects of us.

I am not going to stand here and let this Congress run with its tail between its legs and overreact to a situation, as horrible as this one is. We most certainly know; we are swimming in the oil.

I will come down several times in the next week to try to make as clear an argument as I can that there must be a better way forward than shutting down this industry so that they move to places that have less protection and less ability, while we guzzle most of the oil. What a hypocritical situation this puts us in. I don't know what to tell the people of Niger. I don't even know what to tell the people of Louisiana. I am going to think about it and come back.

Madam President, I yield the floor.

COMPREHENSIVE IRAN SANCTIONS, ACCOUNTABILITY, AND DIVESTMENT ACT OF 2010—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the conference report to accompany H.R. 2194, the Iran Refined Petroleum Sanctions Act. There will be 2½ hours of debate equally divided between the leaders or their designees.

The Senator from Utah.

Mr. BENNETT. Madam President, I see the chairman of the Banking Committee. If I have preempted him, I will be happy to delay my remarks.

Mr. DODD. No, please proceed.

Mr. BENNETT. Madam President, I was a member of the conference that dealt with the bill that is now before the Senate, and I wish to make a few remarks in favor of the conference report.

Iran poses an interesting threat to the United States and to our allies in the Middle East. The Iranian regime is arguably the most anti-American regime in the world. There may be some who would put forth North Korea or some other countries, and I won't debate with them where on the list they would be, but Iran is very much at the top of the list of regimes that hate America. Ironically, every indication is that the Iranian people do not support the position of their government and that the Iranian people, if they had a legitimate government; that is, one that was chosen by a legitimate election, would be strongly pro-America. So we have this very challenging dichotomy here of a regime that is bent on mischief or worse throughout the region, and a very clear hatred for America, presiding over a population that is strongly in favor of America.

I make that point because many people will say: Well, it is the people of Iran who will be punished if this sanctions bill goes forward.

I say it is the people of Iran who are desiring relief from their own government, and anything we can do to punish that government, make the situation more untenable, and ultimately help bring it down will be for the benefit of the people of Iran. So I am standing here as an advocate in favor of the Iranian population even as I have harsh things to say about the Iranian Government.

There are those who say: Well, the Iranians have every right to a nuclear capability. They are a sovereign nation. They have the right to build a nuclear plant within their borders so they can have the benefits of nuclear power. And you, Senator BENNETT, are a supporter of nuclear energy, so why do you oppose the Iranian effort with respect to their nuclear program?

I do not oppose a program that would move toward peaceful exploitation of nuclear power. Indeed, I would welcome it and support it. In the world today, it is certainly possible, and, indeed, many countries do have nuclear capability without creating the capacity to produce a nuclear weapon. The two are not necessarily simultaneous and coterminous. A nuclear capacity to provide electricity, to provide power for the populous as a whole, is a good thing, a benign thing, and something I support.

The Iranians oppose any kind of effort to put limits on their plan, on their program. They say: We are doing this just for domestic power purposes. But they refuse to take the kinds of steps other nations have taken that will allow them to have all of the benefits of a domestic nuclear plant and none of the challenges that go with the creation of a nuclear weapon.

There was a time—the Cold War and shortly after the Second World War—when nuclear weapons were seen as a very viable part of the military arsenal. We have such an arsenal. The Soviet Union did. Some of our allies joined us, and nuclear weapons were seen in the classic power struggle between nation states. Today, however, the situation has changed, and a nuclear weapon is seen primarily as a blackmailing device for one nation to threaten another nation in a circumstance different from the kind of confrontation we had with the Soviet Union. If Iran got a nuclear weapon, they would use it as a destabilizing instrument throughout the Middle East, which is already one of the least stable portions of the world, and other countries all around Iran would say: Well, if they are going to have a nuclear weapon for blackmail purposes within foreign policy discussions, we will have to have one too. And if Iran is allowed to get a nuclear weapon, the proliferation of nuclear weapons in the region will be enormous.

As long as they just use it as a blackmail weapon and talk about it, one could say it is really not that big of a deal. Inevitably, the creation of such weapons, the proliferation of such weapons in an area as unstable as the Middle East runs a very high risk that one of those weapons will be used. Then we will see the opening of a nuclear holocaust the likes of which we have not seen before. The last time a nuclear weapon was used was when we were in the midst of a horrendous war where the projections were that if we stayed in a conventional pattern and invaded Japan in a conventional way, the casualties would be overwhelming on both sides. And by using a nuclear weapon to bring the Second World War to an end, we tragically cost tens of thousands of lives in Hiroshima and Nagasaki, but we saved millions of lives on the beaches and in the streets of Tokyo and in the other places that would have been lost if the war had continued with conventional weapons.

We cannot do anything that would encourage Iran with respect to its nuclear program, and that is why this act is so important.

People will say: Well, it is economic sanctions, it is financial sanctions, things of that kind. Yes, it is all of those things, but it is aimed primarily at and focused entirely on Iran's efforts with respect to the creation of a nuclear weapon.

Iran could get out from under these sanctions immediately if they would say: We will follow the pattern of other peaceful nations and pursue a nuclear domestic program for energy purposes in such a way that it will not lead to the creation of a capability for nuclear weapons. I stress again the division between the two: You can have nuclear power for energy and electricity without producing the kinds of things that are necessary to produce a nuclear weapon. Iran could go down that road if they choose to, and if the Iranian regime were to make that very wise decision—wise for themselves and their own ability to remain at the head of a country whose population hates them; wise for the region; wise for the world as a whole—I would be one of the first to stand and say that this bill of sanctions for Iran should be withdrawn. The initiative rests with them, not with us, as to what will happen in the Middle East.

All right. Some specifics about the legislation. If it is implemented, it would dramatically raise the price Iran will have to pay for their activities because it will increase the scope of sanctions already authorized under the Iranian sanctions act by imposing sanctions on foreign companies that sell Iran goods, services, or know-how that would assist in its nuclear sector. It includes a provision with respect to refined petroleum being exported to Iran.

It is interesting that Iran is one of the major sources of crude oil, but they do not have refined petroleum available to them in the quantities they need within their own shores.

So they import it and this sanctions act will seriously hamper the importation of refined products. The legislation mandates that in order to do business with the U.S. Government, a company must certify that it—or its subsidiaries—does not engage in sanctionable activities with respect to Iran.

Financial. The conference report imposes severe restrictions on foreign financial institutions that are doing business with key Iranian banks, and it bans U.S. banks from engaging in financial transactions with foreign banks doing business with the IRGC, the Islamic Revolutionary Guard Corps.

In effect, the act says to foreign banks doing business with the blacklisted Iranian entity that you have a stark choice: Cease your activities, or be denied access to the American financial system.

There are other provisions, which I will not take the time to outline. I close by making it clear, once again, that this is not a knee-jerk reaction on the part of Americans in a fit of pique with respect to the Iranians because the Iranian President says stupid things in international fora. This is a deadly serious attempt to see to it that a significant threat in the region does not go forward. In the end, this is an attempt to help free the Iranian people from the tyranny of one of the most repressive and difficult governments that any country is forced to abide by in the world.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. BURR. Madam President, I ask unanimous consent to speak as in morning business for 1 minute.

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

COMMENDING JOHN ISNER

Mr. BURR. Madam President, it is appropriate that the occupant of the Chair and I are here at the same time.

I rise to congratulate North Carolina native John Isner for not only surviving the longest tennis match in Wimbledon history but for emerging victorious over Nicolas Mahut of France. Clocking in at over 11 hours, this first round match was historic in its length and its number of games—138 in the fifth set alone.

Picking up this morning at 59–59 in the fifth set, the match continued with no break points until John hit a final backhand to finish the match in front of a packed, standing-room only crowd of amazed fans. Throughout that grueling competition, Isner maintained an impressive sense of calm under pressure, serving his opponent a record-breaking 112 aces.

In addition to impressive play, John showed great respect and honor for his opponent after the match, and he displayed the kind of sportsmanship and chivalry that are often forgotten in today's sports world.

This extraordinary match will not only be remembered in the history books but by all sports fans who witnessed the incredible competitive spirit of these two great athletes.

John, congratulations to you, and we are pulling for you in the next round.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Madam President, before the Senator leaves the floor, I didn't watch the match. I am in a conference committee, and that process has gone on for about a year and a half—for years—which may be a record as well. I also commend that young man from North Carolina. I congratulate the Presiding Officer and the other Senator from North Carolina—the young man, more importantly, who went through the grueling process of a lengthy tennis match.

Mr. BURR. I thank the Senator.

Mr. DODD. Madam President, I ask unanimous consent that Senator MIKULSKI be recognized after I complete my remarks.

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

Mr. DODD. Madam President, as chairman of the Banking, Housing, and Urban Affairs Committee, and as the cochair of the conference committee, along with HOWARD BERMAN, the Congressman from California, I want to begin by thanking my fellow conferees.

You have heard from Senator BENNETT of Utah, a conferee; Senator MENENDEZ, of New Jersey; JOHN KERRY, of Massachusetts; my colleague from Connecticut, JOE LIEBERMAN; Senator SHELBY of Alabama; Senator LUGAR, the former chairman of the Senate Foreign Relations Committee—JOHN KERRY is currently the chairman of the Foreign Relations Committee, and Senator LIEBERMAN is the chairman of the Homeland Security Committee. So we have had some very active members, along with the House conferees. Numerous members in the House, as well, have played a significant role in the development of this conference report.

I also commend the administration, and particularly the Secretary of State, our former colleague, Secretary of State Hillary Clinton, and her staff for the remarkable job they have done over these many weeks, when we have tried to craft this very important piece of legislation. They were excellent in their work and did a wonderful job.

Obviously, the President, first and foremost, deserves credit for insisting upon a multilateral approach, which they, to a large extent, achieved.

This legislation complements that international effort. Three decades ago, when I was serving in the other body—with a full head of black hair in those days, so that is going back in time—the House International Relations Committee collaborated with the Senate Banking Committee to produce what was called landmark legislation in 1977. It was called the International Emergency Economic Powers Act, known as IEEPA, which is how I will refer to the International Emergency Economic Powers Act.

To this day, IEEPA empowers Presidents of the United States to apply strong sanctions against any nation, organization, or person that poses an ''unusual and extraordinary threat'' to the United States. It is with these authorities that American Presidents, over the years, have effectively enforced trade embargoes against, in this case, Iran, banning exports and imports, and freezing key Iranian assets.

While IEEPA authorities have kept the U.S. businesses from entering Iran, years ago, it had become very clear—abundantly clear—that much more was needed to be done, not only in the case of Iran but other nations as well.

That is why, in 1996, the Senate Banking Committee and the House Foreign Affairs Committee once again collaborated to develop new sanctions on non-U.S. businesses investing in Iran's energy sector.

Oil and gas was providing Iran's terrorist regime with key sources of revenue, and action was needed to be taken. In those days, the resulting Iran-Libya Sanctions Act—later named the Iran sanctions act because Libya complied with the concerns we had at the time. As a result of them stepping forward and renouncing terrorism, we were able to drop Libya from the title of that bill. As I heard Senator BENNETT say—and I think other colleagues would join in this—there is no great joy in crafting this bill. We are doing so out of defense of our Nation and over a threat being posed by the Government of Iran. We hope that they will understand the seriousness of this endeavor, the collaborative nature of our efforts, and we hope they will see the light as Libya did, and we urge them to take the proper steps to remove the threat they are presently posing.

Regrettably, despite a very clear mandate, American Presidents have failed to comply with the law, ISA legislation, adopted back in 1996, despite billions of dollars in oil and gas investments.

How have administrations avoided complying with the law we passed in 1996? Frankly, that has been the subject of considerable discourse within the Banking Committee over the last number of years.

First, when the Iran sanctions act mandates that American Presidents ''shall'' impose two out of a menu of six penalties on sanctionable foreign companies, it only says that Presidents ''should'' investigate credible evidence of energy investments and ''should'' make determinations that they have, in fact, engaged in sanctionable acts.

Thus, administrations since 1996 have simply avoided launching investigations and making those determinations.

Executive branch officials of both parties have conceded that they did not even want to waive sanctions. Waiving imposition of sanctions, they have contended, is an admission of a foreign company's guilt. If we are, in effect, imposing a sanction on a company, and then officially relieving them of U.S. penalties, we are impinging on those companies' reputation and implying that the companies outside the U.S. jurisdiction are nonetheless in violation of our laws.

Such extraterritorial provocations might be grounds for retribution—either through reciprocal sanction or trade barriers. Thus, administrations—Democrats and Republicans—have avoided even launching the ISA investigations called for in 1996 or, of course, making any determinations so as not to resort to sanctions waivers.

Administrations have certainly used the threat of imposing these sanctions to some effect. But as multiple reports by the Congressional Research Service and the GAO have indicated, investments in Iran's energy sector have continued, and the regime in Iraq has benefited from those revenues.

This measure that I am today managing, along with others, marks a new chapter in Congress's long history of confronting the Iranian threat. But far more importantly, the conference report, which we will be voting on later this afternoon, we are considering makes profound changes to the law, which, if implemented correctly, will bring about strong pressure to bear on Tehran in order to combat its proliferation of weapons of mass destruction, support for international terrorism, and gross human rights abuses.

The act says, in no uncertain terms, that Presidents shall be required, if they have established that credible evidence of a firm engaging in ISA-sanctionable activity exists, to launch investigations, make determinations, and ultimately impose sanctions on those companies investing in Iran's energy sector.

Moreover, it imposes new sanctions on companies providing refined petroleum products or helping to build Iran's domestic refineries.

In response to Tehran's terrible abuses of its own people—Senator LIEBERMAN has gone on at some length about this, and he is absolutely correct, a major part of the report focuses on the Iranian people and what they are subjected to on an hourly basis by a government which the majority of people in that country abhor. In the wake of what they have been doing and Iran's fraudulent presidential election, the conference report and the act imposes visa, property, and financial sanctions on Iranians the President determines to be complicit in serious human rights abuses against other Iranians on or after the date of Iran's election.

The conference report and the act imposes a U.S. Government procurement ban on foreign companies doing energy business in Iran or helping the Iranian Government to monitor and jam communications among its people. No longer will U.S. taxpayers' money be used to support Iran's corporate sponsors.

The act further codifies trade restrictions in law and ends the few remaining Iranian imports allowed into the United States.

Similarly, the legislation also allows States, local governments, and private investors to exercise their own right to divest from companies investing in Iran's energy sector.

The act explicitly states the sense of Congress that the United States should support the decisions of State and local governments to divest from these firms and clearly authorizes divestment decisions made consistent with the standards of the act.

Elsewhere in the act and the conference report legislation is a provision cracking down on the international black market weapons trade, which rogue countries, such as North Korea and Iran, have long exploited. Under this act, the United States will identify countries that are allowing sensitive U.S. technology that can be used for weapons of mass destruction or terrorism to be transshipped into Iran, and it will force these countries to cooperate in establishing appropriate customs, intelligence gathering, and trade restrictions. If they refuse to cooperate with the United States, the act requires imposition of severe export restrictions on those countries.

Finally, the act establishes a very strong new banking section to be undertaken by the Under Secretary of the Treasury for Terrorism and Financial Intelligence, Stuart Levey, and his colleagues. Stuart Levey has worked in two administrations now and should be highly commended, by the way, for the remarkable work he has done over the years. This is an official of the Treasury Department who is so knowledgeable on this subject matter and was invaluable in helping us craft this legislation. I especially mention him and thank him for his contribution.

This new section takes aim squarely at Iran's powerful Revolutionary Guard Corps—or the IRGC, as it is known—and attempts to choke it off from an increasingly important source of power—international financial investment.

Section 104 of the act has two principal parts. First, the Treasury will direct American banks to prohibit or impose strict conditions on correspondent or payable-through accounts of any foreign financial institutions working with key Iranian entities.

For example, foreign banks conducting substantial business with the IRGC, its front companies or affiliates, will be cut off from its American accounts. Hypothetically, then, if an Asian or Latin American bank were to provide services to an IRGC-owned construction company, for instance, building a major gas pipeline, that bank would be shut off from U.S. correspondent banking.

In addition, foreign banks servicing the various Iranian banks blacklisted by the Treasury Department and the UN Security Council will also be targeted under this section.

Section 104 directs the Treasury to restrict correspondent banking for foreign banks directly involved in Iran's weapons of mass destruction proliferation and terrorist financing, as well as money laundering toward those aims.

In the end, the act presents foreign banks doing business with blacklisted Iranian entities a very stark choice: Cease your activities or be denied critical access to America's financial system.

The second part of section 104 would hold U.S. banks accountable for actions by their foreign subsidiaries. Under IEEPA, which I described earlier, U.S. companies have long been banned from doing business with Iran. Now under this act, this conference report, foreign entities owned or controlled by U.S. banks will also be prohibited from doing business with the IRGC. If their foreign subsidiaries continue to do so, the U.S. parent companies will be subjected to severe penalties—civil fines amounting to twice the value of the transaction or $250,000 and criminal fines if there is proven willful intent, up to $1 million, and 20 years in jail.

To be sure, we have included waivers in the act. We believe that the President of the United States must have flexibility in executing foreign policy. We all agree with that point. As I mentioned before, foreign nations consider ISA waivers to have extraterritorial impact on companies in their jurisdiction.

For the most part, waivers of the sanctions in this act may only be exercised if they are deemed necessary to the national interest or, in the case of energy investment and refined petroleum sanctions, if the companies are from nations cooperating in multilateral efforts against Iran. Reports to Congress are to be detailed about the particular investments or transactions considered sanctionable, as well as why these waivers are invoked.

Only in the case of refined petroleum sanctions do we allow for some additional flexibility. In that case, the President of the United States may delay making determinations about the sanctionability of specific transactions every 6 months if the President can demonstrate progressively greater reductions in refined petroleum transportations in Iran.

These are very tough unilateral measures, but Congress does not expect them to effect change in a vacuum. Unilateral sanctions are but one tool of statecraft available to American Presidents to effect such change. In my view, they are less likely to be effective than tough, coordinated, multilateral sanctions.

All of us recognize that acting alone we may achieve some results. Acting

together, we have the opportunity to truly bring about the desired change we all seek.

These unilateral sanctions must be exercised as part of a comprehensive, coordinated diplomatic and political effort conducted in cooperation with our allies and designed to achieve the real results we all seek.

I believe President Obama has been both thoughtful and deliberate in his approach to pressuring Iran to change its conduct. Having just this month achieved UN Security Council approval of Resolution 1929 and European Union endorsement of additional energy and financial measures on Iran, the President of the United States is clearly setting the stage for what we all hope is strong, targeted, and effective multilateral and multilayered pressure on Tehran.

These measures are not ends but merely a means to an end, first and foremost, to suspend Iran's illicit nuclear program, to protect Israel and our other friends and allies, to combat Tehran's proliferation of weapons of mass destruction, and express support for human rights in their country.

I see my colleague from Arizona. I believe it was his suggestion that the human rights effort be part of this legislation. I did not have a chance to mention him earlier in my remarks. I thank my colleague for this proposal which includes very strong language and a message to the Iranian people that this is not about them, this is about their government. It is very important that all of us in our remarks today make it clear that we are tremendously sympathetic to what they are going through and, therefore, part of our proposal has strong language that allows us to address—at least to try to address—the issue of human rights abuses in Tehran. Again, I appreciate all the hard work.

I mentioned the conferees earlier: my colleague from Connecticut, Senator LIEBERMAN, Senator MENENDEZ, Senator KERRY, Senator SHELBY, Senator BENNETT, and Senator LUGAR, from the Senate perspective who were part of drafting this bill, as well as our House conferees, led by HOWARD BERMAN of California. I extend a special thank you to all of them for their leadership.

I also thank Senator REID, the majority leader, and Senator MCCONNELL. None of this ever happens without the majority leader of the Senate taking a leadership role and insisting this matter move forward, insisting it be addressed before we break for the July 4 recess period coming up next week and in the midst of all the other things in which we have been involved. My colleagues know we have been involved in a very lengthy conference regarding financial reform. I am delighted to take some time out from that effort to address this particular proposal and urge our colleagues to be supportive of this proposal.

I also want to support what I mentioned earlier—President Obama's approach—and I appreciate his team's work in helping us improve this important legislation. I mentioned earlier our Secretary of State and former colleague. We had extensive meetings with her, National Security Adviser, General Jones, Deputy Secretary of State Steinberg, Under Secretary of the Treasury Levey—I mentioned the tremendous work he has done, Stuart Levey in the Department of Treasury—Assistant Secretary of State Verma, Assistant Secretary of the Treasury Cohen, and Office of Foreign Assets Control Director Adam Szubin. All of these people, and many others, along with our staffs—and I am particularly grateful to my staff for the work they have done, led by Colin McGinnis of my office, who did a remarkable job in pulling this together to see to it that we worked with our counterparts, and there are many others on my staff as well I should mention.

Neal Orringer from my office deserves great credit for his work as well. It has been a great pleasure working with Rick Kessler, Shanna Winters, Alan Makovsky, and Daniel Silverberg.

Additionally, I thank Ranking Member Richard Shelby, along with his talented counsel, John O'Hara.

I also thank Margaret Roth-Warren, our brilliant, detail-oriented legislative counsel who spent weeks on end working with my staff and me and others to make this, hopefully, the most comprehensive and effective sanctions legislation that we can include.

I have hopefully mentioned all the appropriate members of the staff. There is always a danger of leaving someone out. I do not want to do that. They work very hard. These are the unknown people we do not always get to recognize. They spent countless hours pulling this most comprehensive sanctions conference report together. We are very grateful to all of them and the tremendous work they do every single day.

I know my colleague from Maryland wishes to be heard. I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise to support the passage of the Comprehensive Iran Sanctions conference report.

Mr. President, you know me. I am a plain and a straight talker, so I am not going to use the flowery language of diplomacy or Senate speak on a lot of the language. I am going to say this in plain English.

Today, if you want to improve the safety and security of the United States of America, you want to pass this bill. If you want to make sure we ensure the safety and security of our allies in the Middle East, you want to pass this bill. If you want to identify who is one of the major enemies of the United States and our allies, it is Iran.

If one looks at the world, peace in the Middle East lies not through Jerusalem but lies through Tehran. What does Tehran do? Tehran funds Hamas, which is causing untold heartbreak and bloodshed in Gaza. No. 2, it funds Hezbollah, funding untold terrorist activity in the north of Israel and in Lebanon. No. 3, it is also working to develop nuclear weapons. We do not want Iran to have nuclear weapons.

What has Iran been doing over the last several years? They have had a record of denial and deception in developing nuclear weapons, in processing weapons-grade uranium. They have also been developing the method for delivering nuclear weapons, the so-called Shahab-3 ballistic missile. It is capable of striking Israel, U.S. troops in Iraq and Afghanistan, and even parts of Europe. We do not want Iran to continue to develop nuclear weapons.

We have been down this road before. And people say: Right, let's stop them, let's go to the U.N., hoo-ha for the U.N. We have done hoo-ha with the U.N. We have had several sanctions. We had one most recently passed that our administration worked very hard on, and we thank our allies for that. But the U.N. sanctions, though a good first step, are quite tepid. They are tepid because there are other members of the Security Council who want to keep doing that business with Iran. You might want to do business with Iran, but Iran has no business developing nuclear weapons.

The United States, therefore, has to pass these unilateral sanctions. That is why I support them. It is the United States, the indispensable Nation, that can come up with the muscle to be able to do this.

This is a very serious matter. If Iran continues to develop these weapons, it is going to destabilize the world. First of all, it emboldens the regime that is currently in power. That regime is no friend to peace, it is no friend to stability, it is no friend to us or our allies.

Second, a nuclear Iran would destabilize pro-western Arab states. Those states with strong ties to the United States are apprehensive about Iran continuing to develop nuclear weapons capability.

Also, nuclear arms and missiles could pose a major threat to the United States. A nuclear Iran would spur in the region a nuclear arms race, and it would end a lot of our antiproliferation efforts.

These sanctions are absolutely important. I think they are very creative, and I think they go right to the heart of the Iranian leadership's pocketbook.

One of the most creative aspects of this legislation is the sanctions on Iran's petroleum industry. Iran has oil wells, but it does not have a major refining capacity. It imports over 40 percent of its gasoline.

This legislation in this bill that targets refined petroleum products I believe could have a crippling effect. With its importation of 40 percent gasoline and the need for them to have enormous subsidies to keep gasoline low with their population will be very effective.

It also targets Iran's banking system. Essentially, it says it requires foreign financial institutions to choose between doing business with Iran or doing business with U.S. banks. Make your choice. If you think the future lies with doing business with Iran, that is one view. But if you see your future doing business with U.S. banks, I think the path is clear, and they will choose the safety and security and reliability of doing business in the United States. I also like the fact that it strengthens the prohibitions on activities on the nuclear program.

What was also spoken about—and I salute my colleague from Arizona for also insisting on this—is the support for human rights in Iran.

We all remember that awful day when this wonderful, heroic young woman who wanted to engage in the civic activities in her own country—Neda—was gunned down in her own country by her own people. Recently, I watched a very telling and poignant documentary about Neda and the dissidents in Iran. What a wonderful group of young people there is in that country. Wow, wouldn't we like to see them flourish? Wouldn't we like to see a modern Iran that joins the community of nations, promoting peace, stability, increased literacy, and opportunity in that country?

I am for those human rights' people. I am not only going to mourn Neda as a symbol, but I think the way we can mourn Neda is to back the people like her in Iran. And I really do support this human rights activity by imposing travel restrictions and financial penalties on those who crack down on human rights in Iran.

Some countries on the Security Council, as I said, are more concerned about their relationships with Iran for investment purposes. We have to start thinking about investing in the safety and stability of the world.

I urge the passage of this Comprehensive Iran Sanctions Act, and I say this is a good and important step. And those who vote for it—and we are going to do it on a bipartisan basis because when we do that, we govern the best—are also going to have to stand ready to really have a very muscular and aggressive approach to the enforcement of these sanctions.

I look forward to working with my colleagues on both sides of the aisle to minimize the opportunity for Iran to continue to get its nuclear weapons and to practice its denial and deception, to promote a free and open Iran, to stand with the dissidents, and to promote human rights. Let's look for a more modern Iran in the 21st century. They have a great history. I want them to have a great future and to join the community of nations in a nonproliferation environment and work for the good of us all.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I congratulate the Senator from Maryland on her good remarks and her continued advocacy for human rights throughout the world.

I rise to speak on behalf of the legislation before us—the Iran Sanctions Accountability and Divestment Act. It has been a long time in the works, and a lot of Members and staff have put a tremendous amount of work into it, and I appreciate that commitment. This is an important piece of legislation. It comes at a critically important time.

Despite a year and a half of engagement, the Iranian Government continues to respond to the President's outstretched hand with an unclenched fist. The regime continues to support terrorism and violent Islamic extremist groups that are destabilizing governments and societies in the region. It continues to race toward a nuclear weapons capability, in full violation of its international agreements and contrary to the repeated demands of the community of civilized nations. Beyond all of this, the Iranian regime, now more than ever, continues to brutalize and oppress its own people, denying them their most basic human rights.

This bill represents the most powerful sanctions ever imposed by the Congress on the Government of Iran. It will target industries—especially Iran's energy sector—that help to sustain the Iranian regime's pursuit of nuclear weapons. The bill will create significant new incentives for multinational companies to divest from the Iranian economy. Because of this legislation, we will be posing a choice to companies around the world: Do you want to do business with Iran or do you want to do business with the United States? We don't think that is much of a choice, but we will force companies to make it. They can't have it both ways.

I didn't wish to confine our sanctions efforts only to those persons in Iran who threaten our security and that of our allies. I also wanted to bring the full force of America's economic power to bear against those in Iran who threaten that country's peaceful human rights and democracy advocates. That is why, earlier this year, my good friend Senator JOE LIEBERMAN and I joined with a broad bipartisan group of Senators to cosponsor legislation to create a new regime of targeted sanctions against human rights abusers in Iran. The provisions of our legislation have been included in this comprehensive sanctions legislation, and I would like to thank the conferees and the leaders of both parties for agreeing to include it.

Our part of this comprehensive sanctions bill has two parts:

First, it will require the President to compile a public list of individuals in Iran who—starting with the fraudulent Presidential election last June—are responsible for or complicit in human rights violations against Iranian citizens and their families no matter where in the world those abuses occur. It doesn't matter whether these individuals are officials in the Iranian Government or serving as their agents in paramilitary groups and other bands of thugs; we will find and uncover them all. I want to stress that this will be a public list, posted for all the world to see on the Web sites of the State Department and Treasury Department. We will shine a light on Iran's human rights abusers. We will publish their names and their faces, and we will make them famous for their crimes.

Second, this bill will then ban these Iranian human rights abusers from receiving visas and impose on them the full battery of sanctions under the International Emergency Economic Powers Act—that means freezing any assets and blocking any property they hold under U.S. jurisdiction and ending all of their financial transactions with U.S. banks and other entities. These provisions mark the first time the U.S. Government has ever imposed punitive measures against persons in Iran because of their human rights violations. In short, under this legislation, Iranian human rights abusers will be completely cut off from the global reach of the U.S. financial system, and that will send a powerful signal to every country, company, and bank in the world that they should think twice about doing business with the oppressors of the Iranian people.

It also sends an unequivocal and powerful message to the people in Iran who are demonstrating and working peacefully for their human rights that we share their interests and their struggles. We are not simply focused on the regime's nuclear program, although that remains a key concern, nor are we solely focused on the regime's support for terrorism, although that too remains a high priority. We are also making the human rights of Iran's people an equal priority of our government.

Now more than ever, it is urgent and essential that we support the peaceful aspirations of the Iranian people. One year ago, the conventional wisdom in the West held that the prospect for political evolution in Iran was dim and distant. But, as it often is, that conventional wisdom was utterly wrong. After the Iranian people were denied their right to a free and fair election, the world watched in awe as a sea of protestors—by some estimates, as many as 3 million Iranians—swelled in the streets all around the country. Ordinary Iranians realized they could not remain neutral in the struggle for human rights in their country, and they became part of it. As a result, history was made before our very eyes. One year ago, democratic change in Iran looked rather improbable. Just 1 week later, it looked virtually inevitable.

Unfortunately, the ensuing crackdown has been and continues to be as swift as it is brutal. Peaceful protestors have been attacked in the streets by masked agents of the Iranian regime, then dragged away to the

darkest corners of cruelty. Many have been raped and worse. Many of Iran's best and brightest have been forced to flee in fear from the land they love and to seek asylum in places such as Iraq and Turkey, where they remain today as refugees. We have all read the desperate pleas of terrorized Iranians as they shout for help through whatever cracks they continue to try to make in Iran's government-censored Internet. And, of course, on June 20 of last year, the entire world watched as a young woman named Neda bled to death in the streets of Tehran. On that day, I believe we witnessed the beginning of the end of this offensive government in Iran.

The past year's events have demonstrated the true character of Iran's people: proud, talented, the stewards of a great culture, eager to engage with the world, and relentless in their quest for justice—and a nation that should be a natural ally of the United States.

The past year's events have also highlighted the true character of the Iranian regime: a violent and militarized tyranny, self-serving and unconcerned with the welfare of Iran's people, with no shred of legitimacy left to justify its rule.

Anymore, we cannot separate the behavior of Iran's government from its character. After all, is it any wonder that a regime that has no regard whatsoever for the rights, the dignity, the very lives of its own people would also show the same blatant disregard for its own international agreements, for the sovereignty and security of its neighbors, and for the responsibilities of all civilized nations? And is it any wonder that this Iranian regime has been and will always be uncompromising in its pursuit of a nuclear weapons capability—not just because it would be a source of power in the world but perhaps more importantly because it would be a source of safety and survival for its corrupt, unjust system at home.

My friends, I believe that when we consider the many threats and crimes of Iran's Government, we are led to one inescapable conclusion: It is the character of this Iranian regime, not just its behavior, that is the deeper threat to peace and freedom in our world and in Iran. Furthermore, I believe it will only be a change in the Iranian regime itself—a peaceful change, chosen by and led by the people of Iran—that could finally produce the changes we seek in Iran's policy.

Even now, though, we hear it said again that Iran's democratic opposition has been beaten into submission. And I would not deny that a regime such as this one, which knows no limits to its ruthlessness, will achieve many of its goals for now. But when Iran's rulers are too afraid of their own people to tolerate even routine public demonstrations on regime holidays, as they recently have been, that is not a government that is succeeding. It is a cabal of criminals who understand that their morally bankrupt regime is now on the wrong side of Iranian history.

The question we must answer is, What side of Iranian history are we on? We must also ask ourselves another question: Is the goal of our sanctions and those of our friends and allies to persuade Iran's rulers to finally sit down and negotiate in good faith, to stop pursuing nuclear weapons, supporting terrorism, and abusing their own people? I truly hope this is possible, but that assumption seems totally at odds with the character of this Iranian regime.

For that reason, I would suggest a different goal: to mobilize our friends and allies and like-minded countries, both in the public sphere and the private sector, to challenge the legitimacy of this Iranian regime and to support Iran's people in changing the character of their government—peacefully, politically, on their own terms, and in their own ways.

Of course, the United States should never provide its support where it is unrequested and unwanted, but when young Iranian demonstrators write their banners of protest in English, when they chant ''Obama, Obama, are you with us or are you with them?'' that is a pretty good indication that we can do more, and should do more, to support their just cause.

We need to stand up for the Iranian people. We need to make their goals our goals, their interests our interests, their work our work. We need a grand national undertaking to broadcast information freely into Iran and to help Iranians access the tools to evade their government's censorship of the Internet. We need to name and shame, pressure and even penalize any company that sells Iran's government the tools it uses to oppress its people and block their access to information. We need to let the political prisoners in Iran's gruesome gulags know they are not alone, that their names and their cases are known to us and that we will hold their torturers and tormenters accountable for their crimes.

Finally, we need the administration to use the new authorities this bill creates to impose crippling sanctions on Iranian human rights abusers—to go after their assets, their ability to travel, and their access to the international financial system.

If there were ever any doubt, the birth of the Green Movement over the past year should convince us that Iran will have a democratic future. That future may be delayed for a while, but it will not be denied. Now is the time for the United States to position ourselves squarely on the right side of Iranian history. The Green Movement lives on. Its struggle endures, and I am confident that eventually—maybe not tomorrow or next year or even the year after that—eventually Iranians will achieve the democratic changes they seek for their country. The Iranian regime may appear intimidating now, but it is rotting inside. It has only brute force and fear to sustain it, and Iranians won't be afraid forever.

I am pleased we have finally finished this important piece of legislation. I am pleased it contains tough, targeted human rights sanctions. I urge my colleagues on a bipartisan basis to pass this bill.

Mr. LIEBERMAN. Mr. President, the Senate has now turned its attention to the conference report on the Comprehensive Iran Sanctions Accountability and Divestment Act of 2010.

It is a very significant piece of legislation, an excellent conference report that holds some hope of being effective and as important as anything. It is totally bipartisan which, as we know, does not happen here every day. It speaks to the unity of Members of Congress and the American people on the threat represented by the nuclear weapons development program of Iran.

More than a year ago, Senator JON KYL of Arizona, Senator EVAN BAYH, and I joined to introduce the Iran Refined Petroleum Sanctions Act. Over the course of last year, more than three-quarters of the Members of the Senate decided to cosponsor our bill. The core provisions of that legislation have now been incorporated into this conference report. To me that means that today, as a body, we have the opportunity to reaffirm the overwhelming bipartisan support for Iran sanctions that exists in Congress and, by doing so, send an unambiguous and united message of determination and strength to the fanatical anti-American regime in Tehran.

It was my privilege to serve on the conference committee that produced the legislation that is before us. This bill, when enacted, will be the most powerful and comprehensive package of sanctions against the current regime in Iran that has ever been passed by Congress. I am tremendously grateful to the leadership of the conference cochairs, beginning with my senior colleague and dear friend for so long, Senator CHRISTOPHER DODD of Connecticut and, on the House side, a great legislator and leader, Congressman HOWARD BERMAN of California. These two guided this critically important legislation to the point we are at now, which is the verge of passage by both Houses of Congress.

I also want to say how grateful I am to the majority and Republican leaders of the Senate, Senators REID and MCCONNELL, for their steadfast bipartisan leadership in ensuring we adopt this time-sensitive legislation as soon as possible. Particularly, the goal was before July 4. I hope and believe the Senate will pass this legislation today, and the House of Representatives will do the same shortly thereafter, maybe even before. I also hope and believe President Obama will then sign the bill into law.

Just as importantly, it is critical that the Obama administration forcefully and proactively implement the provisions of this legislation once it becomes law. The measures imposed by

this conference report, together with the sanctions adopted at the United Nations and by like-minded nations, including particularly our allies in Europe and around the world, offer our last best hope of peacefully preventing Iran from acquiring a nuclear weapons capability and thereby making our world much more dangerous than it is today. The stakes for our security are great, and time is of the essence.

It is also critical that the Obama administration quickly makes use of these new authorities provided by this legislation, particularly the new authority to cut off foreign banks from the U.S. financial system, if they continue doing business with the Iranian Revolutionary Guard Corps, its front companies, and designated Iranian banks. We are, in this legislation, when implemented, giving foreign banks a choice. Do they want to do business in the United States or do they want to continue to do business with the fanatical regime in Iran? Our government must investigate and then impose sanctions—and I will use Secretary Clinton's words, ''crippling sanctions''—on those foreign companies that prop up the Iranian regime by continuing to invest in its energy sector or by exporting refined petroleum products to Iran.

This legislation gives the administration a strong new opportunity to make clear also that America is on the side of the Iranian people, the brave Iranian people who are struggling against the repressive regime in Tehran. What the administration can do is use the new authority it is given in this legislation to publicly identify those individuals in the Iranian Government responsible for perpetrating human rights violations in Iran since the June 12, 2009 election and holding those people accountable for those abuses through targeted sanctions.

It is always important to remember—and we have seen this throughout history—that a nation that represses the rights of its own people is much more likely to be a nation that will be a danger to the people and countries in its neighborhood and, with modern weapons, intercontinental ballistic missiles, nuclear weapons, ultimately, the people of the entire world.

I am pleased that this provision on human rights in Iran is in this sanctions legislation, because I believe history has shown that America's foreign policy is always at its best and most effective when we are true to the fundamental human values that defined our Nation at its birth and at our best ever since—the self-evident truth that all people are created equal and endowed by our Creator with those equal rights to life and liberty and the pursuit of happiness. The people of Iran are denied those rights by their own government. We are saying in this legislation that that ought to be also, as well as the support of their nuclear weapons program, a sanctionable offense.

I hope and pray the combined sanctions—U.N., EU, and now U.S.—will change the mindset, the calculations of the Iranian regime. But we must also recognize that every day that passes brings Iran closer to the point of nuclear no return and greatly increases the danger and insecurity throughout the Middle East and throughout the world. With every day that passes, the Iranians enrich more uranium and their stockpile of fissile material grows. Ultimately, we must do whatever is necessary to prevent Iran from acquiring nuclear weapons capability.

Almost everybody—really everybody I have heard speak on this subject—regardless of party or position in the American Government, makes that statement. It is unacceptable to the United States and the world for Iran—this fanatical state, this rogue state—to acquire nuclear weapons capability, and we must do whatever is necessary to prevent this from happening—through peaceful and diplomatic means, if we possibly can; through military force, if we absolutely must.

Iran must not be allowed to become a nuclear power. That is the bottom line. That is precisely why I am so grateful and proud and hopeful, as we take up and—I am confident—adopt this conference report and this legislation today.

I yield the floor.

Mr. LEVIN. Mr. President, the conference report before us today attempts to deal with one of the most important and difficult national security challenges we face: the Islamic Republic of Iran—a country whose leaders disregard international norms, abuse the rights of their own people, support terrorist groups, and threaten regional and global stability.

Iran's continued refusal to be open and transparent about its nuclear program jeopardizes the security of its neighbors and other countries in the Middle East. There is a strong, bipartisan determination in this Congress to stop Iran from acquiring nuclear weapons. President Obama has focused considerable effort towards that goal. He has said ''the long-term consequences of a nuclear-armed Iran are unacceptable'' and that he doesn't ''take any options off the table with respect to Iran.'' I support that view, and if Iran pursues a nuclear weapon, all options, including military options, should be on the table.

The United States and the international community remain committed to trying to solve these especially difficult problems peacefully. The administration has sought through a variety of means to engage the government of Iran and make clear the benefits to their nation and its people if Iran complies with international norms. Through six U.N. Security Council resolutions, the latest passed just this month, along with numerous U.S. laws and executive orders, the United States has sought, unilaterally and with our international partners, to persuade Iran to abide by its international obligations. The goal of all these actions has been to make Iran understand in practical terms the consequences of its actions.

So far, Iran has refused to listen. That is why the conference report we consider today is so important. If we are to resolve our differences with Iran, hopefully without resorting to military action, we must exhaust every opportunity to make clear, without any room for doubt, the price Iran will pay for its continued violations of U.N. resolutions.

The measure before us will sanction Iran for its willful misbehavior, and it will penalize multinational firms that support Iran. More specifically, it will sanction firms that sell Iran refined petroleum or refining products, or goods, services or information that help it develop its energy sector; ban U.S. banks from transacting with foreign financial institutions that do business with Iran's Islamic Revolutionary Guard Corps, an organization that combines a key component of Iran's military establishment with an extensive business empire that represses Iran's citizens; broaden sanctions available under the Iran Sanctions Act by adding to the menu of available sanctions a ban on access to foreign exchange in the United States, a ban on access to the U.S. financial sector and a ban on U.S. property transactions; ban companies that assist Iran in blocking the free flow of information or restricting its citizens' freedom of speech from contracting with the U.S. Government, and require that companies bidding on U.S. Government contracts certify that they and their subsidiaries do not engage in sanctionable conduct; and strengthen the U.S. trade embargo against Iran by putting into law longstanding executive orders and limiting the goods exempted from the embargo.

While passage of this conference report—just like the U.N. Security Council's passage of Resolution 1929 on Iran—is important, it is critical that this law be implemented vigorously. It also will be critical that the U.N. panel created by Security Council Resolution 1929 is active in its efforts to identify non-compliance of any U.N. member states. Iran's continued unwillingness to disclose fully and completely information about its nuclear program surely means that Iran is either pursuing a nuclear weapon or preserving options to develop a nuclear weapon. It is only from full implementation of this law and pressure from the international community that Iran may be dissuaded from this course.

The measures contained in this conference report would exact a real price from Iran for its continuing threats to international peace and security. Only by forcing Iran to pay such a price, and by penalizing the abettors of Iran's actions in violation of U.N. resolutions, can we bring Iran into compliance with its responsibilities under international law and human rights standards.

Mr. KERRY. Mr. President, today, Congress takes an important and forceful step to address one of our most serious national security challenges to America and our allies. A nuclear armed Iran would pose an intolerable threat to our ally Israel, risk igniting an arms race in what is already one of the world's most dangerous regions, and undermine our global effort to halt the spread of nuclear weapons.

These steps to increase pressure are necessary because Iran continues to defy the international community, the International Atomic Energy Agency, and the U.N. Security Council. Iran's publicly disclosed stocks at its Natanz enrichment facility now include more than 2,400 kilograms of reactor-grade low enriched uranium. It is especially troubling that Iran has recently begun enriching small quantities of uranium to a concentration of around 20 percent, crossing yet another nuclear threshold.

That is why, as part of a comprehensive and international effort to persuade Iran to alter its current dangerous course, we in Congress have worked together to pass tough new sanctions that will increase the cost that Iran must pay for its continued defiance. In particular, this legislation targets businesses involved in refined petroleum sales to Iran, support for Iran's Revolutionary Guard Corps, and Iran's nuclear program. It imposes strong penalties on those in the Iranian government who have abused the rights of their own people. It tightens the enforcement of those sanctions already on the books. And it takes important steps to ensure that companies receiving U.S. Government contracts are not also doing business that enables, directly or indirectly, Iran's nuclear program.

This cannot be an American effort alone and, thankfully, it isn't. Our own efforts are now joined by U.N. Security Council Resolution 1929, as well as a range of follow-on efforts from European and other allies. It is very important that we work to ensure that all of these efforts are coordinated into a comprehensive strategy—and I am confident that we have done so.

As we implement these new sanctions, expanding and preserving a muscular international effort must remain a priority. The joint explanatory statement accompanying the act suggests that, before exercising the 4(c)(B) waiver, a determination of sanctionability must be made. We understand that some may believe that the closely cooperating waiver may be available without a determination having been made. While different from the views in the joint explanatory statement, we accept that this may be a fair reading of the obligations under section 4(c)(B).

In the face of a serious threat, Congress has put aside bipartisan divisions to act decisively. Even as we negotiated the details, we were united by a common goal: to bring maximum leverage to bear on Iran to change its behavior and abandon its nuclear weapons ambitions.

It is important to note that the President's willingness to explore a diplomatic solution is a crucial reason why today it is Iran—not those who seek to pressure Iran—who is isolated. Recent experience suggests that neither sanctions nor engagement alone will convince Iran to abandon its nuclear program. Only by combining both pressure and diplomacy into a comprehensive and coordinated strategy will we have a chance at altering Iran's behavior.

Finally, we do not seek to punish the people of Iran, but to persuade the Iranian regime to do what is in their best interests and the world's. These sanctions bring us one step closer to peacefully resolving this grave threat.

Ms. SNOWE. Mr. President, I rise today in strong support of the conference agreement on H.R. 2194, the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010.

Through both its actions and statements, the government of Iran has proved itself to be a destabilizing and dangerous regime in an already volatile region. The Iranian government's ongoing uranium enrichment program, its deplorable human rights record, and its material support of terrorist organizations dictate that we confront the threat it poses to the world.

Two weeks ago, the United Nations Security Council voted to approve a fourth round of sanctions against Iran, and I commend President Obama and his Administration for working with our partners at the U.N. to send a powerful message about the willingness of the global community to stand firmly in the face of Iranian aggression. However, the specter of an Iran which has the fissile materials necessary to fuel a nuclear weapon is too great a threat to leave entirely to multilateral institutions. The United States and other concerned nations must buttress the U.N. Security Council's actions individually to ensure maximum pressure on the Iranian government.

That is why I am proud to vote today in support of the conference agreement on the Comprehensive Iran Sanctions, Accountability, and Divestment Act. The bill before us would impose new economic penalties against foreign companies that sell Iran goods and services that assist it in developing its energy sector, and it would give the President the tools to hold accountable those entities linked to Iran's brutal Islamic Revolutionary Guard Corps, its illicit nuclear program, or its support for terrorism.

By broadening the categories of transactions that trigger sanctions and increasing the number of sanctions available to the President, this legislation will bolster our diplomatic efforts by targeting the Iranian regime at its weakest point: its economy, which is still highly dependent on its petroleum sector.

Lastly, while this legislation represents a vital step forward in our efforts to constrain the Iranian government's hostile policies, it is absolutely crucial that this Congress work closely with the administration to make certain these new tools are implemented and applied effectively to achieve our objectives. Many of our global partners maintain trade and investment ties with the Iranian regime, and I implore the President and the Secretary of State to utilize this month's growing momentum to ensure the global community is speaking with one voice when it comes to preventing the rise of a nuclear Iran.

I am proud to join my colleagues in the Senate in passing the Comprehensive Iran Sanctions, Accountability, and Divestment Act, and I am hopeful this will send a compelling message to the rest of the world as the global community works together to halt Iran's uranium enrichment program.

Mr. SHELBY. Mr. President, I rise today to speak in strong support of the conference report to accompany the Comprehensive Iran Sanctions, Accountability, and Divestment Act. I want to thank my colleagues, Chairman DODD, and House Foreign Affairs Chairman HOWARD BERMAN and Ranking Member ILEANA ROS-LEHTINEN for working cooperatively to complete work on this conference report.

There is general agreement that the existing Iran Sanctions Act has not worked either in practice or in its intent to stop Iran's nuclear program or its support of terror. Iran, today, is a more dangerous rogue state than ever before.

Though not a silver bullet, the Comprehensive Iran Sanctions, Accountability, and Divestment Act is undoubtedly one of the toughest sanctions measures that Congress has produced and promises to be more effective than current law.

The act continues to prohibit investments of $20 million in Iran's energy sector, but now we have closed an earlier investment loophole that allowed for sales of petroleum-related goods, services, and technology to Iran.

The act also broadens the categories of transactions that trigger sanctions to include sales to Iran of refined petroleum products and prohibits any assistance to Iran to either increase or maintain its domestic refining capacity.

In addition to the existing menu of six sanctions, we have established three new sanctions on foreign exchange, access to the U.S. banking system, and against property transactions. Under current law, the President must choose two from a menu of six sanctions. He now must impose at least three of the nine sanctions.

Despite dozens of credible reports of investment violations over successive administrations, there has been but one Presidential determination of a violation made 12 years ago. In that particular instance, the President waived the imposition of sanctions.

This act will put an end to that practice. The sanctions regime will now require the President to investigate a report of sanctionable activity and make a determination whether a violation has occurred. That determination must be reported to Congress and if a violation has occurred, the President must impose sanctions or give the specific reasons why a waiver of the sanctions is necessary. Prior law merely authorized a President to investigate. It did not require a President to investigate or make a determination if he chose to investigate.

A brand new mandatory financial sanction imposes severe restrictions on foreign banks doing business with Iranian banks or the IRGC—Iranian Revolutionary Guard Corps—and its affiliates, which are increasingly seen to command vital sectors of the Iranian economy.

The act also establishes a legal framework for States and local governments and a safe harbor for fund managers to divest their portfolios of foreign companies involved in Iran's energy sector. We have also created a system to address black market diversion of sensitive technologies to Iran through other countries.

In order to accommodate the President's constitutional authorities in the conduct of foreign affairs, we have had to preserve the prior construct of waivers and exceptions to these sanctions throughout the act. We have tried, however, to give the President as narrow an opening as possible for diplomatic delays. Even though the window for delay remains slightly open, this legislation is a vast improvement over prior law, and ensures that the President must make a determination to impose sanctions or provide Congress with a timely and written rationale for any delays or waivers.

During the conference process, the administration insisted that we include a so-called closely cooperating countries exemption. Such an exemption would spare a country and its firms from any public risk to reputation and imposition of sanctions because an exemption, as opposed to a waiver, allows the country in question to avoid the specter of an investigation altogether.

Instead, an already existing waiver for countries that cooperate with the United States in multilateral efforts to prevent Iran from acquiring nuclear weapons technology was modified to give a country and its firms, on a case-by-case basis, more time to cure their behavior.

This waiver for cooperation can only be used, however, after the President first initiates an investigation, makes his determination whether sanctionable activity exists, and then certifies to Congress who would get the waiver. He must then explain exactly what actions that particular government is taking to cooperate with multilateral efforts and why the waiver is ''vital to the national security interests of the United States.''

Once enacted, this law will allow the Treasury Department to put key companies and countries on notice that the clock is running, investigations are to begin immediately, and there is little room to avoid determinations of potential violations. In other words, there is no place left to hide.

Once again, nothing that we have done in this conference report will curb Iran's nuclear ambitions. But, targeting Iran's oil and gas sectors will certainly raise the stakes for Iran's leaders, perhaps enough for them to consider confining their nuclear ambitions to peaceful uses.

Mrs. FEINSTEIN. Mr. President, I rise today to express my support for the conference report on the Iran Refined Petroleum Sanctions Act.

This conference report expands sanctions authorized by the Iranian Sanctions Act of 1996 to foreign companies who sell Iran refined petroleum, support Iran's domestic refining capacity or sell Iran goods, services, or know-how that assist it in developing its energy sector; bans U.S. banks from engaging in financial transactions with foreign banks who do business with Iran's Islamic Revolutionary Guards Corps or facilitate Iran's nuclear program and its support for terrorism; establishes three new sanctions the President may impose on violators of the Iranian Sanctions Act and requires the President to impose at least three of nine possible sanctions authorized by that act; bans U.S. government procurement contracts to companies that export technology to Iran that inhibits the free flow of information; and authorizes States and local governments to divest from companies involved in Iran's energy sector.

The sanctions will terminate when the President certifies to Congress that Iran is no longer a state-sponsor of terrorism and has ceased efforts to acquire nuclear, biological, and chemical weapons and ballistic missiles and technology.

Let me be clear: I am deeply concerned about Iran's uranium enrichment program and its refusal to abide by United Nations Security Council resolutions calling on Tehran to cease its activities and, once and for all, come clean about its nuclear program.

A nuclear Iran would represent a serious threat to the security of the United States, Israel, and the international community.

The question is, What is the best way to convince Iran to abandon its uranium enrichment program?

During the previous administration, the United States sat on the sidelines and refused to talk to Iran.

We let the United Kingdom, France, and Germany do the hard work of negotiating with Tehran as we remained silent.

And it got us nowhere. Iran's uranium enrichment program accelerated and became more advanced.

We had to try a different approach.

I strongly supported the Obama administration's decision to break with this past and pursue a robust, diplomatic initiative with Iran.

I am disappointed we have not made more progress. Indeed, Iran has taken steps in the wrong direction.

A new, secret enrichment facility at Qom was uncovered.

Iran refused to accept a U.S.-Russian proposal to ship its low enriched uranium to Russia and France for further processing for medical isotopes.

And it continues to drag its feet on revealing to the International Atomic Energy Agency the full extent of its nuclear program.

But the commitment this administration made to diplomacy gave us the leverage we needed to secure the backing for a fourth round of sanctions at the United Nations Security Council.

There was no question that China and Russia were skeptical about additional sanctions.

Securing their support and maintaining the support of our allies required principled, sustained, and deft diplomacy and I congratulate the administration for its success.

Yet I recognize that the U.N. resolution could have been stronger and that unilateral action, such as the sanctions included in this legislation, will complement the U.N. efforts.

And that is why I support passage of this legislation.

Nevertheless, I believe it is critical for the United States to continue to pursue the diplomacy track.

We must develop a ''Plan B'' to deal with the possibility that Iran's nuclear ambitions progress.

Iran has been able to withstand previous sanctions initiatives and there is no guarantee that this latest round will be more effective.

We know that China and Russia are unlikely to support tougher measures at this time.

Military action is not a ''Plan B''. A strike would likely only delay, not destroy, Iran's nuclear program and lead to more violence and instability in the region.

In my view, we must use the passage of the latest U.N. Security Council resolution and passage of this legislation as an opportunity to reach out to Tehran again on a fresh diplomatic initiative, not just on the nuclear program but on other issues where we can find some level of common ground and avenues of cooperation.

Two months ago I had lunch with Iran's ambassador to the United Nations, Mohammad Khazaee, and I was struck by the lack of trust and understanding between our two countries.

If we can find ways to build that trust, we may be able to secure progress on the most intractable issues.

As chair of the Caucus on International Narcotics Control, I strongly suggest that cooperation on counternarcotics efforts is a good place to start.

For example, Iran has suffered greatly from the influx of Afghan opium:

based on U.N. Office of Drugs and Crime annual assessments, approximately 140 tons of Afghan heroin enter Iran each year from Afghanistan—105 tons—and from Pakistan—35 tons; the estimated heroin user population in Iran is around 400,000 individuals, consuming, at a rate of about 35 grams per year, almost 14 tons of heroin annually; drug trafficking is considered such a major security threat that the government has spent over US$600 million to dig ditches, build barriers and install barbed wire to stop well-armed drug convoys from entering the country; and more than 3,500 Iranian border guards have been killed in the past three decades by drug traffickers.

Given that the Iranian drug use epidemic is providing funding for the insurgency in Afghanistan, it seems logical to begin a cooperative dialogue with Iran on this area of mutual concern to build trust between both sides and promote progress on other matters, particularly Iran's nuclear program.

I am hopeful that the passage of this legislation will not cease efforts on a diplomatic solution, but open the door to finding new ways to build trust and understanding between Iran and the international community.

There is no guarantee that we will be successful in convincing Iran to suspend its uranium enrichment program but we have to explore every possible avenue.

I firmly believe that we can still find a solution and work out our differences.

I am hopeful that this legislation will bring us closer to that goal.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I rise today in strong support of this conference report for robust sanctions against Iran. I was proud to serve with, among others of my colleagues, Senator DODD, on the conference committee. I want to recognize the hard work he has done to create a strong sanctions bill.

These sanctions, I believe, will deter the threat Iran poses to U.S. national security because of its suspected nuclear weapons program. A country that has huge oil reserves clearly does not need nuclear power for nuclear energy. Therefore, the difference between its stated goals and its actions creates, I believe, a threat to the national security of the United States.

I have been eager for today's vote. During the process of the conference committee, I have advocated for the strongest sanctions possible.

I believe deeply that we must apply maximum pressure to the Iranian regime, that it is a growing threat to the region, the world, and a threat to its own people. In my view, tightening the screws on the Iranian regime genuinely advances the cause of stability and peace in the Middle East as well as our own national security. These sanctions are an essential means to that end.

I have seen what the United Nations has done, and I am glad we got some multilateral response. But, in my view, they are not strong enough. That is why I think it is essential that we continue to lead many of our allies, who will be more robust in their actions if we pass this legislation today.

In my view, it is essential that we freeze the assets of Iranian officials who have supported terrorism—with this legislation we will do that—that we impose sanctions against companies that engage in oil-related business with the Iranian regime—and with this legislation we will do that—that we monitor Iran's usage of energy-related resources other than refined petroleum, especially ethanol, to ensure Iran is not allowed to replace its current petroleum needs with ethanol which would, in essence, severely undercut the intent behind these sanctions. So I am glad we have pushed for language that will follow that.

We need the ban on trade with Iran to be strong, to be significant, and to be airtight. We need to press the Iranian Government to respect its citizens' human rights and freedoms, to identify Iranian officials responsible for violating those rights and impose financial penalties and travel restrictions on these human rights abusers.

We need to prohibit the U.S. Government from contracting with those companies that export communication-jamming or monitoring technology to Iran. We simply cannot allow the regime to restrict communications between Iranians and between Iran and the outside world as happened during the postelection protests.

We clearly see there is a desire among the average Iranians to be able to change the nature of their lives. We saw those willing to risk their freedom, willing to risk their lives. We cannot have the U.S. Government contracting with those companies that export communication-jamming or monitoring technology to Iran that in essence allows the regime to do exactly that.

We need to ban trade with Iran with exceptions for the export of food, medicines, humanitarian aid, and the exchange of informational materials.

There is something I included in the Senate bill before it went to conference, and I am glad to see it is largely still in the legislation we will vote on today. We needed targeted sanctions against the Iranian Revolutionary Guard Corps, its supporters and affiliates, and any foreign governments that provide the Iranian Revolutionary Guard Corps with support.

I am pleased to see this report will ban U.S. banks from engaging in financial transactions with foreign banks that do business with the Revolutionary Guard or facilitate Iran's illicit nuclear program. The Revolutionary Guard has now spread like a cancer throughout Iranian society, and it is involved in almost everything in Iran. We need to specifically target the IRGC, the Iranian Revolutionary Guard Corps, and this legislation does that.

The robust sanctions against the Iranian regime that I will vote for today, and that I helped fashion, are a positive and necessary step to increase pressure on Iran so the regime fully understands the world will not only not tolerate its deceit and deception any longer, but it cannot tolerate its march to nuclear power and ultimately nuclear weapons. I will vote for these sanctions because they are robust, because they are in our national security interests and in the interests of the region and the world.

I hope my colleagues, on a strong bipartisan basis, will join in casting similar votes because when we do, we send a message, No. 1, to the administration that there is, I hope, near unanimous support for the type of sanctions we are advocating that strengthens the hand of the President as he deals with other countries in the world, as he deals in the international forum, and it sends a clear message to Ahmadinejad that the United States is serious about stopping its march to nuclear weaponry.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I rise today to share my concerns as well about Iran and to express my support for tough sanctions against Iran. Iran poses a threat to the United States as well as to the international community. It continues to support terrorist organizations around the world, including Hamas and Hezbollah. Iran has also called for the destruction of the democratic State of Israel. These actions illustrate Iran's destructive intentions.

Iran continues to pursue nuclear capabilities. While Iran claims its nuclear programs are intended for civilian use only, this is very difficult to believe. In fact, reports from the International Atomic Energy Agency of February of 2008 and May of 2010 question Iran's claim of pursuing nuclear capabilities for purely peaceful purposes. Nuclear capabilities and proper management of these capabilities is a serious responsibility. Iran has neither earned the right nor the trust for this nuclear responsibility.

Iran continues to develop its nuclear programs without giving the International Atomic Energy Agency sufficient access, access to and information regarding its nuclear program. I understand the need for energy and the complexities surrounding the dual use nature of nuclear technology. However, Iran placed itself under obligations to the international community and agreed to comply with international safeguards and inspections.

Iran has not fulfilled its commitments. It has not fulfilled its commitment to be transparent with the International Atomic Energy Agency or to maintain obligations under the Nuclear Nonproliferation Treaty.

Iran does not want to join the international community efforts on curbing

the development of nuclear weapons. I believe without serious consequences for the proliferation activities there is little if any incentive for Iran or any other country considering nuclear weapon-related activities to refrain from doing so. So I believe it is imperative that the United States work to increase comprehensive economic sanctions on Iran.

The United States and the international community continue to threaten Iran with more sanctions. On June 9, the U.N. Security Council adopted resolution 1929. This represents the fourth round of sanctions against Iran from the international community. It is past time that this Congress act, act to put teeth into our threats of additional sanctions. I believe it is time today to implement economic sanctions to the full extent possible.

Iran's leaders must be forced to realize that while they may be able to survive political isolation, they cannot ignore the adverse consequences to their ability to function in a global economy.

I believe the status quo is not working in our dealings with Iran. I do not believe Iran is a country that we can quietly watch and hope that nothing serious is happening behind closed doors. Terrorism does not allow anyone to do so. It is time to act, and I call upon this Congress to support economic sanctions against Iran.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BARRASSO. I ask unanimous consent that the time in the quorum call be equally divided between both sides.

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

Mr. BARRASSO. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAHAM. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. GRAHAM. Mr. President, I think I have 10 minutes. Is that right? Would the Chair advise me when 10 minutes expires?

The PRESIDING OFFICER. The Chair will do so.

Mr. GRAHAM. I take the floor today in support of the conference report that has been agreed to by the conferees regarding Iran sanctions. I wish to compliment Senators DODD, SHELBY, LUGAR, KERRY, LIEBERMAN and others who were involved in negotiating this compromise.

The Iranian sanctions bill will give the President tools he does not have today that will allow us as a nation to be more forceful when it comes to trying to alter Iranian behavior. I think most people in this body see the Iranian regime up to no good, that the Iranian regime has been oppressing its own people, and they present a great threat in terms of the region and the world at large. They are one of the greatest sponsors of terrorism of any nation in the world. This sanctions legislation, which is bipartisan, will allow the President more tools. It will prevent access to foreign exchange in the United States. It will prevent access to our banking system by people who do business with Iran in unhealthy ways, and it will prevent the purchase of property in the United States in case the Iranians are looking for a place to put their money. We are going to take our banks and our real estate off the table so they cannot use us to profit from their brutal behavior.

It gives the ability to the President to waive these sanctions when it comes to countries that are cooperating with us. The whole goal of this legislation is to empower the administration and our Nation with tools that would create a downside for the Iranian Government to continue to try to develop a nuclear weapon and support terrorist organizations.

I am hopeful this will have some deterrent effect. The United Nations is beginning to act. The European Union, Russia, and China seem to be more helpful to the Obama administration. Anything we can do to help, we will. The idea of trying to get Iran to change its behavior through internal cooperation is a worthy idea to pursue. I hope it works.

Senator SCHUMER and I offered legislation not long ago that would prohibit companies that do business with the Iranian regime in the area empowering the regime in terms of technology to interfere with the Internet and stop the people of Iran from communicating with each other. That made it into the bill. I want to thank the conferees. What Senator SCHUMER and I came up with months ago, right after the massacre of the students by the Iranian regime, one of the things that led to this people's revolt in Iran, was the ability to Tweeter and talk to each other, use the Internet. The Iranian regime has been trying to suppress the ability of the Iranian people to talk to each other, and we created legislation that told the international community: Any company that empowers this regime to suppress the free flow of information among the Iranian people would lose business when it came to American business. That made it in the bill. I hope that will help.

The Iranian people have had a very difficult time. The election, as seen by the Iranian people and the world at large, of Ahmadinejad has been, quite frankly, a fraud and a joke. About a year ago, a little over a year ago, a young lady captured international attention and the hearts and minds of the world—I think her name was Neda—who was killed in the streets of Tehran. She was a beautiful young girl who had taken to the streets to try to defy this regime's oppressive behavior.

So as we look at the world here in the middle of June regarding Iran, there is a lot of hope I have that the Iranian people have turned the corner in terms of what they want for their future. We need to be their partner in a constructive way. It is one thing to empower the people, it is another thing to empower the regime that oppresses the people. Some of the sanctions we are proposing would make life difficult for the every-day Iranian, but I think they would welcome that, if it would give them the ability to weaken the regime they no longer tolerate or support.

The sanctions route with Russia and China has potential. If the world will speak with one voice and support President Obama in terms of making the consequences that the Iranian nuclear program is a support of terrorism unacceptable economically, including refined petroleum products, it would be good for the world at large.

Our friends in Israel are very concerned, as they should be, about the way Iran is moving toward supporting Hezbollah and Hamas and other organizations that are bent on the destruction of Israel. A nuclear weapon in the hands of this regime would be a nightmare for the world at large, but it would be horrible for the State of Israel. It is my hope we can avoid that. I hope sanctions work. However, the world must understand that sanctions is a tool to change behavior. It is worthy of our time to try to change behavior with these sanctions.

What is unacceptable is to practice a policy of containment, to accept a nuclear-armed Iran and hope that we contain it. To me that is a folly. That is a scenario that would lead to the unthinkable. If Iran ever does acquire a nuclear weapon, you are not going to contain it. You are going to have a Mideast where other people want a nuclear weapon to hedge their bets against Iran. You will have a world where a regime has a nuclear weapon and could be no better friend of the terrorists than Iran. I think President Clinton, when I was in Israel with him, spoke well of this.

He talked about his biggest fear if Iran got a nuclear weapon. It would not be so much an attack against Israel or our allies as would be it falling into the hands of a terrorist organization that would use it against Israel or our allies. I think President Clinton is correct in being worried about that.

So this is a good day. We cannot agree on much here in Congress. We are in a pretty partisan environment right now. I hope that will pass one day. But when it comes to Iranian sanctions, we

came together as a body. We are giving tools to the administration to hopefully change the behavior of this regime. I am proud of our colleagues who negotiated this deal with the House. I am hopeful it will help.

I will conclude with one final thought: Whatever tools it takes to change the behavior of the Iranian Government we need to keep on the table, and the best tool is a peaceful tool. But if military force is ever required to change Iranian behavior, I hope that will be at least considered as the last option, not the first option. I hope we never go down that road. But it may be a road you have to explore if all this fails.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. RISCH. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. RISCH. Mr. President, I ask unanimous consent that the quorum calls be equally divided between both sides.

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

Mr. RISCH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KYL. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURRIS). Without objection, it is so ordered.

Mr. KYL. Mr. President, I wish to speak on the Iran sanctions conference report which I assume we will be approving in a matter of a few minutes. This is a very important event in the Congress and could play a very significant role in the history of our country. I support the conference report. It is designated as H.R. 2194. I reiterate, I believe it is crucial that the Senate approve the conference report and that the President sign it into law as soon as possible. I fully predict both of those things will occur.

Let me mention three of the most important provisions of the bill so we know what it does. It deals with sanctions against Iran. There are two reasons: No. 1, to prevent Iran from acquiring a nuclear capability, and No. 2, to support the aspirations of the people of Iran for a more representative government.

What the bill does first is to expand the scope of existing sanctions against companies that invest in Iran's energy sector, and it includes measures to punish firms that export gasoline to Iran. We would think a country such as Iran would have plenty of gasoline, but they do not have refinery capacity to create the finished product which their people must use. So something on the order of at least 40 percent of their gasoline has to be imported. Because of this heavy dependence on imported gasoline, it is vulnerable to outside pressure, and that is why this particular sanction is an important step. By putting a squeeze on Iran's gas supplies and dissuading energy firms from investing in the country, we can hopefully force the Iranian regime to make difficult decisions about its finances, thereby further increasing its unpopularity.

Second, the bill limits nuclear cooperation agreements between the United States and countries which sell illicit materials to Iran. It also limits licenses under any such current agreements. A country that allows its citizens or companies to provide equipment or technologies or materials to Iran that make a material contribution to its nuclear capabilities should not benefit from nuclear cooperation with the United States, and we make it clear that won't be permitted under this provision.

The third thing the bill does is it includes the so-called McCain language that requires the President to compile a list of Iranian officials, specific people who have brutalized the Iranian people, and to impose sanctions against those particular individuals identified as human rights violators. The administration can use the new authority it is given in this legislation to publicly identify those people in the Iranian Government who are actually responsible for perpetrating human rights violations in Iran since the fraudulent elections in June of 2009. It can hold these people accountable through these targeted sanctions. The measure also requires that such persons be subject to restrictions on financial and property transactions. It also makes such persons ineligible for U.S. visas.

We can see there is a broad array of targeted kinds of sanctions that, combined, could have a significant impact on our policy with Iran.

While I am pleased that the conferees concluded their work and the legislation is here on the floor, I do wish to note in passing that it is long overdue. At the request of the administration, Congress has repeatedly delayed action on bilateral sanctions legislation. Because sanctions take time to work, we have given up some time here.

In some respects, we have wasted too much time waiting for the United Nations to finally act, as it eventually did earlier this month. The U.N. Security Council resolution, however, will do very little to slow down or stop Iran's nuclear weapons program or even prevent its support for terrorism around the world. Its provisions—the bulk of them—are voluntary. They don't deal with Iran's energy sector. This is primarily because of the demand of the Chinese Government. It also excludes Russia's cooperation with Iran on the Bushehr powerplant as well as the sale by Russia of the S–300 missile system to Iran, a very modern and effective anti-aircraft system which could certainly play a role in defending Iran against an attack on its nuclear facilities.

In addition, the divided vote of the Security Council displays to Iran that the world is not united in dealing with its illicit conduct. In fact, I argue that, in a way, we are in a worse position than we were 18 months ago when the President started his diplomacy in dealing with Iran. Up to then, all of the resolutions that had been passed against Iran had been unanimous. This one was not unanimous. In some respects, we have lost ground.

It is clear that the President's effort to get the Iranian regime to negotiate for that 18-month period did not achieve anything except allow the Iranians more time to develop their weaponry. The U.S. sanctions resolution is not going to be very effective in going any further than that, in my view, nor will the European Union add much to the U.N. resolution, although they will add something.

Before I conclude, let me ponder for a second a question others have asked, which is, How important is it that we do everything we can to prevent Iran from acquiring a nuclear weapon? What would happen if it did acquire a nuclear weapon? What would be the big deal?

Imagine a world in which Iran does have a nuclear weapon. Lay aside the fact that we have a picture of the Iranian leader, Ahmadinejad, with a nuclear weapon and just imagine what he would do with that. Would it really be possible to contain a nuclear Iran using conventional deterrence mechanisms?

Some would say: We lived with a nuclear-armed Soviet Union for four decades. It worked with Moscow; why would it not work with Tehran? To some extent, it depends on the definition of ''work.'' Will it work?

Remember that while the Soviets never actually used their nuclear weapons, the fact that they possessed the weapons made a big difference in political events over those 40 years. It allowed them to subjugate Eastern Europe, and we had no way of responding. Had we tried to respond, there was the nuclear threat against us. It allowed them to foment a Communist revolution around the world and to sponsor a range of international terrorist groups during this period of time. When the Soviets invaded Hungary in 1956 in order to crush a democratic uprising, they knew the risk of a nuclear exchange would prevent the United States from responding with military force. I remember at that time the disappointment of the Hungarians who thought the United States had led them to think we would be supportive. In effect, there was nothing we could do that wouldn't potentially provoke a nuclear attack by Russia, and nobody wanted that. In other words, Moscow's nuclear arsenal served as the ultimate deterrent. It allowed the Kremlin to

undermine U.S. interests across the globe without fear of an American reprisal. The Soviets didn't need to use their nuclear weapons in order to achieve results; the mere fact that it had nuclear weapons dramatically increased both its strategic power and its leverage over foreign policy and, to some extent, over the United States.

The same would be true if Iran acquired nuclear weapons. Even if the mullahs never actually detonated a nuclear bomb, their acquisition of a nuclear capability would forever change Iran's regional and global influence, and it would certainly forever change the Middle East. If Iran went nuclear, its neighbors—thinking particularly of Egypt, Saudi Arabia, and Turkey—might feel compelled to pursue their own nuclear arsenals. Tehran could easily trigger a dangerous chain reaction of nuclear proliferation. Once they had nuclear weapons, the Iranians would be much more aggressive in supporting terrorist organizations that are killing even American troops, for example, in Iraq. The Iranians would also ramp up their support for Hezbollah and Hamas and possibly provide them with nuclear materials. They would be emboldened to conduct economic warfare against the West, for example, by disrupting oil shipments traveling through the Straits of Hormuz. Iran would also be more confident about expanding its footprint in Latin America, where it has established a close working relationship with Venezuelan strongman Hugo Chavez. Governments around the world would lose faith in America's reliability as a strategic partner. U.S. credibility would be irrevocably weakened.

Remember, this is not the worst-case scenario. We are assuming that a self-preservation instinct would dissuade the Iranians from ever launching nuclear weapons against our allies or even the United States. But then again, is this really a safe assumption? Iranian leader Ahmadinejad has repeatedly expressed his desire to destroy the State of Israel, and given his radical, millenarian religious views and the viciously anti-Semitic ideology espoused by the Iranian theocracy, we can't simply dismiss the idea that Iran would attack Israel with nuclear weapons.

Because the United Nations took so long to act and because its sanctions are relatively weak, there is also the possibility, as the Jerusalem Post pointed out in an article entitled ''Too Little, Too Very Late,'' that U.N. sanctions could lull the international community into a false sense of security. That is where the action we take today could really help.

Here is what the Post wrote:

> Breaking and evading these sanctions—
>
> Talking about the U.S. sanctions—
>
> ought to be a breeze for Ahmadinejad. A full year after Iran's deceptive elections, which spurred countrywide demonstrations, he may be less popular but his position is stable. After the regime brutally quashed his opposition, it is very doubtful that stunted sanctions will destabilize his hold on power. . . . [The U.N.] sanctions . . . are not the antidote to the Iranian nuclear threat that Israel had hoped for and that the free world so badly needs. In some ways, they may even exacerbate Israel's predicament. They will lend the appearance of an international mobilization to curb Iran's nuclear weapons ambitions, but in actuality will achieve nothing—the worst of all worlds.

That is why I think the United States separate sanctions authorized by the legislation we will vote on shortly are so important to come in behind the United Nations sanctions and what the European Union might do to supplement those actions in a way that will truly be meaningful.

Finally, I want to note something that, frankly, is as important as everything else I have said and should be seen as part and parcel to our action in adopting this sanctions legislation. It has nothing to do with nuclear weapons, but it has everything to do with human rights. We need to make it very clear to the Iranian people that we care about them, we care about their aspirations for more freedom, for more representative government, and for the ability to take advantage of the opportunities their country should be presenting for them.

We can help the people of Iran achieve those aspirations by putting pressure on the people who prevent that from occurring, the regime in Tehran, the mullah-led government. These sanctions can have an impact on those mullahs and, in turn, help the Iranian people achieve their goals.

We need to be lending moral and rhetorical support to the Iranian activists. These are the people who poured into the streets last summer in protest of a fraudulent election. Just as we championed the cause of Soviet and Eastern European dissidents during the Cold War, I believe we should promote the efforts of Iranian freedom fighters and, frankly, shine a spotlight on the regime's brutal repression. That can be done especially through the McCain provisions that are part of the Iran sanctions legislation we are considering.

Had the United Nations imposed strong sanctions on Iran a long time ago when it was first found to be in violation of the Nuclear Non-Proliferation Treaty, I would be more optimistic about our chances of success. Iran's economy would have been under severe strain for an extended period, and the government would have had fewer resources to fund its nuclear program and less power to repress its people.

As I said, there is still time, and because we are able to approve this conference report today and send it to the President for his signature, we are able to add to the sanctions that the rest of the world is willing to impose in such a way as to not only have an opportunity to dissuade the Iranian leaders from pursuing their nuclear program but, as I said, just as importantly, to demonstrate to the Iranian people we aim to support them in their quest for greater freedom.

So I hope my colleagues will send a very strong message with a unanimous vote for the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2009. I hope the President will sign this legislation immediately and begin to implement its provisions.

Mr. President, there is a long list of folks to thank: Representatives BERMAN and HARMAN and CANTOR in the House of Representatives are just some who come to mind; Senator LIEBERMAN and Senator BAYH, colleagues in the Senate; the leaders, Leader REID and Leader MCCONNELL, who have worked to bring this report to us for a vote today in an expedited way. I think this is a very good example of cooperation both between the House and the Senate and between Democrats and Republicans to accomplish something that is not just good for the people of the United States of America but people around the world—in the Middle East, and in particular the people of Iran.

So I urge my colleagues to unanimously support the conference report when we have an opportunity to vote on it shortly.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Mr. SCHUMER. Mr. President, I rise today in strong support of the conference report for the Iran Refined Petroleum Sanctions Act.

First, I would like to commend Senator DODD for putting forth a comprehensive plan to arm the administration with the tools they need to put a stop to Iran's rogue nuclear program.

I believe when it comes to Iran, we should never take the military option off the table. But I have long argued that economic sanctions are the preferred and probably the most effective way to choke Iran's nuclear ambitions.

The Obama administration initiated direct diplomatic negotiations with Iran, but that government, led by President Mahmoud Ahmadinejad, stubbornly refused to suspend their nuclear program despite President Obama's genuine attempts at diplomacy.

Iran's nuclear weapons program represents a severe threat to American national interests because their acquisition of nuclear weapons could lead to the proliferation of nuclear weapons throughout the Middle East and beyond, ending any hopes for a nuclear weapons-free world.

Make no mistake, a nuclear Iran would be destabilizing to its neighbors, encourage terrorism against the United States and Israel, and the risk of both conventional and nuclear war in the Middle East would rise considerably.

President Mahmoud Ahmadinejad has already threatened to ''wipe Israel off the map,'' so we know for a fact that a nuclear Iran would pose a potential threat to our closest ally in the region, the State of Israel.

These tough new sanctions have such overwhelming support because Members of the House and Senate, Democrat and Republican, are united in doing what is necessary to stop Iran's drive to obtain a nuclear weapons capability.

It will also impose sanctions on financial institutions doing business with Iran's Islamic Revolutionary Guard Corps or with certain Iranian banks blacklisted by the Department of Treasury.

The bill sanctions companies that export gasoline to Iran. This is one of the few pressure points where we can act unilaterally and have a real effect. The world knows Iran does not currently have the refining capacity to meet its domestic gasoline needs and is dependent on imported gasoline. So now is the time to reduce Iran's energy supply if it fails to suspend its nuclear enrichment program.

I am also glad we will be strengthening export controls to stop the illegal export of sensitive technology to Iran. During the recent Iranian elections, we witnessed the Iranian regime go so far as to block the Internet and mobile phone communications of their own citizens.

That is why Senator LINDSEY GRAHAM and I introduced the Reduce Iranian Cyber Suppression Act, or RICA, a bipartisan bill that would bar companies that export sensitive communications technology to Iran from applying for or renewing procurement contracts with the U.S. Government. I am pleased these provisions have been preserved in the conference.

I also applaud the conferees for not carving out companies from countries that are U.S. allies. There must be one standard when it comes to punishing companies that continue to invest in Iran.

So, in conclusion, Chairman DODD has done an excellent job crafting a comprehensive plan to arm the administration with the tools it needs to put a stop to Iran's rogue nuclear program. I strongly urge my colleagues to support this plan, and I look forward to the President signing this important legislation. It is a tremendous accomplishment for Congress, and it is going to go a long way to address the real security threat that Iran poses to the United States and our world.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Mrs. BOXER. Mr. President, I rise today in strong support of the comprehensive Iran Sanctions Accountability and Divestment Act of 2010. I wish to particularly thank my colleagues on the Banking Committee for working to bring this conference report to the floor.

I have said many times before that we don't have a moment to waste when it comes to Iran. We must focus like a laser beam on Iran's dangerous refusal to cease uranium enrichment in defiance of the Nuclear Nonproliferation Treaty and multiple United Nations Security Council resolutions, because we know that Iran could not only use any weapons it acquires, but it could proliferate nuclear material and technologies to terrorist groups and rogue regimes around the world. We must act today. Iran is a threat to the security of the United States, the Middle East, and the rest of the globe.

Let me list a few of the many important provisions of this bill. First, it would specifically target companies involved in refined petroleum sales to Iran and those who are supporting Iran's domestic refining efforts. This is critical, because countless experts have told us that the way to pressure Iran is to target its oil and gas sectors. I have believed this for a long time, and I have been pushing for this bill for a long time.

According to the Government Accountability Office:

> In recent years, oil export revenues have accounted for 24 percent of Iran's gross domestic product and between 50 and 76 percent of the Iranian government's revenues.

So we need to go after their revenues, because they are being used to push forward their nuclear program, which is so dangerous. We have to take away those resources, and this sanctions bill is a very good way to do that.

Second, this bill would also prohibit U.S. banks from engaging in transactions with foreign financial institutions that continue to do business with Iranian banks and Iran's Islamic Revolutionary Guard Corps. I think Chairman DODD and Chairman BERMAN captured best what this provision means:

> Cease your activities or be denied critical access to America's financial system.

Third, the bill would also place significant penalties on Iran's human rights abusers. I don't think I have to explain why this is essential. Like many of my colleagues, I have watched human rights violations inside of Iran, including the brutal suppression of the opposition ''Green Movement'' that has sought to have its voice heard.

Fourth, I am especially pleased that the bill includes a provision requiring companies bidding on a U.S. Government procurement contract to certify that they are not engaged in sanctionable conduct. This is so important, because a recent GAO study found that the U.S. Government awarded $880 million to seven companies between fiscal years 2005 and 2009 that were also doing business in Iran's energy sector. Taxpayer dollars from hard-working Americans must never be used to purchase goods or supplies from companies who are working to develop Iran's energy sector or who are engaged in any behavior that is prohibited by sanctions.

Finally, this bill codifies in law longstanding Executive orders that prohibit American companies from doing business in Iran. American firms, including through their subsidiaries, must never be allowed to value a quick profit over the national security of America.

I know we are going to pass this conference report today, and I know it will have strong support in the Senate. But what we must do next is be vigilant in ensuring that the new sanctions created by this bill are enforced to the fullest extent possible. I asked the administration if they are ready to enforce this law should it pass, and they said absolutely.

The situation is grave. We must send a clear and resounding message to Iran that it will pay a very heavy price for its continued defiance of international law and its reckless behavior which, again, threatens the Middle East and threatens the entire world.

So I am looking forward to voting for this and making sure as a member of the Foreign Relations Committee that this sanctions act is enforced.

Thank you very much.

I yield the floor and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, the world has watched as Iran has oppressed its own people, violated United Nations resolutions, challenged America, and threatened Israel.

The Senate is taking an important step forward today as we pass the conference report that will impose tough new sanctions on Iran. We are passing these sanctions because we believe we must stop Iran from developing a nuclear weapon—a weapon that would surely threaten the national security of the United States and Israel. Our goal is to target Iran where it would hurt the regime the most. These new economic sanctions are related to Iran's refined petroleum sector and international financial institutions that do business with Iran's Islamic Revolutionary Guard and Iranian banks.

The Senate has worked hard to pass this legislation. I thank Senator DODD, who worked tirelessly with Senator KERRY and the other conferees to get the final version of the bill completed. I also thank a man who came to the House of Representatives with me years ago, HOWARD BERMAN, chairman

of the House Foreign Affairs Committee, who led the effort on the other side of the Capitol.

Once these sanctions become law, they will expand the multilateral sanctions passed by the United Nations and the new sanctions the European Union is discussing.

The Senate has a critical role to play by taking clear and decisive action to get the Iranian regime to change its behavior, and we have done that with passage of this conference report. I look forward to its passing later today.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. REID. Will my friend withhold for a brief minute?

Mr. MCCONNELL. Yes.

Mr. REID. Mr. President, I ask unanimous consent that following the remarks of the Republican leader, the Senate vote on adoption of the conference report to accompany H.R. 2194, the Iran Refined Petroleum Sanctions Act, with the previous order remaining in effect; provided further that upon conclusion of the vote, the following Senators be recognized to speak or engage in colloquies: Senators CORNYN and BINGAMAN for a total of 10 minutes, Senator DORGAN for up to 15 minutes, and Senators MURRAY and BOND for up to 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, I rise to briefly comment on the Iran sanctions conference report, which we will be voting on shortly.

I am pleased with the bill before the Senate, as I have been urging enactment of this legislation for some time. I brought it up with the President on numerous occasions over the last 6 to 8 months. I cosponsored it in the last Congress and in the current one.

Congress has been slow to act as the Iranian program to enrich uranium has progressed.

Iran has also taken advantage of the delay to blunt the impact of this measure.

Just today a headline in the Washington Post read that ''Iran is prepared for fuel sanctions.''

But this legislation should be viewed as only a part of a broader, comprehensive effort by the U.S. to harness the various means of national power to ensure that Iran does not secure a nuclear weapon.

As President Obama has stated, Iran's ''development of nuclear weapons would be unacceptable''.

We must work with our allies in the gulf to make clear to Iran that the cost of developing a weapon exceed the prestige they think they would gain from acquiring this capability.

First and foremost, the sanctions in this legislation need to be implemented and implemented quickly, not waived.

The time for further delay is past.

The collective strength of the recent U.N. Security Council resolution and this conference report must be combined to strike at Iranian shadow companies and the regime's leaders.

The need for urgency should be obvious because the threat posed to the U.S. and its allies by the revolutionary Iranian regime is grave. Its president has called for Israel to be wiped off the map. An Iranian nuclear weapon threatens to set off an arms race in the Middle East, and embolden the regime in its support of terrorist groups.

Passage of Iranian sanctions is an important first step, but only a first step.

I agree with the President that the U.S. and our allies must make clear to Iran that the development of a nuclear weapon is unacceptable.

That is why I urge passage of this conference report and all other necessary measures to deter the Iranian regime.

Mr. President, I yield the floor.

Mr. REID. Mr. President, please report the bill.

The PRESIDING OFFICER. The clerk will report the conference report.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the Houses on the amendment of the Senate to the bill (H.R. 2194) to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran and by expanding economic sanctions against Iran, having met, have agreed that the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, and the Senate agree to the same. Signed by all of the conferees on the part of both Houses.

Mr. CONRAD. Mr. President, after consultation with the chairman of the House Budget Committee, and on behalf of both of us, I hereby submit this Statement of Budgetary Effects of PAYGO Legislation for the conference report to H.R. 2194, the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010. This statement has been prepared pursuant to section 4 of the Statutory Pay-As-You-Go Act of 2010, Public Law 111–139, and is being submitted for printing in the CONGRESSIONAL RECORD prior to passage by the Senate of the conference report to H.R. 2194.

Total Budgetary Effects of H.R. 2194:

2010–2015: $0.

2010–2020: $0.

Total Budgetary Effects of H.R. 2194 for the 5-year Statutory PAYGO Scorecard: $0.

Total Budgetary Effects of H.R. 2194 for the 10-year Statutory PAYGO Scorecard: $0.

Also submitted for the RECORD as part of this statement is a table prepared by the Congressional Budget Office, which provides additional information on the budgetary effects of this Act. I ask unanimous consent that it be printed in the RECORD.

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

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR THE CONFERENCE REPORT TO ACCOMPANY H.R. 2194, THE COMPREHENSIVE IRAN SANCTIONS, ACCOUNTABILITY, AND DIVESTMENT ACT OF 2010, AS PROVIDED TO CBO ON JUNE 23, 2010

	By fiscal year, in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
	Net Increase or Decrease (−) in the Deficit												
Statutory Pay-As-You-Go Impact	0	0	0	0	0	0	0	0	0	0	0	0	0

Note: H.R. 2194 would ban certain imports from Iran and impose sanctions on certain entities that conduct business with Iran. The act would reduce customs duties and impose civil penalties, but CBO estimates those effects would not be significant in any year.

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

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the conference report.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 199 Leg.]

YEAS—99

Akaka	Brownback	Corker	Graham	Lautenberg	Reed
Alexander	Bunning	Cornyn	Grassley	Leahy	Reid
Barrasso	Burr	Crapo	Gregg	LeMieux	Risch
Baucus	Burris	DeMint	Hagan	Levin	Roberts
Bayh	Cantwell	Dodd	Harkin	Lieberman	Rockefeller
Begich	Cardin	Dorgan	Hatch	Lincoln	Sanders
Bennet	Carper	Durbin	Hutchison	Lugar	Schumer
Bennett	Casey	Ensign	Inhofe	McCain	Sessions
Bingaman	Chambliss	Enzi	Inouye	McCaskill	Shaheen
Bond	Coburn	Feingold	Isakson	McConnell	Shelby
Boxer	Cochran	Feinstein	Johanns	Menendez	Snowe
Brown (MA)	Collins	Franken	Johnson	Merkley	Specter
Brown (OH)	Conrad	Gillibrand	Kaufman	Mikulski	Stabenow
			Kerry	Murkowski	Tester
			Klobuchar	Murray	Thune
			Kohl	Nelson (NE)	Udall (CO)
			Kyl	Nelson (FL)	Udall (NM)
			Landrieu	Pryor	Vitter

Voinovich	Webb	Wicker
Warner	Whitehouse	Wyden

NOT VOTING—1

Byrd

The conference report was agreed to.

The PRESIDING OFFICER. The Senator from Texas is recognized.

ISRAEL'S UNDENIABLE RIGHT TO SELF-DEFENSE

Mr. CORNYN. Mr. President, the terrorist group Hamas, which is supported by Iran, took control of the Gaza Strip in 2007. When Hamas did so, Israel put in place a legitimate and justified blockade of Gaza out of concern for the safety of its citizens. Hamas and its allies have fired more than 10,000 rockets and mortars from Gaza into Israel since 2001, killing at least 18 Israelis and wounding dozens of others. The Israeli defense minister said this week that Israel considers the Gaza Strip to be essentially an Iranian military base, just 3 kilometers from an Israeli town and 60 kilometers from Tel Aviv, Israel's second largest city.

The Israeli blockade has been effective in reducing the flow of weapons into Gaza and the firing of rockets from Gaza into southern Israel. Were Iran and other supporters of Hamas allowed access to the ports of Gaza, the people of Israel would be put directly in harm's way.

On May 27, the Israeli Navy, maintaining the integrity of the blockade, intercepted the so-called ''Free Gaza'' flotilla and peacefully boarded five of the six ships. The sixth ship was filled with extremists whose stated intent was martyrdom. Those extremists brutally attacked members of the Israeli Navy, who were forced to act in self-defense and, in some instances, use lethal force. Although Israel was exercising its right to self-defense, which every nation is entitled to do, the incident raised an international outcry, just as it was designed to do.

Some even condemned the actions of the Israeli Navy. The ''Free Gaza'' flotilla was a disgraceful and premeditated attempt to break the blockade and provoke a violent confrontation with Israel, hidden under the cloak of a humanitarian relief effort. This type of despicable conduct must be condemned, especially by friends and allies of Israel.

Every country has the right to defend itself, and Israel is no different. The calls from United Nations leaders and others for an investigation into the actions of Israel have been troubling. In my view, these calls have served only to question Israel's right to self defense.

To its credit, Israel has unilaterally established a five-person panel to conduct an investigation into the flotilla incident, and its work will be monitored by two foreign observers. Yet U.N. officials are not satisfied and continue to push for a separate, international probe into the incident. As such, I believe the U.N. is unfairly singling out Israel for criticism and using a double-standard.

According to news reports, there may be new flotillas literally looming on the horizon, preparing to challenge Israel's legitimate sea blockade of Gaza. Iran's ''Children of Gaza'' flotilla may set sail for Gaza as soon as this weekend, according to the spokesman for the Iranian Red Crescent. Iran has directly bolstered Hamas' ability to strike Israel, and its leaders have repeatedly called for the destruction of Israel. Now, they may be sending ships. No good can come from this.

Furthermore, another group in Lebanon has announced its intention to sail its ships toward the Gaza blockade soon. Hassan Nasrallah, the leader of the terrorist group Hezbollah, has called on Lebanese citizens to help break the blockade of Gaza. So, Israel has legitimate concerns that this flotilla might be used to smuggle weapons into Gaza. I only hope the Lebanese government will do the right thing and put a stop to it.

At a time of great instability in the Middle East, these flotillas serve only as additional destabilizing forces. The Middle East does not need further violence. Israel has the solemn right to defend itself and its citizens against these flotillas and any other security threats, which continue to gather. Israel needs friends more than ever right now.

Mr. President, I have offered a sense-of-the-Senate resolution which does a number of things: First, it reaffirms the United States' strong support of Israel, our friend and steadfast ally. It expresses the sense of the Senate that Israel's right to self-defense is inherent and undeniable. It condemns the violent attack and provocation by the extremists aboard the Mavi Marmara and any future attempts to break Israel's legal blockade of Gaza. It condemns Hamas for its failure to recognize Israel's right to exist, and the Government of Iran for its support of Hamas and its undermining of Israel's security.

This resolution also encourages the Government of Turkey to recognize that continued strong relations with Israel are of the utmost importance. The resolution supports our friend and ally, Israel, and it does so unequivocally. By passing this important resolution, the Senate will help remind the world that the United States stands with our ally—Israel.

Mr. President, there are 14 Senators who have cosponsored this resolution, and at this point I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration and the Senate now proceed to the consideration of S. Res. 548.

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

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 548) to express the sense of the Senate that Israel has an undeniable right to self-defense, and to condemn the recent destabilizing actions by extremists aboard the ship Mavi Marmara.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CORNYN. Mr. President, several colleagues had some constructive suggestions about amendments to this measure, and there were two amendments that we modified the original resolution with. At this point, I ask unanimous consent that the amendment at the desk be agreed to, and I urge adoption of the resolution, as amended.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4396) was agreed to, as follows:

On page 7, strike lines 22–24

The PRESIDING OFFICER. Is there further debate on the resolution, as amended?

The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, before the Senate votes on Senate Resolution 548, I wish to speak briefly in opposition to it.

This resolution speaks to this so-called ''flotilla incident'' that occurred a few weeks ago near Gaza. I am concerned that this resolution does not help either the United States or Israel. I support Israel. I have done so during all my years here in the Senate. But I also believe that the only way to ensure Israel's long-term security is to have a genuine peace agreement between Israel and the Palestinians. This resolution does not bring us closer to that peace.

No one questions Israel's right to defend itself. I know that questions have been raised about the relationship between the Humanitarian Relief Foundation and Hamas, and I am concerned about those questions and they need to be answered. But I am also concerned that Israel's response to the flotilla and the deaths onboard the Mavi Marmara once again shows to Israel's enemies that they can provoke Israel into taking actions that undermine international support for Israel.

Israel was able to board five of the ships with no loss of life, as my colleague from Texas indicated, and that needs to be acknowledged. But this incident has distracted the attention of the international community away from the peace process. It has overshadowed the kidnapping of Israeli soldier Gilad Shalit, which occurred nearly 4 years ago today—in fact, on June 25, 2006. Hamas should immediately release Gilad Shalit. Unfortunately, I do not believe this resolution will help to make that happen.

Nor does this resolution talk about the humanitarian situation in Gaza. Israel has allowed humanitarian supplies into Gaza, but it is evident from the conditions in Gaza that those supplies have not been sufficient. One U.S. charity estimates that 400 trucks of basic food supplies are needed in Gaza

every day, but on average only 171 trucks of basic nutritional aid enter Gaza each week.

Israel has a right to prevent arms from entering Gaza, but I do not see a reason for the Senate to pass a resolution supporting a policy that has the effect of restricting humanitarian supplies. Moreover, Israel itself has decided to change that policy. I am encouraged by Israel's decision last week to ease the restrictions on the flow of goods into Gaza. I agree with the White House that this new policy, once implemented, will significantly improve the conditions for the Palestinians in Gaza. As Prime Minister Netanyahu told the Knesset:

> This new policy is the best one for Israel because it eliminates Hamas' main propaganda claim and allows us and our international allies to face our real concerns in the realm of security.

The resolution the Senate is considering at this point would put the Senate on record in support of a policy that Israel itself has determined to change.

One more obvious point is the Senate has not fully debated this resolution. There have been no hearings on the flotilla incident or any version of this resolution in either the Senate or in the House. To my knowledge, the administration has not expressed its views on this resolution either. I believe with regard to foreign policy matters, the administration should always be consulted.

Let me close by saying no one should question the U.S. support for Israel. I do not believe anyone seriously questions that. I say again that I do not believe this resolution furthers the effort to bring peace between Israel and the Palestinians, which is the only way to ensure Israel's long-term security.

For those reasons I would like to be recorded in opposition to enactment of the resolution.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I reiterate my unanimous consent request that the amendment at the desk be agreed to and urge adoption of the resolution as amended.

The PRESIDING OFFICER. The amendment has been agreed to. Is there further debate? If not, the question is on agreeing to the resolution, as amended.

The resolution (S. Res. 548), as amended, was agreed to.

Mr. CORNYN. I ask unanimous consent the amendment to the preamble be agreed to, the preamble as amended be agreed to, and the motions to reconsider be laid upon the table en bloc.

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

The amendment (No. 4397) was agreed to, as follows:

> Strike the 14th clause in the preamble.

The preamble, as amended, was agreed to.

The resolution, with its preamble, reads as follows:

(The resolution will be printed in a future edition of the RECORD.)

Mr. CORNYN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, my friend and colleague from North Dakota has been kind enough to allow me to speak because of some scheduling concerns, and I ask unanimous consent when I complete my remarks he be recognized for 15 minutes.

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

Mr. BOND. I thank the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. I thank the Chair.

(The remarks of Mr. BOND pertaining to the introduction of S. 3538 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

TRIBAL LAW AND ORDER ACT OF 2010

Mr. DORGAN. Mr. President, on occasion there are some things that happen in this Chamber that get precious little attention but represent very good news. Last evening, with virtually no attention, a piece of legislation was passed by the Senate unanimously, a piece of legislation, called the Tribal Law and Order Act, affecting Indian tribes across this country. It was bipartisan. My colleagues and I, as chairman of the Indian Affairs Committee, working with Republicans and Democrats, Senator BARRASSO, and Senator JON KYL especially was helpful in recent days, and on our side, Senator TESTER and Senator UDALL and so many others—have gotten a piece of legislation through the Senate, which we hope will get through the House and be signed by the President, dealing with law and order on Indian reservations.

Lewis and Clark spent the winter in North Dakota on their expedition in 1805. When they came through North Dakota, there were Indian villages and settlements in North Dakota that had been there a long time. They were farming on the banks of the Missouri River. That is true all across the country. When new people exploring our country came upon Indian tribes, they had been there for a long while. They were the first Americans, and we displaced them, and we have sad chapters in American history that are described as ''Trail of Tears,'' the ''Massacre at Wounded Knee,'' and I could go on for a great length of time.

Native Americans were, in many cases, rounded up, placed on reservations, and then the Federal Government, for taking their property away from them, said: We will sign agreements with you. We will make deals with you. We will have treaties. We will accept a trust responsibility. We will educate you. We promised that since we have taken your land away, we will provide for your children's education, we will provide for your health care, and we will provide for your law enforcement.

It is what the Federal Government signed to do in treaties and the Government has systematically avoided the responsibility of meeting those conditions ever since.

I have talked at length on this floor about Indian health care and Indian education and Indian housing. In many areas on Indian reservations, it mirrors what we consider Third World-country conditions: people living in overcrowded housing, if they have housing at all; sending kids to schools whose desks are 1 inch apart, with 30 kids to a classroom, in a dilapidated building; people going hungry; people having very serious health care problems and not able to get adequate health.

We passed in this Chamber the Indian Health Care Improvement Act as a part of the health care reform bill. I am enormously proud of having done that. It is the first time in 17 years this Congress did something on the Indian Health Care Improvement Act. We worked and worked and worked. I am proud it is done.

This is another significant piece of work. We have had I believe 14 hearings on this subject in the Indian Affairs Committee. Twenty-two Senate colleagues cosponsored my legislation, Republicans and Democrats.

If anyone doubts the need for this legislation, let me demonstrate just in this week with three headlines, one in Indian Country Today. ''Rape on the Rez'' is the title.

> The mother tries to be strong, looking at the photos of her dead daughter's beaten and bruised face. She tries not to cry, but eventually the images prove too much. ''That's what they did to her,'' the mother says.
>
> Marquita Marie Walking Eagle died November 1, 2009, the victim of a violent sexual assault. The 19-year-old Rosebud Sioux woman's alleged killer: a 17-year-old classmate from St. Francis High School in South Dakota.

Just one headline, but, we also have studies. One in 3 American Indian and Alaska Native women will be raped and sexually assaulted in her lifetime—1 in 3; not 1 in 10, 1 in 3. Think of that. Think of the violence on too many of these Indian reservations.

Another headline from this week: ''Addicted On The Rez,'' about drug abuse and crimes that are infiltrating the reservation. Another headline this week: ''Indian reservations on both U.S. borders are becoming drug pipelines,'' conduits for Mexican drug cartels and others to move drugs into this country and particularly addict young Indian children on those drugs and have them become carriers. Those are three articles from this week sitting on top of a mountaintop of other articles.

In my home state of North Dakota right now, on the Standing Rock Indian Reservation that actually is on the border of North and South Dakota—it is an area the size of the State of Connecticut. They had nine law enforcement officers for 24 hours a day, 7 days a week coverage. Well, that means

that very often there would be no more than one law enforcement officer patrolling an area the size of the State of Connecticut. So a women being raped, sexually assaulted, a burglary or a robbery in progress, a violent crime, a gun crime, and a plea and a call, a frantic call, might mean that 3 or 4 hours later—maybe not until the next day would someone in a police car show up to investigate that crime. That is what they have been facing.

On the Standing Rock Indian Reservation, the year before last, the rate of violent crime wasn't double what most Americans experience; it wasn't triple; it wasn't quadruple; it was eight times the national average—eight times the rate of violent crime on the Standing Rock Reservation. There has been some improvement. In 2009 it was simply five times worse than what most Americans experience.

The question is, What can we do about those things? One Bureau of Indian Affairs officer on the Standing Rock Reservation—again, as I indicated, an area the size of the State of Connecticut, with nine law enforcement officers—what he said was: ''I felt like I was standing in the middle of a river trying to hold back a flood.'' He said they were forced to ''triage'' rape cases. He said: We only took a rape case if there was a confession; if not, didn't happen. This is not a Third World country. This is in America on Indian reservations.

Last summer, the Department of Justice issued a report to our committee. I am quoting now:

> Native gangs are now involved in more violent offenses like sexual assault, gang rapes, home invasions, drive-by shootings, beatings, and elder abuse on Indian reservations.

This is on the Pine Ridge Reservation, a photograph that was brought to a hearing I held on increased gang activity on reservations. This is another photo from the same hearing. These are very serious problems.

We have a war on terror and a war on drugs, and all too often across this country, Indian reservations are left to their own, told ''you do it,'' despite the fact that this country promised to provide law enforcement assistance. This entire system isn't working. It is the courts, the jails, law enforcement—it doesn't work.

That is why, with 22 colleagues, we introduced this legislation and now last night, thankfully, have passed it through the Senate. This does a number of very important things. It forces the BIA to consult with tribal leaders on joint law enforcement.

It says to the U.S. attorneys—by the way, U.S. attorneys are the ones who are relied upon to prosecute felonies on Indian reservations, and all too often it is part of the back room of the U.S. Attorney's Office: You know what, we don't have time; we are not going to do it. The declination rate—that means declining to prosecute—the declination rate for murders is 50 percent, according to Department of Justice information we received in the committee. The declination rate, that is, declining to prosecute, for rape and sexual assault is 70 percent. So 70 percent of the time, they don't prosecute because they are working on something else. It is on an Indian reservation. Hard to investigate, they say. Well, this legislation will change that.

This legislation will add the necessary tools to enable tribal governments to better fight crime locally. It will give police improved access to national criminal databases. Judges on reservations will have added authority to sentence violent offenders in tribal courts. Can you imagine that judges in tribal courts, under current law, can sentence to no more than 1 year for an Indian offender? No more than 1 year. Rape, murder, armed robbery—1 year. That is absurd.

The fact is, we have put together a bill that finally offers the tools to strengthen this justice system, that also works to cross-deputize Indian police in the Federal criminal system so that Indian reservations and those who patrol on the reservations can work hand-in-hand with those in the adjacent counties, the county sheriffs, police chiefs, and others.

This bill will reauthorize and improve existing programs designed to strengthen the tribal justice systems, prevent alcohol and substance abuse, which is the No. 1 cause of violence on reservations, and improve opportunities for youth on the reservations.

I am very pleased and proud that we have been able to get this done. We have worked long and hard. If this Congress completes its work having done the Indian Health Care Improvement Act and now the Tribal Law and Order Act, if in one Congress we will have made that kind of stride to address the issue of health care and crime and justice on Indian reservations, we will have done something very significant.

I ask people who think, well, this is just something that is out of sight, out of mind: Go to an Indian reservation and take a look at the condition of the housing. Go visit with the kids in school. I have done that. Go sit around, if you can, with 10 or 12 kids and ask them about their lives. Where do they get hope and inspiration and belief that they can be part of something bigger than themselves, that they can get educated, that they have an opportunity to do whatever they want to do? Where do they get that? The fact is, we have created circumstances, abysmal circumstances and broken promises, and it has lasted for a couple of centuries.

You know, we have been trying now for almost 6 months to get the Cobell settlement through the Senate. The Cobell settlement is a group of plaintiffs who are Indians whose property and land and resources from that land have largely been stolen from them for a couple of hundred years. The Interior Department has been managing the trust of these Indians for well over 100, 150 years.

The other day on the floor of the Senate, I showed a picture of a woman who had six oil wells on her land, and she lived in a little bungalow and never had anything all of her life. Well, why didn't someone who had six oil wells on her land have anything? Because the U.S. Department of the Interior was managing it, and she never got the money. That has been going on for 150 years. And now there is a court action that has gone on for 14 years and finally an agreement to settle the court action, and the judge gave us 30 days in Congress to settle this after it had been agreed to by the Interior Secretary, by the plaintiffs. Finally some justice after 100, 150 years, and the judge has had to extend that deadline now three or four times and we have still not gotten it done. It is in this underlying bill, the one that is being objected to by the minority.

The reason I mentioned that is there are so many injustices in this country to the people who were here first. The first Americans deserve better. The first Americans deserve to have this government keep its promise at long, long last. And this is but one: the providing of law enforcement. How many Americans would like to live in an area where the rate of violent crime is 5 times, 8 times, or 10 times the national average? Well, there are a whole lot of young men and women, young boys and girls, and elders living exactly in those circumstances in this country. And that violence exists every day.

We need to do something about it.

One final point. I have talked to the BIA at great length. There are some things happening right now experimentally to try to move some additional resources into tribal lands to promote greater law and order. It is true on the Standing Rock Reservation and others as well. But the Tribal Law and Order Act, which I have reason to believe will now be passed by the House as well, is a big step forward. We not only negotiated that in the Senate, but we worked very hard with Members of the House as we put this legislation together with their ideas as well. If we do this, we will be able to say this country, at long last, on this issue at least, kept its promise and began the long effort to make sure we are meeting our trust responsibilities to those who were the first Americans.

I thank many of my colleagues who helped us achieve this goal, and end as I began, by saying there is plenty of reason to be concerned about the lack of getting things done in this Chamber, but this is a good piece of legislation. Good news doesn't sell quite as well as bad news these days in our system. I hope all of us will be able to take some satisfaction in doing something that represents the public good for people living in this country who certainly deserve it.

I yield the floor.

CRIMINAL JURISDICTION

Mr. DORGAN. Mr. President, I rise to speak on S. 797, the Tribal Law and

Order Act of 2010. I offered the text of this bill to H.R. 725, the Indian Arts and Crafts Act Amendments, and last night, the Senate passed this bill as amended by unanimous consent.

As chairman of the Committee on Indian Affairs, I have presided over 14 hearings relating to public safety on our Nation's tribal lands over the past three years. These hearings revealed a longstanding crisis of violence in many parts of Indian country. Indian reservations on average suffer rates of violence more than 2.5 times the national rate. In my home State of North Dakota, the Standing Rock Sioux Reservation suffered 8.6 times the national rate of violence in 2008. In early 2008, there were 9 police officers patrolling this 2.3 million acre Reservation, which meant at times there was no 24-hour police response service. As a result, victims of violence reported waiting hours and sometimes days before receiving a response to their distress calls. With this level of response, crime scenes can become compromised, and justice is not served to the victims, their families, or the community.

Our hearings found that violence against Indian women has reached epidemic levels. The Justice Department and the Centers for Disease Control and Prevention report that more than 1 in 3 American Indian and Alaska Native women will be raped in their lifetime and more than 2 in 5 will be subject to domestic or partner violence.

The broken and divided system of justice in place on Indian lands that was devised by dozens of Federal laws and Federal court decisions enacted and handed down over the past 150 years is not well-suited to address the violence in Indian country. Because of these laws and decisions, responsibility to investigate and prosecute crime on the reservation is divided among the Federal, tribal, and in some locations, state governments.

Based on this authority, these governments should be diligent in preventing and prosecuting these crimes. Thus, one of the primary purposes of the bill is to ensure that the United States upholds its treaty promises and legal obligation to investigate and prosecute violent crimes on Indian lands. Our Nation made treaty promises, and enacted laws—specifically the General and Major Crimes Acts—that provided for Federal criminal jurisdiction over Indian lands. At the same time, the United States limited tribal government authority to punish offenders in tribal courts to no more than 1 year for any one offense.

The Tribal Law and Order Act of 2010 takes steps to hold the United States to these solemn promises, and will address the restriction on tribal court penal authority over defendants in tribal court where certain protections are met.

Mr. KYL. I thank my colleague from North Dakota for his work on this important bill. We held a field hearing in my State of Arizona on an early version of this bill. There we heard from tribal leaders about violence in their communities. In 2009, the Bureau of Indian Affairs reported that in my home State of Arizona the San Carlos Apache Tribe endured a violent crime rate that is more than six times the national average and the White Mountain Apache Tribe suffered a violent crime rate more than four times the national average. On the southern border, the Tohono O'odham Nation needs assistance in addressing the onslaught of Mexican drug and human traffickers that exploit the sprawling reservation, which is the size of the State of Connecticut.

I would like to address changes made to section 201 of the Tribal Law and Order Act that concern Public Law No. 83–280, commonly known as Public Law. 280. This law was enacted on August 15, 1953. Public Law 280 removed the Federal Government's special Indian country law enforcement jurisdiction over almost all Indian lands in the States of Alaska, upon statehood, California, Minnesota, Nebraska, Oregon, and Wisconsin, and permitted these States to exercise criminal jurisdiction over those lands. The act specifically provides that these states ''shall have jurisdiction over offenses committed by or against Indians in the areas of Indian country . . . to the same extent that such State . . . has jurisdiction over offenses committed elsewhere within the State . . . and the criminal laws of such State . . . shall have the same force and effect within such Indian country as they have elsewhere within the State.''

Public Law 280 has been a mixed bag for both tribes and States. The States that are subject to Public Law 280 possess authority and responsibility to investigate and prosecute crimes committed on reservations, but, because of subsequent court decisions that sharply limited the extent of Public Law 280's grant of civil jurisdiction to affected states, these states have almost no ability to raise revenue on Public Law 280 lands. And to the extent that tribal governments retained concurrent jurisdiction over crimes committed by Indians on these lands, such authority is currently limited, as my colleague from North Dakota states, to no more than 1 year for any one offense. Thus, residents of reservations subject to Public Law 280 have to rely principally on sometimes underfunded local and state law enforcement authorities to prosecute reservation crimes.

Section 201 of the Tribal Law and Order Act of 2010 allows the Federal Government to reassume criminal jurisdiction on Public Law 280 lands when the affected Indian tribe requests the U.S. Attorney General do so. If the Attorney General concurs, the United States will reassume jurisdiction to prosecute violations of the General and Major Crimes Acts, sections 1152 and 1153 of title 18, that occur on the requesting tribe's reservation.

The bill makes clear that, once the United States reassumes jurisdiction pursuant to this provision, criminal authority on the affected reservation will be concurrent among the Federal and State governments and, ''where applicable,'' tribal governments.

Mr. President, I would like to ask the sponsor of the bill to make clear that nothing in the Tribal Law and Order Act retracts jurisdiction from the State governments, and nothing in the act will grant criminal jurisdiction in Indian country to an Indian tribe that does not currently have criminal jurisdiction over such land.

Mr. DORGAN. That is correct. The phrase that jurisdiction ''shall be concurrent among the Federal Government, State governments, and, where applicable, tribal governments'' is intended to clarify that the various State governments that are currently subject to Public Law 280 will maintain such criminal authority and responsibility. In addition, this provision intends to make clear that tribal governments subject to Public Law 280 maintain concurrent criminal authority over offenses by Indians in Indian country where the tribe currently has such authority. Nothing in this provision will change the current lay of criminal jurisdiction for state or tribal governments. It simply seeks to return criminal authority and responsibility to investigate and prosecute major crimes in Indian country to the United States where certain conditions are met.

Mr. KYL. Mr. President, I concur with the interpretation of this provision expressed by my colleague from North Dakota.

AMERICAN JOBS AND CLOSING TAX LOOPHOLES ACT OF 2010—Continued

The PRESIDING OFFICER. The Senator from Washington State is recognized.

Mrs. MURRAY. Mr. President, I rise to express my disappointment that we have gotten to this point on this very important piece of legislation that is before us, the tax extenders bill, the jobs package we have been trying to get passed. We have worked very hard to put together a bill that will provide much needed help to families and communities across the country. It is a bill that will make sure our recovery is not jeopardized. It is a bill that would extend tax credits to individuals and small businesses that both of our parties think are important. It provides incentives for clean energy companies to expand and create jobs at a time when we need them. It allows families in States such as mine to deduct local sales tax from their Federal returns, an important boost to the economy. It provides critical support for States that are struggling today to provide health care for their families in these very tough economic times. And it will extend unemployment benefits to support those in our communities who,

through no fault of their own, have lost a job and now, as the economy is getting back on track, need support for a few months longer so they can get a job and go back to work. It is a commonsense bill to help our economy get back on track. When we originally brought this bill to the floor, every single Republican said no to supporting our communities. Instead of walking away on this side, instead of furthering their goal of partisan gridlock, we extended a hand to our minority colleagues and worked with them. We trimmed sections they wanted trimmed. We reduced the support we thought was important for our families, but we reduced it in order to get their support and brought it back to the floor again. But once again, they said no to American families. So we went back and a third time trimmed it back even further. We did exactly what they asked us to do.

Now I am saying to our Republican colleagues, it is time to stop saying no. It is time to stop saying no to clean energy companies in my home State and across the country that depend on these tax credits to stay competitive. It is time to say stop saying no to the thousands of police officers and corrections officers and so many others who will lose their jobs in my home State and everywhere if this bill does not pass and our State has to further slash its budget. It is time to stop saying no to the men and women across the country who are desperately trying to find work today but need a little more help to keep their heads above water in these tough economic times. It is time to stop saying no to middle-class families across Washington State who depend on that sales tax deduction that would be extended in this underlying bill to help. They will be out hundreds of millions of dollars if this bill continues to be blocked.

We have tried very hard. Senator BAUCUS, chairman of the Finance Committee, deserves our gratitude for reaching across the aisle time and time again to work with the other side. We have compromised, and then we compromised again and then again. It is disheartening that the other side has refused to work with us. I say enough already. I go back home to Washington State every weekend. I talk to my constituents. I try to explain what we are doing here in Washington, DC. To be honest, I am having a heck of a lot of trouble explaining why when big banks and Wall Street were on the brink of failure and threatening to blow up our economy, Republicans immediately came together with us to help step us back from the brink. But now that Wall Street is fine, regular families and communities are continuing to struggle, those same Republicans are nowhere to be found. I don't have an answer for the families at home who ask me about this. Quite honestly, I don't get it myself. Because the fact is, we have had put together a bill that is fully paid for with the exception of unemployment benefits, that is a direct stimulus to the economy, that has been passed as emergency spending time and time again under both Democratic and Republican control, because that is exactly what it is. We have done all we can. If those on the other side say no again, it is pretty clear to me they are putting their interests before the interests of our hard-working families who are struggling today.

I know in the State of the Presiding Officer and in my State families are hurting. They are fighting every day to stay on their feet. I am not going to stop fighting to be on their side. There is a tremendous lot at stake in this bill.

I urge all of my colleagues to follow our example and put families and communities and States above partisan politics and goals and work with us to pass this bill so hundreds and thousands of American families can wake up tomorrow and know the Senate was on their side.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. WICKER. Mr. President, I ask unanimous consent to speak as in morning business.

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

NOMINATION OF ELENA KAGAN

Mr. WICKER. Mr. President, I rise today to speak briefly on the upcoming hearings the Judiciary Committee will hold on President Obama's nomination of Elena Kagan to be a Justice on the U.S. Supreme Court. I am not a member of the Senate Judiciary Committee, and I do not envy the difficult task before the committee members. However, I would like to highlight a few things I will be watching, as a Member of this body with the constitutional duty to advise and consent, and listening for as Ms. Kagan's nomination hearings begin on Monday.

First and foremost, I will be listening for indications on how closely Ms. Kagan will adhere to the Constitution and the laws of our Nation as written. The judicial oath requires judges to apply the law impartially to the facts before them—without respect to their social, moral, or political views.

Although Ms. Kagan certainly has an impressive resume in academia and as a political adviser in the Clinton and Obama administrations, she lacks key courtroom experience as either a judge or as a private lawyer. Therefore, it is appropriate and vitally important that members of the committee perform their due diligence to question her judicial philosophy.

This is a line of questioning that Ms. Kagan herself has endorsed. In a 1995 University of Chicago Law Review article, she wrote:

> The kind of inquiry that would contribute most to understanding and evaluating a nomination is . . . discussion first, of the nominee's broad judicial philosophy and second, of her views on particular constitutional issues. By ''judicial philosophy'' . . . I mean such things as the judge's understanding of the role of courts in our society, of the nature and values embodied in our Constitution, and of the proper tools and techniques of interpretation, both constitutional and statutory.

I could not agree more with Ms. Kagan. I hope she will live up to her own measuring stick and provide the Senate with the open and constructive answers which she has herself advocated.

In addition to her general judicial philosophy, I hope my colleagues on the Judiciary Committee will question Ms. Kagan on two specific issues important to many Americans and many of my constituents in the State of Mississippi; that is, her views on abortion and the second amendment.

I am concerned that many of the documents from Ms. Kagan's service as a law clerk for the late Justice Marshall and as a political adviser during the Clinton administration reflect a troubling bias.

Two years ago, the Supreme Court ruled, in District of Columbia v. Heller, that the second amendment guarantees an individual's right to keep and bear arms. Ms. Kagan has said publicly that she views Heller as settled precedent of the Court. But as a law clerk for Justice Marshall, Ms. Kagan wrote a strikingly personal memo on gun rights.

The case in question on that earlier occasion challenged the District of Columbia's handgun ban that was markedly similar to the Heller case. In her 1987 memo urging Justice Marshall to vote against hearing the case, Ms. Kagan stated:

> [The petitioner's] sole contention is that the District of Columbia's firearm statutes violate his constitutional right ''to keep and bear arms.'' I'm not sympathetic.

The recommendation itself is troubling, but the personal note she employed is even more disturbing. Rather than pointing to text and precedent, rooting her analysis in law or looking to the Constitution, Ms. Kagan chose the personal pronoun saying: ''I'm not sympathetic.''

This should concern Senators because it seems to indicate a personal aversion to the right to bear arms. I hope members of the committee will question Ms. Kagan on this issue.

Ms. Kagan's work in the Clinton administration raises further questions about her views of the second amendment. According to records at the Clinton Presidential Library in Little Rock, Ms. Kagan was a key adviser to President Clinton on gun control efforts. She drafted an Executive order restricting the importation of certain semiautomatic rifles and was involved in the creation of another order requiring all Federal law enforcement officers to install locks on their weapons.

She advocated various other gun control proposals, including gun tracing initiatives, legislation requiring background checks for all secondary market gun purchases, and efforts to design a gun that would automatically restrict the ability for most adults to use it.

In a May article, the Los Angeles Times put it this way:

> As gun rights advocates viewed it, there was one clear message: The Clinton White House wanted to remove as many guns from the market as it could.

Records show that Ms. Kagan was a key player in this effort.

I believe the upcoming hearings present an opportunity to hear more about Ms. Kagan's views on the second amendment—a right clearly enumerated in the Bill of Rights—and whether she views it as binding on all levels of government. I am confident I will not be the only one following her answers closely.

With regard to the second issue, with regard to abortion, Ms. Kagan, having neither served as a judge nor spent any significant time in a courtroom, lacks a judicial record to give us insight into her views on abortion. But there are several red flags that show the need for pointed questions from Judiciary Committee members on this issue.

First, Ms. Kagan has extensively criticized the 1991 Supreme Court decision Rust v. Sullivan, where the Court upheld the constitutionality of the Department of Health and Human Services' regulations that prohibit title X family planning funds from being ''used in programs where abortion is a method of family planning.''

The rulings in that case and others like that case are absolutely vital to protecting the unborn. Congress has the constitutional duty to maintain the power of the purse. If, as Ms. Kagan argues, that authority should be limited in the name of free speech, then the American people will lose the ability for their elected Representatives to prohibit abortion funding and provide any balance to the executive branch.

One of the most noteworthy issues on which Ms. Kagan advised President Clinton during her time at the White House was partial-birth abortion—a truly reprehensible procedure. Memos from Ms. Kagan to President Clinton indicate she believed partial-birth abortion is constitutionally protected. I have profound concerns about that point of view and believe this raises serious questions about how she would interpret the Constitution if confirmed to the Supreme Court.

In closing, there is no doubt these are important issues deserving lengthy and deliberate consideration by the Senate Judiciary Committee, particularly for a lifetime position on the highest Court in our Nation.

I hope Ms. Kagan will adhere to her own advice and be open and forthright with the committee as to her judicial philosophy and views on the specific constitutional questions I have mentioned. I look forward to joining many Americans in closely following Ms. Kagan's responses.

I yield the floor.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from Maine.

Ms. SNOWE. Madam President, today I rise to express my concerns about the pending tax extenders legislation that we are debating and will be voting on in the Senate shortly. As you know, we have had a series of votes on this particular question, to no avail. There is no substantive reason for the impasse at which we have arrived on this package. It certainly could have been different. I have been involved in a number of discussions over the last 2 weeks with respect to how we could reach a resolution on some of these questions, so I think it is important to set the record straight.

Frankly, I think it is the result of the yawning chasm that exists between the artificially generated political landscape in Washington and the actual real-world state of our economy that Americans have been experiencing on a daily basis beyond the Capital Beltway.

If we are serious about creating jobs, we absolutely could identify a pathway to extend the expiring tax provisions in this legislation which are important to America's job generators, without simultaneously and inexplicably raising taxes on our small businesses—the very entities we look to in order to lead us out of this recession—in the name of increased spending and a more expansive tax extenders package. This approach simply makes no sense and lays bare the stark disconnect between Washington and the entire rest of the country.

We hear the mantra of ''jobs, jobs, jobs'' as our No. 1 priority, as it should be. Concerns about the economy are foremost on the minds of the American people, rightfully. That is why there is so much anxiety across America today on Main Street. They do not think it is being replicated in the Senate and the overall Congress with respect to the actions we should be taking.

Yet what is proposed for legislation today—which highlights the disconnect between here and the rest of America—is ''taxes, taxes, taxes'' and ''spending, spending, spending,'' which will do nothing to grow our economy. In fact, we still have not considered a small business jobs package, and it is now almost July.

What is it that we do not understand? What is happening on the economic landscape and among small businesses upon whom we depend to create jobs? It is not exactly that we are mass producing jobs in America's economy today. In fact, I met yesterday with the president of the Boston Federal Reserve, Eric Rosengren, and as he pointed out, the growth the economy has demonstrated thus far is, for the most part, in inventory. This is not exactly real growth. It is drawing down inventory. But the economy has not demonstrated an ability to create jobs and real economic growth because there is uncertainty among the business sector and, in particular, small businesses that do not want to take the risk of investments or hiring additional people because of the uncertainty of the policies that are emanating from Washington.

Last month, as we discovered with the unemployment numbers: of the 431,000 jobs that were created, 411,000 were due to temporary government workers—that is why our national unemployment rate is not worse than it is. So, ultimately, our government is the only real growth industry in this country, and I challenge anyone to seriously argue that is a sustainable path to a brighter economic future.

The fact is, growth is not occurring in our economy. I have heard that time and time again. I have heard that from small businesses, medium-sized businesses, large businesses, every organization that represents businesses in America. They are saying there is no real growth in our economy, and they are not going to be hiring, they are not going to be making the investments necessary because of the uncertainty coming from Washington with respect to taxes, with respect to regulation, with respect to the health care legislation that became law this year.

So what will it require? In the Federal Reserve's analysis, it will require, in terms of reducing the unemployment rate in this country—just in order to reduce the unemployment rate to, let's say, 5 percent by 2012—in the charts they gave me yesterday, it would require at least a 6-percent annual growth rate in GDP in order to equalize the losses in jobs we have already experienced and suffered.

That rate would be slightly higher than the level of growth we experienced during the recovery from the 1982 recession and approximately double the growth following the 1991 and 2001 recessions.

So when you think about it, in order to achieve a 5-percent unemployment rate by 2012, it would require approximately a 6-percent annual growth rate in 2011 and 2012. Would it be possible under the scenario that is occurring? Probably not because the growth is not occurring, and job creation certainly is not. That is disturbing, and it is deeply troubling.

In fact, I was talking to someone today who is in the business community who said small businesses are not going to take those risks. You will not see the kinds of startups in America because of the state of the economy, because of the policies that are coming out of Washington that mean more taxes and more spending, which gets to the tax extenders package that is before us today. And that is my concern, with the detachment we have between what is happening in America on Main Street and what is happening in Washington, DC, in the House of Representatives and the Senate. There isn't that

reality check, and that is obviously exemplified by the kind of legislation we are trying to ram through the Congress, once again, that means more taxes and more spending and that is going to cost more jobs. It is going to provide more risk in the economy. Therefore, we are not going to see the kind of economic growth the American people deserve.

Somehow, we think there is not a cause and effect and a correlation between what we do here and what happens across America. I know that in speaking to my constituents and to small businesses, I hear it day in and day out. I go home and I talk to them and I listen, more importantly, and I hear what they are saying. They are uniformly saying the same thing: that the policies coming out of Washington cause them great pause. It causes them alarm. Therefore, they will not take the risk. They will not make the investments to increase the number of employees and to add to their personnel or to make the capital investments, because they do not know how much the Federal Government is going to cost them with respect to taxes, with respect to regulation and, of course, the new health care law, as well as all of the other tax consequences that have now resulted in this legislation that is pending before the Senate. Somehow, people think it won't matter.

Then I am beginning to think that maybe people haven't read these provisions to understand exactly how they work, and that is why there is so much concern and apprehension across America. That is why Congress has such a low approval rating that has certainly crossed the historic thresholds in terms of how low it is, and understandably so, because there is no connection. There is no correlation between what we are doing and what is happening in America and in small businesses and in family households which have lost their jobs and are enduring anxiety and apprehension about where the next job is going to come from and how they are going to make ends meet.

So we truly have our work cut out for us when we look at the low economic growth, the inability to create jobs and, frankly, the fear. When we think about what has been created in this economy, from their standpoint, it isn't so much the problems we are dealing with today, it is the direction Congress is taking with respect to the issues that matter most to them in order to take the risks we need them to take in order to reverse this economic cycle.

Also, when we think about the projections for economic growth, this bill doesn't take into account the potential effects of what is happening in Europe and the economic turmoil that certainly could engulf our own economy or the potential fallout from the BP disaster in the gulf. That has not manifested itself in the unemployment numbers or economic growth. It is a travesty what is happening there, and it certainly is devastating a way of life and so many small business owners. So that is another dimension and component we will have to incorporate in our calculations for the future. Certainly, that will have an impact on the bottom line with respect to job creation and our ability to see the kind of growth we require in order to reverse the declining growth in America.

We certainly have our work cut out for us. That is what makes me wonder exactly what world we are living in here in Congress as we pay lip service to job creation, when in reality we are instead on a glidepath toward higher taxes on America's job generators and at precisely a moment in time when we should be providing the kind of relief I have been advocating for through small business legislation. I have been championing it for 6 months now—6 long months. I started in January. I thought it was going to be on the front burner. It is still languishing on the back burner. So much for jobs being a priority. So much for depending on small businesses to create those jobs. So we have paid no deference to the greatest issue that is facing America today, and that is job creation and the economy. That is the No. 1 priority of the American people. But here we are approaching July and it is yet to be on the legislative calendar, even though I have been promised. I know the Presiding Officer, who serves on the Small Business Committee, has been a great advocate and a champion for small business tax relief and creating jobs and how vital it is. We have had numerous hearings on that question before our committee which underscores the imperative of passing a small business tax relief program so they can generate jobs because they are the one entity that creates jobs in America. But we have yet to consider the small business tax relief jobs package. It is approaching July. I had a package prepared in mid-March and I was asked to defer because we were promised that we will be considering a small business jobs package before the April recess. Well, April has come and gone. May has come and gone. June has come and gone. Obviously, July will come and go, before it becomes law—so it is regrettable.

It is a red herring to suggest that a potential $12 billion small business jobs bill might mitigate the damage of some of the initiatives that are incorporated in this tax extenders bill that is now pending before the Senate and that we will vote on shortly with respect to cloture. That is my point here today. Because when we do consider a small business jobs relief package, and we provide the billions of dollars that are necessary to jump-start our economy to small businesses with tax relief, at the same time we are imposing additional taxes on small businesses in the tax extenders package, that will not neutralize the circumstances for small businesses. It only makes it worse. So on one hand we could provide some benefits and on the other hand we take them away.

Let us remember that those increases will be in addition to the tax increases on the small business flow-through income that is expected to increase from the current rate of 35 percent to 39.6 percent, as well as a tax on capital gains that is scheduled to rise from 15 percent to 20 percent at the end of this year. Astoundingly, the tax rate on dividends 6 months from now will rise from 15 percent to as high as 39.6 percent, which is a 264-percent increase. That is not even taking into account some of the marginal tax effects such as the phaseout of itemized deductions that will raise the rate even higher, or the tidal wave of uncertainty headed toward the business community as they evaluate and grapple with, as I said earlier, the health mandates resulting from the legislation that was passed in December. It doesn't even incorporate the Medicare payroll taxes that were imposed on small business in the health care reform law: $210 billion worth of taxes that were inserted in the health care legislation that became law in December, that imposes a payroll tax on small businesses. It also taxes unearned income and investments for the purposes of the Medicare payroll tax that also will affect small businesses to the point that there will be a net increase of 67 percent in capital gains on small businesses as a result of that legislation that became law in December.

So the cumulative effect of all of these tax increases is going to be pronounced on the ability of small business to create jobs, let alone make investments in equipment that is so essential to expanding and to growing.

As my colleagues see on this chart I have on display that was issued in May of 2010 by the National Federation of Independent Business, the foremost organization that represents small businesses in America, small business optimism at an unprecedented low. It is not surprising, given the status of the economy today. In fact, there is virtually no economic growth occurring, because we don't have a growth strategy. We have a tax strategy, we have a spending strategy, but we don't have a growth strategy. The administration doesn't have a growth strategy. Congress doesn't have a growth strategy. There has been no regard or deference to a growth strategy that ultimately would encourage small businesses, or any size business in America today, to take the risks to make those investments, because there is too much uncertainty, in addition to all of the potential tax increases that will occur at the end of this year, not to mention those that have already occurred and the ones that are pending in this tax extenders legislation we will be voting on shortly with respect to cloture.

In the tax extenders bill, we are imposing a $9 billion tax on small businesses and $13 billion of retroactive new taxes on global businesses. On

companies that do business abroad, there are retroactive taxes as well. Retroactive tax increases are a bad habit. It is a bad practice. It is bad policy to reach back and now tell businesses: Oh, by the way, we have changed our mind. Let's reach back and tax you. You might ask: Well, how far back? Because that is the question I have asked. How far back do you tax? Well, guess what. Back to the first event that represents a capital gains event, as far back as it goes because we have changed our mind.

Well, it is very difficult, when you have to meet a bottom line—which is anathema to Congress because we don't have to meet a bottom line. We don't have to balance our budgets. We don't have to worry about how much we spend and how much we tax, because we don't have to balance it out, but businesses do, in a very challenging and fragile economy. Yet we are suggesting, oh, by the way, let's have retroactive tax increases.

It is regrettable that we have to go that far, exhibiting a total disregard for the effect it is going to have ultimately on the average person in America who is seeking to get a job and can't find one because businesses aren't hiring. They are virtually at a standstill, and rightfully so, in their hesitancy and their reluctance, because they don't know what is coming next out of Congress. We don't even know, because a lot of these provisions were sort of dumped in there that we didn't have hearings about. So by the way, we have changed our mind and we are going to reach back and tax you. Maybe it is a year, maybe it is 2 years. Whenever you have that first event that is taxable under this provision, we will reach back and we will tax you.

The tax offsets in this bill are worse than the lack of an extension of the existing policy. That is why the provisions in the bill are too high a price for any major business or organization, from the Chamber to NFIB to Business Roundtable, to support it in its current form.

It didn't have to be this way. I certainly laid out a blueprint. I want to be very clear about this. I laid out a blueprint of how we could proceed to a consensus solution to passing a responsible tax extenders package. I worked diligently. I answered every call. I went to every meeting for the last few weeks since this became an issue, in good faith, to attempt to extend the unemployment benefits that I think people rightfully deserve, as well as to help with the reimbursement for doctors that, by the way, we have known has been a problem for more than a year. I know I stood on this floor last fall, during the time we were considering the health care bill that was pending before the Senate, and after which $210 billion worth of Medicare taxes were inserted in the health care bill—$210 billion that was a tax on small businesses.

I said: If you are going to take that route, if that is the policy you are going to embrace, then why not defer it and pay for the doctors reimbursement to avert the 21-percent reduction. Why not use it for that purpose? If you are going to raise Medicare payroll taxes, at least use the revenues from Medicare, within the Medicare system—knowing this was a serious problem.

With a 21-percent reduction in doctors reimbursements in the Medicare Program that was scheduled for January, we knew we had a problem. Yet, on one hand, we raised Medicare taxes on small businesses, and we used it for other purposes—to expand other programs—rather than targeting it to the very problem and issue that existed in the Medicare Program that we knew about. How practical is that? Of course, it is not practical.

We knew with that $210 billion we could have arrived at a permanent solution at least for 10 years on the doctors reimbursements—for 10 years. We would have had a decade solution, rather than this ad hoc approach, where we are reconsidering it every 6 months or every year and putting the patients as well as the doctors through this endless cycle, which has almost become perpetual, as to whether we are going to provide for the reimbursements or allow the cuts to go forward. It becomes gamesmanship that is, unfortunately, at the expense of Medicare patients, because they hear from the doctors: We don't know what we are going to be able to do. We hear it from the providers who are challenged, because Medicare rates are hardly reflective of the true cost of delivering that care. My State has the second lowest rate of Medicare reimbursements in the country. We know doctors are dropping Medicare patients. So it has a pernicious effect. We could have taken care of that proactively and done something reasonable and pragmatic. We could have funded a 10-year solution that we knew was in the area of $200 billion, because we had another bill on the floor that said let's do the doctor fix but let's not pay for it. It was in the approximately $200 billion range. But that wasn't to be. It certainly didn't have to be this way.

I have sought to balance the necessities by identifying tax offsets, urging that the stimulus money be reprogrammed so these funds are spent in a timely manner, as was the intention when this body passed the stimulus bill.

With respect to the unemployment benefits extension in this legislation, I have long advocated for this, and I voted for them in the past, obviously. I think we have a responsibility to pass extensions until the economy improves and until we can demonstrate that the economy can create jobs. I understand and appreciate some of my colleagues who believe these extensions should be fully offset. I just don't happen to be in that category, until we can turn the economy around and produce jobs—particularly at this time of high unemployment, which is at the rate of 9.7 percent, and that has been the status quo with minimal changes. That means Congress has to enact economic policy to foster job creation. I would not impede unemployment benefits by insisting they are not emergency spending and should be fully paid for. I believe there is a majority that supports that policy.

I recommended, why not separate the unemployment benefits and move that along? Why put people at risk who are unemployed? We could have done that and separated this out several weeks ago, which I proposed and recommended, and we could have separated the doctor fix and paid for it. Actually, we ended up doing that. That is what we did 2 weeks later. We could have done the same with unemployment benefits—separated it and moved it along, assuming that, of course, we had unanimous support on the majority side for that. We could have done that. I certainly would have supported that.

It is important so that people aren't kept in turmoil, wondering whether they are going to have additional benefits. I thought we should have addressed it as a separate matter, rather than entangle it with other muddled policies being swallowed up in this legislative morass pending today.

I supported State aid for Medicaid. As I said, this program should be offset by unobligated stimulus funds. In the stimulus bill, we provided for additional funding for Medicaid. Had we known then what we know now, we could have provided an additional year, instead of lower priority, longer term, less effective spending. After all, stimulus is supposed to be timely, targeted, and temporary. If the money hasn't been obligated, obviously, it is none of those things at this point. So why not redirect it for more stimulative purposes? And certainly doing it for the Medicaid Program is highly stimulative, along with unemployment benefits. That is the maximum stimulus you can provide in the economy today. I said let's redirect those funds and spend them on FMAP.

In the substitute extenders package proposed last night there was a breakthrough on that issue that became a consensus item for a brief and shining moment. Apparently, some on the other side objected to the overall package on several of the other issues I will get to in a moment. I have had some serious concerns with some of the proposals that small businesses in this legislation have, particularly when it comes to subchapter S corporations. There was an indication that, as I was told last week, those new taxes would be removed because of the punitive effect they would have primarily on small businesses, again, the group we are depending on to create jobs. Yet, last night, the tide turned again, and I was informed that they would in fact remain in the tax extenders legislation.

These revenue provisions that have never been the subject of hearings,

have never been seen by the public, would significantly damage the business environment for businesses both large and small, just at a time we should be creating businesses, not curtailing them. The egregious provision regarding subchapter S corporations would harm millions of small businesses in their ability to create those jobs. Under section 413, a new burdensome payroll tax of 15.3 percent is imposed on subchapter S corporations on the dividend distributions paid to employee owners, to family members, who are shareholders or partners, and unbelievably, retained earnings in the business when distributions are kept in the business for reinvestment. At a time of festering high unemployment, this is exactly the wrong prescription for job creation.

The provision is aimed, as I have been told, at a specific abuse of the S corporations wrapped in a partnership, which is a business format that allows a business owner to inappropriately divert more money than is justified to nonsalary distributions that are not subject to payroll taxes. Unfortunately, in order to prevent this specific abuse, the authors had to write a very expansive anti-abuse provision causing collateral damage to taxpayers who are not abusing the system and imposing payroll taxes on retained earnings on small businesses. This is a job killer, because retained earnings are the most reliable form of capital available to small businesses. While there have been clear abuses of existing law regarding reasonable compensation, it should be noted that the IRS successfully prosecutes cases where business owners inappropriately divert salary income to dividend distribution.

In fact, the ruling as recent as May 27 of this year in David E. Watson PC v. United States proves that the ''reasonable compensation'' standard can be workable. Yet, it is not a clear bright line test that is either easy for the IRS to enforce or for taxpayers to understand.

That is why I worked diligently, along with my staff, to find a way to address this abuse and agree that if we could find a way to improve upon and make clearer the ''reasonable compensation'' standard, we should do so. In fact, my staff, last week, was at Joint Tax to do just that. Then I was informed that the subchapter S provision would be removed in its entirety from the tax extenders bill, so we didn't proceed any further, because I was told it was not going to be in this legislation. Obviously, that all changed last night when it summarily was reinstated.

Unfortunately, the new regime that would be created in this legislation is less effective for either compliance by taxpayers or enforcement by the IRS; it is the current reasonable compensation standard.

One week ago, the majority leader offered to remove the provision from the bill and I accepted this. Unfortunately, negotiations must not have been as clear, because last night that offer to drop that provision was fully rescinded. The provision in S. 4213 replaces 20 years of law with wholly untested, expensive, very difficult to administer new standards that attempt to address situations that, under current law and practices, are already not permitted. Specifically, this provision would impose Medicare and Social Security taxes at a rate of 15.3 percent on the first $106,800 of both wages and dividends, as well as 2.9 percent on amounts retained in the business, even when distributions are kept in the business for reinvestment. Retained earnings are the most reliable form of capital for a small business because the owner doesn't need to go to a bank to apply for a loan or to investors to seek infusion of equity.

This tax would appreciably reduce that capital at a time when other sources remain exceedingly difficult to access. At a time of high unemployment, this is exactly the wrong direction for job creation. In fact, this new levy would kill jobs and discourage hiring throughout the economy.

While I commend the authors of the bill for attempting to rein in the game playing that can take place, this bill is extraordinarily more broad than addressing just that problem. Unfortunately, in their critique of my efforts to address these problems, neither the Washington Post nor the New York Times editorial pages have taken into account anything but a pithy one-line description of the effects of these provisions. It is unfortunate because this new tax on small businesses and medium-size businesses is a broadside attack on what has been for decades a job-creating engine of the economy.

The substitute pending before the Senate would create vague new terms and tests for the IRS interpretation and taxpayer confusion as to whether payroll taxes are owed. These new terms and tests would replace the reasonable compensation standard for a list of specific service-based businesses. The new test would impose payroll taxes on certain professional service businesses, if 80 percent of the income of the business is attributable to three or fewer shareholders of the firm. While these terms are certainly less onerous than an earlier version of the substitute, each of these new terms will be subject to IRS rulings and inevitable litigation.

I will start outlining my concerns with the ''attributable'' to shareholders'' concepts. This standard is no easier for the IRS to inform or taxpayers to understand than is the current ''reasonable compensation'' standard. Does ''attributable'' mean that if a law firm partner brings another partner and an associate to meet with a prospective client, that the income generated is ''attributable'' three ways? Or does it depend on who performs the most billable hours? If the associate performs the majority of billable hours with only sign-off from the partner, to whom is this income ''attributable''?

Frankly, this new proposed standard is no clearer than the current ''reasonable compensation'' standard that is also very dependent upon specific ''facts and circumstances.'' Why would we replace one standard with something no more enforceable by the IRS and is just a trap for taxpayers?

Another component of the bill that is no clearer than ''reasonable compensation'' is the test of ''substantially all of the activities'' of the firm. Two issues arise with respect to this phrase. First, this is clearly not an objective revenue test; it is a subjective ''activity'' test, meaning that these employers would now be required to keep timesheets of all their employees, even if a firm or profession doesn't currently track billable hours. This would create a whole new expensive paperwork morass with no point other than compliance with mindless tax rules.

Further, whether ''substantially all'' means more than half, three-quarters, or 90 percent of ''activities'' is not defined in the statute. We simply do not know the definition of ''substantially all.'' Neither would the IRS or the business owners. This doesn't advance compliance or enforcement to a level any better than the existing ''reasonable compensation'' standard.

Turning now to the additional provisions, I want to point out that the list of ''professional service businesses'' in the legislation is at best obtuse, and at worst, it is simply a quagmire for litigation. Professions targeted for this tax include services ''in the fields of: health, law, lobbying, engineering, architecture, accounting, actuarial science, performing arts, consulting, athletics, investment advice or management, or brokerage services.''

While it is sometimes clear which businesses are included, for other businesses and professions the new definition is not so clear-cut. We can only assume that with the expansive regulatory authority granted in this bill that other service providers would be ensnared. Years of regulatory effort and litigation will eventually sort out whether the following would be subject to this provision: Web designers, who are not software ''engineers;'' interior designers, who are not ''architects;'' tax preparers, who are not ''accountants;'' real estate or insurance agents, who are not ''brokers;'' writers, who are not ''performers;'' beauticians, who are not in ''health.''

Then there are other service providers who would be ensnared the next time Congress is seeking additional revenues, including plumbers, electricians, hairdressers, construction contractors, heating oil distributors, car mechanics, recruiting and staffing firms, and professional fundraisers, just to name a few.

Every day this provision has been public—and that is a total of only 1 month 4 days—we seem to find another

unintended consequence of the provision. Five days from now, we are likely to find five more unintended consequences.

I wish to specifically raise two additional unintended consequences that have been brought to my attention. The first of these, of which my colleagues may be unaware, is that this provision would reduce the Social Security benefits of early retirees who invest in a family member's business. This issue was raised by the American Institute of Certified Public Accountants and results because the shareholder would be deemed to have additional wages through the proposal's family attribution rules, which then reduces Social Security early retirement benefits. I am disappointed that the sponsors of this provision have not addressed this problem despite having known about it for at least two iterations of their bill.

If a parent invests as a shareholder in the business being set up by their adult child, then this legislation would count the dividend distributions as earned income subject to a payroll tax, which reduces the early retirement benefit of the parent. This tax would either be a shock to investors who had no idea about this complication or invariably, to the extent it is known, it would reduce investment by family members in entrepreneurial businesses. Of course, this would reduce a critical form of capital for startup businesses. Why does the majority feel the need to starve young entrepreneurs of the ability to get startup capital from their parents?

A second specific unintended consequence concerns the complex web of anti-abuse rules that is created to prevent ''leakage'' from the S corp shareholder provision. It ensnares limited partners of partnerships. The bill imposes payroll taxes on the limited partnership income of employees for whom these limited partnership shares are like an employee stock purchase plan. Employees are not subject to payroll taxes on stock purchase plans distributions. Further, limited partners are not subject to payroll taxes because this is investment income. But to combine the two and for some reason to impose a 15.3-percent payroll tax on the investments of middle-income employees is inexplicable. Despite this known problem, it was not addressed even in the version of the bill that was released last night and pending before the Senate.

I want to be clearly understood that this provision was publicly released on May 20 and was adopted by the other body on May 28 with virtually no debate on an $11 billion tax hike. There have been no hearings on this proposal in either the House or the Senate. While the chairman has modified his initial proposal and it is now a $9 billion tax, significant concerns remain. Notably, the number of groups that are supporting my amendment to strike this provision sent a letter to both the chairman of the committee and the ranking member about that earlier version, emphasizing that ''this new tax is an excellent example of what happens when the legislative process is short circuited.''

This chart is an illustration of the number of organizations that have written letters to Chairman BAUCUS and Ranking Member GRASSLEY of the Senate Finance Committee about this legislation. It says new taxes would hurt job creation, would reduce the capital these employers have to create jobs and invest in their businesses—an excellent example of what would happen when you short-circuit the legislative process.

That is exactly the end result of this legislation. It is ill-timed, and it is poorly targeted. I appreciate the support from Senators ENZI and ENSIGN, who joined me in offering an amendment—unfortunately, we have not had the ability to offer it—to strike it in its entirety so we can take a step back and address only the abusive situations without capturing everybody else. That is going to affect job creation in small businesses and entrepreneurs in America at a time when we desperately need them.

We are now making a broadside attack on job generators. Regrettably, this will affect small and medium-size businesses. They are not in a position to shoulder this enormous burden as we look to them to create the jobs our economy so desperately requires right now.

I have been asking for months on end, as I said earlier in my statement, for a small business tax relief and jobs package that is so central to what we require in our economy today because of virtually no economic growth, no job creation. We are nearly into July, so 6 months into this legislative calendar and there is no legislative package on small businesses yet. What are we doing? More taxes and more spending—that is exactly what is represented in the tax extenders bill.

I attempted to address these issues over the last few weeks and to reach a consensus and solution. As I said, removing the doctor fix and paying for it separately—eventually that happened, and that was important; removing unemployment benefits to move that along so people can get their unemployment benefits without having them lapse and expire during this challenging economy; and then, of course, address all the other issues to make sure we are getting it right. That is what it is all about.

It is a matter of practicality and reasonableness that we get it right and not force more taxes on the very entities we depend on to create the jobs people deserve in America today to go back to work and to support their foundation of financial security rather than removing it.

At a time when we should be encouraging and nurturing small businesses, we are stifling the entrepreneurial spirit by adding $9 billion more in taxes with an ill-conceived provision that has had no hearings, no examination, no evaluation. It is a terrifying template for additional taxes on small businesses when they are already facing more taxes as a result of the health care bill. No wonder small businesses are bewildered and are unwilling to hire new employees.

In the final analysis, America's small businesses would benefit greatly from the extension of myriad tax provisions, but they do not want this bill at any cost, not when they are going to have to be paying some very onerous and punitive taxes under this legislation. Because it will be virtually all small businesses that are going to face and bear the brunt of the consequences of this legislation and the taxes it represents. It is going to continue the stagnation with respect to job creation. It is going to further that and the deteriorating trend within our economy with respect to job creation and with the lagging economic growth that is reflected in today's economic environment.

For all those reasons, I will not be voting for the tax extenders package. I regret it because I thought we had reached a consensus. Obviously, that was not to be. Hopefully, we can continue our discussions at a time when we can reach a consensus.

But I think it is important in the final analysis to state the fact that these impasses and the stalemate and the deadlock that result time and time again that require cloture votes are really not necessary if we are willing to listen to one another, to reach across the political aisle, and to build a consensus on the issues that are so important to America and so crucial to reversing the economic direction of our country, where more than 70 percent of the American people believe America is moving in the wrong direction with respect to the economy and yet we have failed to address it satisfactorily because we are not willing to listen, not willing to work, not willing to do the things necessary to create the right kind of legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I have a unanimous consent request which the Senator from Arizona will appreciate. I ask unanimous consent that the cloture vote on the Reid motion to concur in the House amendment to the Senate amendment to H.R. 4213 with the Baucus amendment No. 4386 occur at 5:14 p.m. today, with Senator KYL recognized to speak for up to 2 minutes and Senator BAUCUS recognized to speak for up to 2 minutes prior to the vote.

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

The Senator from Arizona.

Mr. KYL. Madam President, I will not take 2 minutes.

First let me say that I associate myself fully with the remarks of my colleague, the senior Senator from Maine.

Her analysis and criticism of the so-called S corp provision and retroactive tax provisions should be heeded by all of us.

I thank my colleague from Maine for her indefatigable work on this bill and her leadership to reduce its costs and fix its bad policy. She has spent countless hours working in a bipartisan way to develop an approach that will extend unemployment benefits, ensure physicians are paid properly for caring for Medicare patients, and reduce the fiscal impact of the bill. It is certainly through no fault of her own that the product before us remains unsupportable. No one has fought harder to support the small businesses that create jobs in America than Senator SNOWE.

We need to extend the tax provisions in this bill and achieve its other objectives. Like my colleague, I hope we can reach the right result, one that responds to our constituents' pleas that we stop spending and taxing and focus on job creation and economic growth.

The other side has offered several versions of the so-called tax extenders legislation. Unfortunately, each version has had at least two things in common with the previous versions—an increase in taxes and spending that leads to increased deficits. The provisions raising taxes are permanent changes even though they are being used to offset short-term tax cuts. I would like to focus on one of these tax increases that will be particularly harmful to many of our Nation's small businesses, which are incorporated as S corporations.

Currently, limited partners pay payroll and other employment taxes on payments received for the services that they provide. Partners in small businesses organized as S corporations pay employment taxes on their compensation even if the earnings are not distributed. The Baucus substitute filed last night would essentially require partners providing ''professional services'' to pay payroll taxes on their investment income as well.

The intent of the provision is to prevent cases of abuse as when former Senator John Edwards used the organization of an S corporation to avoid paying the 2.9 percent Medicare tax he owed as a lawyer on his wages. Edwards earned $26.9 million during the late 1990s while only reporting $360,000 in salary.

However, the IRS has the ability to go after firms and individuals who do not pay themselves a reasonable wage using the reasonable compensation test. The service has already successfully litigated cases where compensation was considered less than reasonable. A few examples are Radtke v. US, 712 F.Supp. 143 (7th Cir., 1990) and Spicer Accounting v. US, 918 F.2d 90 (9th Cir., 1990).

Furthermore, Congress just gave the IRS another anti-abuse tool when it codified the economic substance doctrine as part of the healthcare bill. Consequently, if the structure of the business is designed solely with the intent of avoiding the Medicare payroll tax, it would lack economic substance and the IRS could disallow it.

Not only does the IRS already have the ability to go after those who try to avoid paying taxes through S corporation revenue abuse, but the provision as it is currently drafted will create uncertainty, cause additional compliance problems and unfairly hit those it is not intended to impact.

One problem with the current proposal is that it will be very difficult to trace the hours of work for certain shareholders and link it back to the firm's revenues. Lawyers and CPAs can track their hours because that is how their businesses operate, but other service professionals such as engineers and architects do not.

As such, this will be especially burdensome for a number of the covered businesses at a time when we are counting on these same small businesses to generate jobs.

The provision also does not define what amount of participation in professional services activities determines if one must pay the new tax. The House version says ''substantially all.'' The Senate version seems to suggest that even very limited participation in any of the activities listed under the new definition of professional services would be subjected to the tax. Is that the intention?

Finally, the family attribution rules would appear to hit inactive family members who are solely shareholders and do not actively participate in the day-to-day operations of the business by subjecting their investment income to payroll taxes.

The bottom line is that this provision unnecessarily treats the income of 4 million small businesses organized as S corps all as wages, which undermines the entire rationale for having flow-through entities: to avoid the double taxation of entrepreneur's income. How are small businesses suppose to grow and hire more workers to get us out of this recession if we keep creating impediments to expanding investment opportunities?

The most galling aspect of this debate is that if the extenders bill passes with this roughly $10 billion tax increase on small business, the next tax bill we expect to consider is a bill to help small businesses with just $5 billion in tax relief. So the net effect of these two bills would amount to a $5 billion tax increase on small business. I just don't understand the logic. Of course, the real logic is simple: Supporters of the bill need more offsets to pay for the increased spending. I support the efforts of the senior Senator from Maine to strike this tax on small businesses, and I commend her for leading the effort to solve this problem.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, let us remember what this bill is all about. This bill will help American families face this great recession. This bill works to strengthen our economy and put Americans back to work. This bill would create jobs. That is what people want. It would cut taxes for businesses. That is what people want. It would facilitate small business loans. It would foster investment in highways and other infrastructure. This bill would cut taxes for families paying for college. It would cut taxes for teachers. It would cut taxes for Americans paying property taxes and sales taxes. It would extend unemployment insurance, health care tax credits, housing assistance for people who have lost their jobs. It would help States cover the cost of low-income health care programs.

This week, 900,000 out-of-work Americans have stopped receiving unemployment insurance benefits. Why? Because Congress has failed to enact this bill.

This has been a difficult fight, but it does not have to be difficult. In previous recessions, in previous Congresses, it was not this hard. But for months now, we have addressed Senators' concerns.

Senators expressed concern about the size of the bill. So we cut the total size from $200 billion, then down to $140 billion, then down to $118 billion, now less than $110 billion. We cut spending on health care benefits to unemployed workers under COBRA. We cut spending on the $25 bonus payments to recipients of unemployment insurance. We cut spending on the relief to doctors in Medicare and TRICARE. We cut spending on help to States for Medicaid by one-third. Senators asked for more spending cuts. We came forward with more spending cuts. Since the first time the Senate passed this bill, we found $77 billion in new offsets. This bill is now 70 percent paid for.

I just want to say that there is a great need for this bill. Americans want this bill passed, and, frankly, I very much hope this bill does pass. We do need the 60 votes.

We do not need the 60 votes; the American people want us to pass this legislation.

I yield back the remainder of my time.

CLOTURE MOTION

The PRESIDING OFFICER. By unanimous consent, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to concur in the House amendment to the Senate amendment to H.R. 4213, the American Jobs and Closing Tax Loopholes Act, with a Baucus amendment No. 4386.

Harry Reid, Max Baucus, Patrick J. Leahy, Al Franken, Patty Murray, Richard J. Durbin, Sheldon Whitehouse, Roland W. Burris, Kent Conrad, Daniel K. Akaka, Robert P.

Casey, Jr., Jeanne Shaheen, Edward E. Kaufman, Jeff Merkley, Jeff Bingaman, Mark L. Pryor, Sherrod Brown, Carl Levin.

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

The question is, Is it the sense of the Senate that debate on the motion to concur with amendment No. 4386 in the House amendment to the Senate amendment to H.R. 4213, the American Workers, State, and Business Relief Act of 2010, shall be brought to a close? The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Alaska (Ms. MURKOWSKI).

Further, if present and voting, the Senator from Alaska (Ms. MURKOWSKI) would have voted ''nay.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 57, nays 41, as follows:

[Rollcall Vote No. 200 Leg.]

YEAS—57

Akaka	Franken	Mikulski
Baucus	Gillibrand	Murray
Bayh	Hagan	Nelson (FL)
Begich	Harkin	Pryor
Bennet	Inouye	Reed
Bingaman	Johnson	Reid
Boxer	Kaufman	Rockefeller
Brown (OH)	Kerry	Sanders
Burris	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Landrieu	Specter
Carper	Lautenberg	Stabenow
Casey	Leahy	Tester
Conrad	Levin	Udall (CO)
Dodd	Lieberman	Udall (NM)
Dorgan	Lincoln	Warner
Durbin	McCaskill	Webb
Feingold	Menendez	Whitehouse
Feinstein	Merkley	Wyden

NAYS—41

Alexander	Crapo	Lugar
Barrasso	DeMint	McCain
Bennett	Ensign	McConnell
Bond	Enzi	Nelson (NE)
Brown (MA)	Graham	Risch
Brownback	Grassley	Roberts
Bunning	Gregg	Sessions
Burr	Hatch	Shelby
Chambliss	Hutchison	Snowe
Coburn	Inhofe	Thune
Cochran	Isakson	Vitter
Collins	Johanns	Voinovich
Corker	Kyl	Wicker
Cornyn	LeMieux	

NOT VOTING—2

Byrd	Murkowski

The PRESIDING OFFICER. On this vote the yeas are 57, the nays are 41. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The Republican leader.

Mr. MCCONNELL. Madam President, I indicated to my friends on the other side of the aisle I would be propounding a consent agreement. Let me make a few brief observations and then I will do precisely that.

The majority wants to make this debate about Republicans opposing something. Let me be perfectly clear: The only things Republicans have opposed in this debate are job-killing taxes and adding to the national debt. We have offered ways of paying for these programs and we have been eager to approve them.

What we are not willing to do is to use worthwhile programs as an excuse to burden our children and our grandchildren with an even bigger national debt than we already have. So the biggest reason the cloture vote we just had failed is because Democrats simply refused to pass a bill that does not add to the debt. That is the principle we are fighting for in this debate, and let me suggest that I can prove it. In a moment I will offer a 1-month extension of the expired unemployment insurance benefits, COBRA subsidy, flood insurance program, small business lending program, and the 2009 poverty guidelines. This extension would be fully paid for using the very same stimulus funds that our friends on the other side just voted—almost unanimously—to redirect for these purposes. Let me repeat that. We would pay for the extension with a Democratically approved stimulus offset.

If the Democrats object to extending these programs using their own stimulus offset to pay for them, then they will be saying loudly and clearly that their commitment to deficit spending trumps their desire to help the unemployed.

Let's be clear about the principle that is at stake here. Are our friends on the other side willing to extend these programs without adding to the debt? That is the real question in this debate.

So, in that regard, I ask consent that the Senate proceed to the immediate consideration of H.R. 4853; that all after the enacting clause be stricken and the McConnell amendment at the desk be agreed to; that the bill as amended be read a third time and passed and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Reserving the right to object, Madam President, for 8 weeks Senator BAUCUS and Senator REID have negotiated with Republicans in an attempt to pass this important jobs bill. They have been asked to make the package smaller, which they did. They have been asked to pay for portions of the package, which they did. And still Republicans continue to filibuster and stop this bill.

What the Senator from Kentucky wants to do would be virtually unprecedented, that we would pay for the emergency spending for unemployment compensation by removing money from our jobs program, the stimulus program. So he is going to kill jobs on one side to pay for the unemployed on the other side. It makes no sense economically and it is certainly not within the tradition of the Senate, and I object.

The PRESIDING OFFICER. The objection is heard.

Mr. MCCONNELL. Madam President, I would only briefly offer that the offset I offered was one that the majority just voted for. Obviously they did not find it offensive in the context of the measure that was defeated.

We will continue to work on this in the hopes that we can pass this worthwhile measure without adding to the national debt.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. The filibuster that has been waged by the Republicans in the Senate has gone on now for 2 months to stop unemployment benefits. What the minority leader just offered was a 1-month extension. We have been limping and dragging our way from one short extension to another, and that is not fair.

It is not fair to 80,000 people in Illinois, unemployed, who just lost their unemployment benefits because of the Republican filibuster. Why do the Republicans oppose this bill? Well, the good reason they say is the deficit. But let me tell you the real reason. The real reason is because this bill pays for virtually all of the programs except unemployment by making changes in the Tax Code, changes to which the Republicans object.

Let me give you an example. One of the changes would eliminate the loopholes in the Tax Code which allow American businesses to relocate American jobs overseas. We know what that means to manufacturing in this country. We are losing good-paying jobs right and left, and the Tax Code rewards the companies that make those bad decisions. We want to eliminate that, and the Republicans want to protect it.

Secondly, this bill provides help to small businesses across America, and we pay for it. Third, this bill will provide money to governments so we would not have to lay off teachers, policemen, firefighters, and nurses. That is going to happen. We are trying to send emergency money back to the States to avoid that.

The Republicans continue to filibuster it and to say no—no to plugging up the loopholes so jobs will not move overseas, no to the assistance for small businesses so they can create jobs, and, no, so that we can help to protect the jobs of the people who protect us in our homes and communities and schools.

I do not understand the Republican sentiment. There used to be a bipartisan sentiment that when America faced a disaster, we would pull together, whether it was the flooding and hurricanes in Louisiana or the disastrous situation in the Gulf of Mexico. We have a national emergency with this recession and 14 million Americans out of work.

We are asking only—only—to extend them an unemployment check so they can feed their families—literally feed their families for the next few months. The Republicans continue to filibuster and continue to say no.

The record is clear. It is a party of no which is hoping the voters will vote yes in November. I hope they will remember that the Republicans had no alternative when it came to this disastrous economic situation, and we are doing our best to create jobs and help those who have lost their jobs through no fault of their own.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

GULF OIL SPILL

Mr. NELSON of Florida. Madam President, I want to show the Senate Pensacola Beach yesterday. It has hit us full force. That white is the natural sugary sand of the northwest Florida beaches. You can see as far as the eye can see down to the beach. It is covered with this black tar-like sludge.

This was yesterday. More rolled in last night. There have been attempts to get out and scoop this up. This, as you can see, is not the tar balls, the little quarter-sized or dime-sized tar balls that have hit the beaches before. No. What this is showing is when you have 60,000 barrels a day gushing into the Gulf of Mexico now for more than 2 months, and that very likely will continue to gush for the rest of the summer—that is another 2½ months. It shows you what is the potential that is being portended.

Another picture here from yesterday, Pensacola Beach. This is where the pier is. Here is the gulf. Here are the waves crashing in. This is far over this sugary white sand that you can see how much oil has collected.

In the middle of the day when the Sun is beating down, it stays almost fluid like this. As the Sun goes down and it cools, this will start to become a more viscous consistency. As much as we want the people to come and enjoy our beaches—and this is the height of the season on the world's most beautiful beaches—is this going to be an incentive for them to come? You can imagine the lost income from the hotels, the restaurants, and all of the ancillary businesses.

So this is a saddening reality, but it is a glimpse of what it is yet to become with that much oil out there in the Gulf of Mexico.

Let me just give you a couple of iterations. They have said by putting this top hat—that is like a funnel to siphon off a lot of it until they can finally kill the well. They are saying it is going to be the end of August, the first part of September before they can get down to the bottom, the 18,000 feet below the seabed, intercept the well pipe, and then put cement down in it to kill the well.

Until that point, they are trying to siphon it off at the well head, which is where the blowout preventer failed. Remember, they went in with one of those big shears and they clamped off the pipe called the riser pipe, and they put this kind of funnel over it called a top hat, and they are siphoning off.

They said they have been able to siphon off 25,000 barrels a day. Well, that is very good, except 60,000 barrels a day are gushing. So as much as they can continue to siphon that off, at least maybe, certainly not half but at least some is being siphoned off and taken up to a tanker on the surface 5,000 feet above the seabed.

But you know, check the Weather Channel. There is a tropical wave that is now developing in the South Caribbean. If you look at the National Weather Service projection of where it is going to go, it is going to intensify. It is going to become a tropical depression. Then it is going to likely become a tropical storm. Who knows, it may be a hurricane. And its projected path is to go right up in the Gulf of Mexico toward this damaged well. What happens? The ships cannot stay out there if a hurricane is coming. They have to go in and find safe port. So some 5 days before the arrival of the hurricane, the ships would have to decouple, stop the siphoning off of the 25,000 barrels, and, therefore, the entire 60,000 barrels a day would be gushing.

Well, for how long? It would be 5 days before the hurricane and another 5 days after the hurricane passes before they can get back out there, reposition their ships, reattach the top hat. We are talking about a total of 10 days with no siphoning that 60,000 barrels a day and 600,000 barrels will have gushed into the gulf. That is three times the amount of oil that was spilled by the Exxon Valdez just in that 10-day period.

So, of course, what I am asking is that the U.S. Navy preposition ships so we can have a surge of ships to come to the site after a hurricane has passed, so that extra 600,000 barrels of oil that has gushed from when they had to shut down would be skimmed.

Now, let me tell you about the skimmers. Still today there is not a sufficient command-and-control structure as much as this Senator has continued to ask the incident command and the unified command: How many ships do you have out there? What kind are they? What are their positions? I still cannot get a straight answer to that. What is more is that the Navy has a series of smaller boats that are skimmers in port. That is pursuant to the law. Where you have a port, under the Clean Water Act and under the Oil Spill Act, and all of those existing laws, you have to have the capability, if there is a spill in port, to go in and clean it up. The Navy has some 45 vessels that can do that.

Out of those, only six have been deployed to the gulf. These are boats that are basically 30 feet long. We cannot use them out in the gulf, but we can sure use them in the bays. When the oil goes through the pass or the inlet into the bays, we can have those additional smaller boats that skim up the oil before it gets into the bays.

Out of those 40 boats, the Navy has identified another 27. Would you believe that until 2 days ago they still had not approved getting those 27 boats which the Navy has identified that they can put on trailers and bring to the gulf coast to preposition them in those bays to protect the estuaries?

This Senator has called the head of the EPA, Lisa Jackson. Fortunately, on that very afternoon, she had approved the EPA signing off with a waiver for those boats, to allow those boats to leave those ports to get to the place where the big oilspill is. It has only been going on for over 2 months now. But at least that approval is in.

But as of this afternoon—that was over 2 days ago. But as of this afternoon, this Senator cannot get those boats on trailers and on their way.

Let me give an example. All along this beautiful beach there are several passes. Others call them inlets. At the State line, the Alabama-Florida State line, is Perdido Pass. That goes into Perdido Bay. That is shared by Alabama and Florida.

Further to the east is Pensacola Pass. That goes into Pensacola Bay, the cradle of Naval aviation, at Pensacola Naval Air Station. It is right there on Pensacola Bay. That is where 2½ years ago, in a Fish and Wildlife boat in Pensacola Bay, that orange mousse that looked so awful was flowing in and flowing right toward downtown Pensacola. We gave a longitude and latitude position, and I think somebody got it before it got downtown. That is where the smaller boats can help and need to be prepositioned.

Go further east. We have an interesting different kind of pass. It is called Destin Pass. It is the only inlet going into a huge bay that borders Eglin Air Force Base, called Choctawhatchee Bay. It is huge, with a lot of wetlands.

This pass, unlike Pensacola Pass, is shallow. But because it is shallow, the incoming tide rushes through. You can imagine the force of that current, that once the oil gets to that point it is going to carry it into the bay. It is all the more reason we need the small Navy boats in the bays to skim it up before it gets into the wetlands.

Because of all of the booming we have done—and I was just there Monday inspecting the booming—when that tide comes rushing in, a lot of those booms are not going to hold it. They even have sophisticated systems that we are trying to get. Since it is a shallow pass, you put on the bottom a pipe that shoots air up and therefore would get oil suspended below the surface, shoot it to the surface so you could collect it with booms, if the booms will hold in that onrushing high tide.

Go further to the east, it is the pass going into Panama City, St. Andrews Bay, again, a deepwater pass, a similar situation. We need the skimmers in there. And then go further to the east, to a place where my grandfather came on a boat, my great-great-grandfather, 181 years ago, when my family came to Florida in 1829 to Port St. Joe, inside a natural bay that is created because of the arm of a cape called Cape San Blas.

From the tip of that cape to the mainland is only about a mile and a half. It is hard to boom that. There, again, is why we need additional skimmers in that bay. If the skimmers out in the gulf can't get it all—and with so much oil in the gulf, that is going to be a chore—then at least we have a fighting chance of getting it in the bay.

It is with a heavy heart that I show a picture from yesterday in Pensacola Beach. It is a fact. This isn't the only time. We are going to be faced with this for months, indeed, probably for years. It is not only going to be the gulf coast, because when this oil shifts to the south and gets in a current called the Loop Current, that will carry it south to the Florida Keys, which becomes the gulf stream, which will take it up the east coast of not only Florida but the eastern seaboard of the United States.

I remember after Hurricane Andrew that valiant emergency operations center director who said, when there was no Federal resources coming in: Where is the cavalry?

I am asking now: Where is the cavalry? The cavalry is all these extra skimmers for the bays. The cavalry is the extra surge capacity of additional skimming, when a hurricane comes through and all that extra oil is gushed out. I am asking for the cavalry.

I yield the floor.

The PRESIDING OFFICER (Mr. BURRIS). The Senator from Florida is recognized.

Mr. LEMIEUX. Mr. President, I thank my colleague, the senior Senator from Florida, for his comments, bringing the proper focus to the issue of skimmers. It is something I have been talking about for weeks. I have been coming to the floor for the past week to talk about the lack of response from the Federal Government in keeping oil off our beaches, out of our intercoastal waterways, out of our estuaries in Florida. I said earlier this week that I would come to the floor every day until we had good answers as to where the skimmers are. It makes absolutely no sense that we do not have a more robust effort from the Federal Government to keep the oil from coming onshore. Right now we have not only tar balls on our beaches, we have large swathes of brown oily slop that have come ashore in Pensacola. It breaks one's heart to see it.

When I was there last week meeting with the President, I talked to a woman who was working at the dock, right on the pier. She is a woman who sells food to folks coming to the pier. I asked her: Are people coming out since we have had the oilspill to see the beach?

She said: Yes. The folks who are coming haven't seen the beach in a long time. They are coming to see the beach one last time, as if they are visiting a family member who is on his or her deathbed.

We know BP is responsible. We know they cut corners. We know they are responsible for ultimately paying for all of the economic damages. But there is another part of this equation, and that is the Federal Government. The Federal Government is here to do what local and State governments cannot do at a time of disaster, and that is to marshal unbelievable resources to prevent harm to the people, to the environment, and to the economy.

As I have come to the floor over the past week, I have talked about the fact that we can't get a straight answer as to how many skimmers are actually off the coast of Florida. These are ships that suck the oil off of the water and keep the oil from coming onshore. Today we still don't have a straight answer. The Federal Government tells us in their shore operations report from the National Incident Command that there are 118 skimmers. But yesterday they told us these reports are not accurate and that there are, in fact, 86 skimmers. So we have the number 118 and we have the number 86. We have a number from the State of Florida that is different. The number from the State of Florida was 31, 25 plus 6 additional skimmers that the State of Florida had to go out on their own and get. They took the initiative to get the skimmers on their own because they were not getting them from the Federal Government.

Today the report is different. It is shown in a different way. When we called to ask the State of Florida, they couldn't tell us how many skimmers there were. Yesterday it was 31. The Fed said 118. But then they say the number is really 86. Whether it is 31, 86, or 118, it is not enough.

Why is it not enough? There is a huge area between Pensacola and Panama City that needs to be treated by the skimmers, let alone the rest of the area that goes all the way over to Louisiana. We know there are about 400 skimmers in the Gulf of Mexico, but there are 2,000 skimmers in the United States.

Before I talk about domestic skimmers, I want to talk about the offers of assistance that have been made by foreign countries to help us. We are the greatest country in the world. When there are disasters, whether they be in Southeast Asia with the tsunami or Haiti with an earthquake or Central or South America with an earthquake, we send resources, volunteers, teams of people, aid. We are there to help them. The world community has been offering us assistance—some of it free, some of it they want paid for, but assistance nonetheless. We are coming to find out that we are not responding to their offers of help. The State Department has reported as of last week that we had 56 offers of assistance from 28 countries or international groups. But we have only accepted 5 of these offers, 5 offers of assistance out of 56. We have a lot of great skimmers that are working in the Gulf of Mexico, but some of them are pretty small, to be honest. We are happy they are there. A small skimmer is better than no skimmer.

But let me show a skimmer that was offered to the United States that is not a small skimmer. In fact, it is a huge vessel. This was offered to us by a Dutch company called Dockwise. This ship is called the Swan. It could be outfitted with skimming arms. It was available to go to the gulf. The U.S. Government didn't return the call. It was offered on May 6. Now some 50 days later, it still has not been responded to. It is still under consideration. This ship is able to take up 20,000 tons of material, whether it be oil, or an oil/water mixture, 20,000 tons. This is not some skimmer that can go on the back of a train or on a boat or an airplane and be flown down to the gulf or trucked or trained down to the gulf. We are happy to get those too. This is a serious piece of ship equipment. We haven't called them back.

Guess what. This is no longer available. Instead it was replaced by a ship with one-twentieth of the capacity, a U.S. ship. I am all for America first. I am all for using U.S. assets. But this is not an either/or situation. We should be using American ships and international ships. We gave up a ship with 20 times the capability that could be out there in the gulf sucking up this oil, perhaps keeping it off the beaches of my State, off the beaches of Pensacola, and we didn't return the phone call. Nor did we return the phone call to the other 51 offers of assistance. It is beyond belief.

Let me go back a second and talk about the domestic skimmers. This map I have in the Chamber is going to be a little hard for you to see, but I want to walk through it. This shows different parts of the country, broken up by districts. In each of these districts, there are skimmers.

Where did we get this information? We got this information from the U.S. Government, from the Coast Guard because Admiral Allen said, a week ago, there are 2,000 skimmers in the United States.

Why are not the vast majority of those skimmers in the gulf right now? What is the holdup? We hear about legal entanglements. Is it the Jones Act, is it Federal law, is it local law, is it EPA restrictions that are keeping skimmers in different parts of the country in case there is an oilspill?

I asked the President of the United States about this last week in Pensacola, and he said: Well, we are trying to get all the skimmers we can. Obviously, Admiral Allen wants to get all the skimmers we can, but some of those skimmers need to stay in place in case there is an oilspill.

Well, Mr. President, there is an oilspill. It is in the Gulf of Mexico. And saying we are not going to bring skimmers because of legal entanglements or constraints from other parts of the country because there might be an oilspill there is like me saying we are not going to send the fire engine to your house that is on fire because there might be another fire someplace else.

This is the worst environmental disaster in the history of this country and every available resource should be used.

As shown on the map, this is district 8 right here, which is the Texas area. This is district 7, which is Florida, Georgia, South Carolina. The number of skimmers in the Texas area is 599. The number of skimmers in the Florida district is 251. So between these two areas, 850 skimmers, just between Texas and all the way up to South Carolina.

How can it be that there are 850 skimmers in, basically, the Gulf of Mexico States—with the exception of going around to South Carolina; but we are talking about Georgia, Florida, Alabama, Mississippi, Louisiana, Texas—how can there be this many skimmers—850—but we only have 400 in the gulf right now, if that number is correct? How can that be? How can we be 65-plus days into this and not have those skimmers in the Gulf of Mexico, when they are virtually there anyway, according to this report, or right next door?

Beyond this 850 in the district that encompasses all the way from North Carolina up to the mid-Atlantic, we have another 157 skimmers. Up here, in the New England area, there are another 160 skimmers. Up near Michigan, there are 72 skimmers. If you go over to California—and we can bring these things through the Panama Canal or, if they are smaller, they can be flown in—in this California district, there are 227.

So we are literally talking about more than 1,000 skimmers that are available, but we only have 400, if this number is correct, at work. It is hard to believe the response is this anemic. It is hard to believe there is this lack of urgency or sense of purpose in getting this done.

I see my colleague from Louisiana is in the Chamber. Her State has been impacted worse than any other so far, and I know she wants every available resource off the coast of Louisiana to stop this oil from coming ashore, just as our friends in Mississippi, in Alabama do, and just as we do in Florida.

This is not a partisan issue. I want the President to succeed. I want the Coast Guard to succeed. But right now it is not just oil washing up on the shore of Florida, it is failure. We have to do more. We have to get focused and get passionate and get something done about this issue.

I will keep coming to the floor to talk about this issue as long as it is a problem, as long as we keep refusing foreign help, as long as we have thousands of available skimmers in this country to do the job that should be done. I should look off the coast of Pensacola and see an armada of skimmers doing the job that needs to be done to keep this oil off our beaches, out of our waterways, and out of our estuaries. So I promise to be back until the problem is solved. I hope I do not have to come back because I hope I can report in a positive way that the Federal Government has gone into action and we are doing what we should be doing for our people and for our environment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, before I speak briefly about the subject I came to the floor to speak about, which is small business—I am chair of the Small Business Committee—I want to thank our colleague from Florida for his advocacy for the gulf coast, as we struggle as to how to stop this gusher in the gulf and to clean up what has been done.

We have recently seen some terrible photographs from the beaches of Florida. We have photographs equally as troubling from the marshes of Louisiana. I want to thank the Senator for his leadership, and we are all going to double our efforts to get this job done, and to do it in a balanced way.

As upsetting as this oil is, in trying to clean it up, and keep it from our shores—both the beaches and the marshes—we also have to find a balance as to how to let this industry at some point move forward with these 33 rigs or we are going to lose the entire deepwater gulf drilling, which will put thousands—tens of thousands—of people out of work, some of whom live in Florida; and some of the businesses benefit, as well as so many in Louisiana.

But I thank my colleague for his continued effort, and we will look into some of the issues he has raised and push as hard as we can from Louisiana as well.

Mr. President, I know my colleagues are on the floor to speak about job creation. That is why I am here as the chair of the Small Business Committee.

I say to the Presiding Officer, you have had a great deal of experience in your own role, before being a Senator, as a bank president and as a lender for small business. You know how important it is.

I start by sharing this graph I have in the Chamber that shows that from 1993 to 2009, 65 percent of the net new jobs created were created by small firms with 1 to 500 employees—65 percent of the jobs. Large firms created 35 percent of the jobs. So I suggest this is a very important topic for us to be discussing, and I am very pleased the leader wants to bring this small business bill to the floor next week.

We have been—many of us—clamoring to get to this debate, and I want to see this bill move forward if we can work out a few minor differences. This package has been put together with very good bipartisan cooperation, from my view as the chair of the Small Business Committee, both from our committee and then the Finance Committee has done its part as well. But there are a few items I wish to highlight because there are some agreements that must be reached and some points I wish to make briefly.

First of all, let me briefly describe the small business provisions. One is the increase in 7(a) loans from $2 million to $5 million; 504 loans from $1.5 million to $5.5 million; and microloans from $35,000 to $50,000. If I could, I would lay an amendment down to raise that to $100,000.

We have had testimony from business advocates—from conservative to moderate to liberal advocates—saying this is one of the most important things we need to do to stimulate lending to small businesses through the Small Business Administration, to give capital, to give credit to these small businesses that can create the jobs I am talking about. We must get credit into the hands of small businesses from Maine to California to Texas to Louisiana to Washington State, and these small businesses, if we can strengthen the SBA programs, can, in fact, begin to turn this recession into a job creation era and opportunity. That is in the bill. It passed our committee 17 to 1—a great bipartisan vote.

The Small Business Export Enhancement and International Trade Act, which Senator SNOWE has worked so hard on—and I want to commend her for her work; and I have worked with her on this as well—this is a challenge for us. Less than 1 percent of small businesses in America are exporting. I want to say that again. Less than 1 percent of America's small businesses are exporting.

The market is overseas. The population growth is overseas. If we do not help our small businesses with technical assistance and support to be able to allow them to position to market, particularly with the ability of the Internet today—an extraordinarily exciting tool—with broadband, high-speed Internet, there are opportunities for a person, whether they are in Chicago, IL, or in New Orleans, LA. If they have a product, they can go on the Internet, show the product, and it can be shipped to China or India or any other country in the world, and the profits can come home right here and jobs can be created. That is in this bill, and it is extremely important we move to it and figure out the few problems we have with it.

There is the Small Business Contracting Improvement Act that has not been completely worked out, but I want to take a moment to speak about it. The Federal Government is one of the largest purchasers of goods and services in the world. If we are going to try to help businesses, we most certainly, in my view, should strengthen the opportunity to contract with small businesses so the Federal Government can purchase goods and services. We want to allow small businesses to do that. There is a problem we are trying to work out that Senator THUNE has raised, and I look forward to working with him over the weekend to work through that.

The fourth section of the bill is the Small Business Community Partner Relief Act. This would allow SBA, upon request by a woman business center or a microloan intermediary, to waive or reduce the non-Federal share. Why is this important? We have also added $50 million to the small business development centers. Small businesses cannot necessarily create the jobs they want to create without help and support. We have a great network. We have a great backbone, a great reach through women business centers, through university-based centers, and this bill we are going to bring to the floor next week has support for them so they can then reach out and help small businesses on Main Street.

This bill is not about Wall Street. I have heard as much about Wall Street as I want to hear and so have the people in my State. We want to start hearing about Main Street at home, businesses that are struggling and need our support and our help.

We also have some additional sections for the 8(a) improvements, and I have offered a section of the bill that I think is very important to help the 11,700 businesses that, unfortunately, on the gulf coast are still paying off loans from the last disasters 5 years ago, Hurricanes Katrina and Rita.

As you heard Senator LEMIEUX from Florida and as you have heard Senator NELSON from Florida, now we have another catastrophe along the gulf. I have asked, in this bill, for some interest relief for these businesses. Some of these businesses are paying $1,000 a month—$700 in interest, $300 on principal. And that is the example that Jaimie Bergeron of Fleur de Lis Car Care in New Orleans presented to our committee. This bill would allow the owners, the Bergerons, right now—where their sales are down; the region is threatened—to go from paying $1,100 a month down to $300 or $400 a month.

We can afford to do this now. We have to be able to give these small businesses some relief. There is some opposition to this provision. I hope people will think about how important this is for these gulf coast businesses. We have had support not only from our local newspaper, the Times-Picayune, but even the New York Times has said the people of the gulf coast deserve a break. We need a little help, and we need it now. Giving these small businesses some interest relief would be a great help.

Finally, in this bill, the White House has put forward, and I support, $30 billion for small business lending. We have the estate small business credit initiative developed by Senator WARNER, Senator LEVIN, and others. We have $1 billion going to community development finance institutions that are not banks but lend money to neighborhood-based, grassroots organizations that then turn around and lend money to small businesses. So there are some great provisions to include in this bill.

We have a few things to work out over the weekend with my colleagues from the other side. I just want to say that no one could be working harder than our committee, both Democrats and Republicans, to try to bring a consensus to this floor.

In good faith, I come to ask my ranking member, Senator SNOWE, please let's work hard over the weekend to work these final provisions out so we can provide to the American people not only a bill that works for them—and Senator STABENOW helps us grow small business—but a bill we can actually enthusiastically support in a bipartisan way. I think the American people deserve our best efforts. I am going to work double-time over the weekend, even doing some other things I need to do in my home State to get this work done, and I look forward to being here on Monday to see if we have been able to achieve that.

Ms. STABENOW. Mr. President, would my friend be willing to yield for a question?

Ms. LANDRIEU. Yes.

Ms. STABENOW. First, if I might, I wish to take a moment to say thank you to the senior Senator from Louisiana for her leadership on small business. Her efforts in terms of job creation and availability of capital and so on is right on point.

My question would be, is it the Senator's desire to have this done by the end of next week so we can move this forward and hopefully have these benefits take place as quickly as possible for our small businesses?

Ms. LANDRIEU. Absolutely. It is my desire to have many conversations over the weekend. There are just a few points that need to be worked out. The Finance Committee has done its portion of the work, and I thank Senator BAUCUS and Senator GRASSLEY. Senator SNOWE and I have a few other things to work out.

The Senator from Michigan is correct. This effort on the part of the Small Business Administration is crucial to change these programs, to lift their limits, provide some support for them to be able to help reach out and support our small business growth throughout the country.

The White House has worked very hard on this $30 billion capital infusion to the banks. The Independent Bankers of America supports the $30 billion in additional capital that would be available to them, again, not for lending on Wall Street or Fancy Street but on Main Street where the Senator from Michigan and I come from, to get money into the hands of small businesses. It is imperative particularly for women-owned and minority-owned businesses that have been particularly hard hit by this recession. Some of the provisions reach right to those disadvantaged neighborhoods in our country that need the most help right now in creating jobs for people of every different walk of life.

Ms. STABENOW. Mr. President, I wish to thank the Senator from Louisiana again because she is focusing on jobs. That is what we are focusing on every day here, with every bill: jobs, putting people to work, supporting small businesses, supporting manufacturers, and getting this economy going. So I thank her for her leadership.

AUTHORITY TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS

Ms. STABENOW. Mr. President, I ask unanimous consent that the majority leader be authorized to sign any duly enrolled bills and joint resolutions on today, June 24.

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

Ms. STABENOW. Mr. President, this evening we had a vote that I find to be extremely concerning. Once again, after 8 weeks of trying to work out some kind of an agreement with our colleagues on the other side of the aisle to overcome a Republican filibuster—changing our jobs bill over and over and over again, and every time there was a change, then there was something else and something else—we finally hit a brick wall tonight, when we didn't know what else to do. Once again, we did not have one Republican colleague willing to vote with us to overcome a filibuster. We have the votes on the floor to pass this jobs bill, which includes incredibly important benefits for people who are currently out of work, to extend unemployment benefits.

People who have worked hard all of their lives, through no fault of their own, find themselves in this situation, and they are asking us to simply help them be able to keep a roof over their head and food on the table for their families and maybe a little bit of gas in the car so they can go look for work, while we can continue to focus on creating jobs in what has been a terrible economic crisis for our country.

We have the votes. If we were doing a majority vote, we would have the votes. We have more than enough votes, but what we don't have is enough votes to overcome a filibuster. That takes at least one Republican colleague, and we don't have that. We don't have any at this point. So, therefore, it is estimated that by the end of this month, over 87,000 people in my great State of Michigan will lose their unemployment benefits, the little bit of help they get to be able to help them keep going. A lot of people are going back to school, but unemployment benefits are paying for the rent or food. People are trying desperately not to lose their houses on top of losing their jobs. This is a desperate situation for almost 1 million people across this country.

All we get over and over again is, no. We are creating jobs in this bill, putting money and partnerships in with manufacturers to create capital for manufacturers, and all we hear is no; capital for small businesses to be able to invest and grow their businesses and hire people, and all we are getting is no; the ability for States and local governments to keep police officers and

teachers and firefighters on the job, and all we hear is no.

The resounding no has been to help anyone who currently finds themselves out of work because of no fault of their own and needs to count on the ability for us to have unemployment benefits. This is an outrageous situation.

Before turning it over to my colleague from Ohio, who I know shares my deep concern about what has been happening, let me remind people that despite the fact that we are beginning to grow the economy, we have turned the corner. When President Obama came into office, we were losing 750,000 jobs a month. With the Recovery Act, we got that down to zero. We are turning the corner, but we still have five people out of work for every one job opening. What happens to them, while we are working as hard as possible to turn this economy around? What happens to them? Those are the people we are fighting for every single day. They are the people we care about here on the floor of the Senate, and we are going to keep coming back and fighting because they deserve to know there are people here who understand what they are going through.

I will now turn it over to my colleague from Ohio for a few moments. Then I will make a few more comments.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. Mr. President, I thank the Senator from Michigan. I think the Senator said it exactly right. She talks about statistics and so many people being laid off. Yes, 750,000 people a month were losing their jobs when President Obama started in office. We are seeing job growth now but not as much as we would like.

In Ohio, in April, we had the largest job growth in the country, with 37,000, which is not great, but it is better than when President Obama inherited this economy from President Bush. I think when you speak to individual people, you understand it.

I want to share a handful of letters from constituents. I know Senator STABENOW gets letters like this from Lansing, Grand Rapids, all over Detroit, and everywhere in her State, from people who have been affected by the failure of the Republicans to want to extend unemployment benefits.

It seems to me that our Republican colleagues—the people who consistently voted no on something as simple as extending unemployment benefits—some of them view unemployment as welfare, when it is called unemployment insurance not unemployment welfare. When you have a job, whether you live in Detroit or Columbus or whether you live in Dayton or Toledo, you pay into the unemployment insurance fund when you are working, and you get assistance when you are not. That is the whole point of unemployment insurance. You hope you never need it, like you hope you never need your car insurance, to cash in your car insurance, or you hope you don't need your health insurance. You want it to protect yourself. That is what unemployment insurance is. I think some of my colleagues, who are so ultra conservative, think it is welfare. I don't understand that because very few people in the public think that.

Too many colleagues—the people who vote no on extending unemployment insurance—don't know anybody who lost their job or they don't know anybody who has lost her insurance or anybody who has lost their home.

Senator STABENOW is out all the time in Michigan. She is all over the State. I will be in Columbus tomorrow, and I will also be in Lorraine and Cleveland tomorrow. I think a lot of colleagues who vote no on extending unemployment insurance simply don't meet with people who might have lost their job. They hang around with other Senators and with people who are pretty privileged. Do they look somebody in the eye and say: What is it like to lose your insurance or your home?

Try to imagine somebody—a parent or a husband and wife or a mother and father—who lost their job and lost their health insurance and are about to lose their home, and they have to explain to their 12- or 13-year-old child: We are going to have to move and don't know where we will be living, and I don't know what school district we will be in yet. Just think of the uncertainty and sadness of that. I don't think they think about that.

Maybe we can help by sharing a few real letters from people in Akron and Lima and Cleveland and Urbana, around Ohio. I will share these.

Ellen from Summit County, in Akron, writes:

> I am writing to make you aware of my situation, which I fear is very similar to that of many other people.
>
> If an unemployment insurance extension is not passed, it will in essence destroy my family. We are struggling to keep our bills paid and have come to the point of alternating months on paying our mortgage and utility bills.

Think of that—one month you pay your mortgage and the next month you pay your utility bills, hoping that neither will your utilities be cut off nor your home foreclosed on.

> We need this extension. Until my husband lost his job, he worked over 20 years in the banking industry—he has more than paid into the system to receive his fair share of compensation.
>
> We are nine years into our 30-year mortgage and are at risk of losing our home. We are fighting just to stay above water.
>
> A UI extension will in no way guarantee our future, but it will at least give us a chance.

Like most people who have worked for years, people don't ever choose to lose their jobs. They are not getting rich on unemployment. It is a bridge until they find a job. As you know, unemployment insurance allows you to receive the benefits you need to keep looking for work. You send in résumés. I get letters from people all the time saying: I drive in a five-county area looking for a job, I apply more, and I send in résumés and nobody answers half the time because they are buried with résumés.

Aaron, from Allen County, near the Indiana border in Lima, writes:

> I worked at a company for 19 years before it was closed and moved to Mexico.
>
> Since then, I went back to college to earn a mechanical engineering degree, while working part-time.
>
> But I recently lost my unemployment benefits, which means I won't be able to support my family.
>
> There are so many people in my situation. If unemployment benefits are extended, it would help thousands of dislocated workers and their families.

Mr. President, it is not just the individual help for these families, it is their next-door neighbor because if Aaron's house is foreclosed on, the next-door neighbor's home drops in value. If he gets his unemployment, the local hardware store will get some of that money, as will the local clothing store and the local restaurant or grocery store where they are spending this money. The unemployment insurance that people receive—according to former Presidential candidate, JOHN MCCAIN and one of his top economic advisers—has the biggest multiplier effect of any stimulus. It doesn't stay in the pockets of the unemployed workers very long. It immediately goes into the community and is spent and respent.

Here are the last two letters I will read. This is from Elizabeth from Cuyahoga County, the Cleveland area:

> I turned 60 this year and have spent the last 30 years as a computer programmer. Since losing my job, I have tried to learn new programming skills to make me a stronger applicant.
>
> In the meantime, I apply for every single job that I can possibly perform. I have hoped beyond hope for jobs at grocery stores, home health care agencies, and retail stores.
>
> I am now at the end of my rope. I don't have any other ideas of what to do. I have worked for 42 years, since high school, and even full-time while attending college.
>
> Those who are not unemployed or have no one in their family who is unemployed, don't understand what it feels like. I have other friends who are losing their unemployment benefits now and in the coming weeks. I am not out here by myself.

I simply cannot imagine someone voting against extending unemployment to Elizabeth or Aaron or Ellen or if they know people who have lost their benefits, who have lost their jobs, their health care, or their homes. I cannot imagine anybody standing on the floor of the Senate, when their names are called, saying Mr. BURRIS, Ms. STABENOW, or Mr. BROWN, and saying no.

Lastly, Jane, from Champaigne County, west of Columbus near Dayton, in Urbana:

> I am an unemployed mother of two children. I will lose my unemployment benefits by the end of the month.
>
> I go above and beyond the minimum requirements to receive unemployment benefits. I apply to 4 to 10 jobs per week.
>
> It's not that I don't want to work, as some people are implying. I worked in the same job for ten years, since I was 19 years old.

I lost that job through no fault of my own, which is the story of most unemployed Americans today.

I have lost my house and my car. My family's American dream has been crushed. If this bill doesn't pass, my family's nightmare will be just the beginning.

Please do whatever you can to urge your fellow Senators that this extension is needed. This vote shouldn't be about anything else except the American people.

Mr. President, they could not have said it better. I can read their letters and meet with people like this, but I cannot understand because that has never happened to me. I wish my colleagues—those people who walk down in this well when their name is called and vote no on extending unemployment benefits to these workers—these people live in every State and, frankly, they should be ashamed of themselves for voting no.

I yield the floor.

Ms. STABENOW. Mr. President, I thank my friend from Ohio. There are many things we share in common: a love of the Great Lakes, and we have a rivalry in football and baseball and our great universities, and so on. But we also share a tremendous passion for what is happening to our people. I thank Senator BROWN for his fight on behalf of manufacturers and the people who, in fact, need a voice. I thank him very much for that.

It is so hard to know what to say when you read these letters or e-mails or take phone calls. Most people cannot understand what in the world is going on around here. But what is going on? Don't we get it? What is going on here?

Unfortunately, I think the Senator from Ohio, when he says that maybe it is that folks have never met someone who lost their job or had it happen in their families—it has happened in my family. About half of the families in Michigan have somebody who has lost their job. We certainly get it, and we understand what is going on now. We know people are lining up for work. Whenever there is an announcement for jobs, 50 jobs are hiring at a business or 100 jobs, literally I have seen people lined up around the block—hundreds and thousands of people—because people want to work.

The people who are out of work now are people who have worked all their lives. They have played by the rules. They are now trying to figure out what happens and how they can turn it around for their families and keep going.

The bill in front of us, like many things we have put forward in the Senate this year, has been all about jobs. That is where we are. It is not a slogan to say jobs, jobs, jobs. That is what we are focused on. Next week, we are going to focus on small business jobs. We will see what happens in the Senate.

The jobs bill that we have been focused on for 8 weeks has major provisions to help manufacturers. I was pleased to include provisions that helped manufacturers be able to get some refunds on their taxes if they put it back into equipment and hiring people, and there are other provisions in the bill. It is about jobs.

Frankly, we have two different views of the world, two different beliefs that I think are reflected in what has happened to our country. I look back only because we are debating the same values, the same choices that got us where we were and where we are today. Those are the same kinds of choices that our friends on the other side of the aisle are suggesting we make for the future.

It is important to look at what has worked and what has not worked. Under the previous administration, they looked at the world very differently. They said: All right, we are going to stimulate the economy and keep things going by focusing on the wealthiest Americans. We are going to give them big tax cuts and it will trickle down and everyone will benefit and there will be jobs.

Well, it didn't work. It didn't work. If it had worked, I would be celebrating because an awful lot of people in my State would be doing much better than they are today. What we saw was an economic policy that said we are going to focus on the privileged few, and then it will help everybody else; it is going to trickle down.

What we saw was—these are job loss numbers—down, down, down under that policy.

I will also say those job numbers come from the fact that the same people said: You know what. We believe corporations, corporate interests can police themselves. So we are going to back up. We are going to let Wall Street go to town. They are going to make a lot of money, and it is going to be good for the economy.

They backed up. They let Wall Street police itself. They let mining firms police themselves and oil companies police themselves. We lost lives. We lost 8 million jobs because of what happened on Wall Street. People lost their savings, 401(k)s, their pensions because of a set of ideas, because of what they believed. They believed that by backing up, corporate America would police itself and everything would be OK: Let's give to those at the top. It will trickle down, and we will get jobs.

Those two things combined to create the largest number of crises that I certainly have seen in my lifetime that have brought down the middle class of this country. We saw jobs go down, down, more and more job loss. When President Obama came into office, about 750,000 jobs a month were being lost. It was an economic tsunami. If that is not a crisis and an emergency, I don't know what is. If over 15 million people being out of work right now is not an emergency, I don't know what is.

We went to work and we focused on a different set of ideas, a different approach. Where they were focusing on the privileged few, we said we are going to focus on middle-class Americans, on working people, on investing in manufacturing jobs.

I am very pleased to say we are beginning to feel that in Michigan. Sixteen companies have benefited from the battery manufacturing money we put into the Recovery Act, the stimulus. I was at an opening on Monday in Midland, MI, a new manufacturing facility, that is going to put 1,000 people to work in construction and 800 people to work at the facility. That is a different approach. We said: We are going to invest in America, invest in the American people. We are going to invest in opportunity, and we are going to help the people who are out of work because we know we are not talking about people who are lazy. We are talking about people who lost their jobs, a lot of them because of either lack of accountability and oversight of what was going on on Wall Street or people not paying attention when our jobs were going overseas.

Through no fault of their own, people were caught in this economy. We decided on a different approach. President Obama came in and the numbers began to change. I would prefer they were much faster, but they are moving in the right direction. We have gone to zero job loss into the positive column. We are gaining jobs every month.

Our colleagues on the other side of the aisle are saying: Wait, stop, stop. I know if things are going to turn around, maybe in an election year people do not like that and they want to be sure things continue to be bad, that somehow it benefits them. That is a pretty cynical view.

These folks who are gaining jobs, as well as the people who lost jobs, are Republicans, Democrats, and Independents. This is not a partisan issue. We ought to be rooting for America and rooting for what is getting people back to work instead of fighting along partisan lines. The policies we put in place are beginning to do that. They are not done. They are beginning to do that. We are putting back the oversight and the accountability and commonsense regulation on Wall Street and on the oil companies and the miners. We are putting back in place middle-class tax cuts instead of just the privileged few. We are focusing on jobs, investing in private sector jobs, partnering with the private sector, with businesses to help create investment in innovation, and we are beginning to turn things around.

The problem we have is, we still have too many people caught because the changes we have been able to make have not caught up to them, and there is much more to do.

The bill that was on the Senate floor, the bill we are going to continue, we are going to put it aside. We are going to be ready if one or two Republican colleagues say: Yes, we want to stop a Republican filibuster. We can come back to it and get this done.

But what we have seen is a continual effort for 8 weeks to block us from the

next step in the recovery, from investing in jobs, from keeping people employed—police officers, firefighters, teachers—and from focusing on those who have lost their jobs, to be able to help them keep a roof over their heads and food on their tables until they can get that next job.

I see my friend from Rhode Island on the Senate floor, and I will turn to him in a moment. He has been a real champion and fighter on this issue. We should also know that in this bill there are some important provisions that have been opposed by the other side of the aisle to make sure wealthy investors actually pay their fair share—not somebody who is middle class but wealthy investors pay their fair share.

We also put in place provisions to take away incentives for shipping our jobs overseas. I could go on for an awful long time about why we have lost a lot of jobs in Michigan because of unfair trade practices and losing our jobs overseas. This bill takes away incentives to ship our jobs overseas.

This bill also added a few more cents to an oilspill trust fund to make sure the oil companies are actually paying for the cleanup in the gulf.

On one side we have jobs, investing in jobs and partnering with manufacturers and small businesses and helping people who are out of work to keep things going. That is our side. On the other side we have wealthy investors who do not like this, and oil companies that do not like another 41 cents on every barrel of oil to be put toward the cleanup. We have people who ship jobs overseas who do not want us to close those loopholes. That is on the other side.

Which side did our Republican colleagues pick? They picked the wealthy investors, the oil companies, and the people who ship jobs overseas.

The American people are counting on us to understand what is going on in their lives, to get it, to be willing, as in any other time in our history—Republican or Democratic President, any other time in our history when unemployment has been this high; this Congress has stepped forward to extend unemployment benefits for people who were temporarily out of work, Democratic or Republican Presidents. Now we have a situation where after 8 weeks, we cannot get even one of our colleagues from the other side of the aisle to come forward and help us break this filibuster.

I don't know what to say beyond the fact that we are going to keep fighting. We are going to keep doing everything we can to get through this logjam. We are going to keep doing everything we can to keep this economy recovering and keep creating jobs. But there is something wrong with the system right now that has gotten so divided, so warped, so partisan that we cannot come together on behalf of almost 1 million people in this country who are counting on us right now because they may have no other option for themselves and their families.

There is one job for every five people who are unemployed. Prior to the Recovery Act, that number was six people. It is a little bit better. There is a lot more to do, but we cannot just say to somebody: Why don't you get a job, when there are five people out there for every one job opening.

I see my friends on the floor. I see my partner from Michigan on the floor. I will turn to him if he wishes to say a few words because he and I understand what we have been through in Michigan. We have been hit harder, longer, and deeper than anyplace else in this country. When we look at the fact that over 87,000 people in Michigan will lose their unemployment insurance benefits by the end of this month because of what has happened—inaction, the constant naysayers blocking, obstructing, saying no—it is more than I can tolerate.

I yield to my friend from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, first, I thank Senator STABENOW for her tenacity and her efforts. I join them with a full heart at a very sad moment when we see an unconscionable Republican filibuster succeed again today against the extension of unemployment benefits and the other parts of this American jobs bill.

I asked Senator WHITEHOUSE if he would yield to me for a moment. He was on the floor before me. I will not take advantage of his good nature and good grace other than to say we are not going to abandon this effort. We are going to proceed with every tool we have at our disposal to make sure people who desperately need the extension of these benefits are protected, as intended by this program.

The financial crisis and resulting recession that continue to trouble our Nation have called for sustained action on the part of the Congress. From passage of the American Recovery and Reinvestment Act to the Hiring Incentives to Restore Employment Act to the Wall Street reform legislation now taking its final shape, we have sought to reduce the harm this recession has caused our fellow citizens. Passage of the legislation that we were denied the chance to consider today would have been another significant step in fulfilling that task.

The legislation we failed to take up would extend unemployment benefits through November of this year. For the more than half a million residents of my State who are receiving unemployment benefits, and millions more across the country, this extension is crucial. For many families, these benefits are all that is keeping food on the table and a roof over their head. The income they provide is important not only to families receiving the benefits, but to the communities in which they live and to the businesses for whom those families are customers.

But now opponents of extending unemployment insurance are, once again, filibustering this legislation. So under Senate rules, 60 votes are required to invoke cloture and bring an end to debate.

The opponents of this extension say they are concerned about deficit spending. This would be more convincing if not for two factors. First, many of these same opponents were in favor of massive, unpaid-for tax cuts benefiting the wealthiest Americans, tax cuts which, according to independent analysts, made a far greater contribution to our deficit than any of the measures we have taken to address the financial crisis and recession.

Second, concern about long-term deficits in the middle of a continued recession is the equivalent of pulling out fire hoses in the middle of a flood. The catastrophe we face today is that millions of Americans are without work and will not be able to find work until we can generate real growth in our economy. The danger to them and to our economy today is not deficit spending; it is recession. It is the fact that factory floors remain silent, that shops lack shoppers, that businesses are without customers. Failure to pass this measure does nothing to address that shortfall.

Surely my colleagues understand that assistance to families in need is not just an aid to those families. It helps all of us by helping us pull out of the recession. Direct assistance to Americans in need is the single most effective tool we have in boosting our economy. Aid such as unemployment assistance has a greater bang for the buck than any other stimulus effort we can make. If we abandon the drive to extend these benefits, we abandon a key effort to strengthen our economy.

The stakes are enormous. The people who need these benefits are not abstractions. They are real people, flesh and blood, who are paying the price, who have been paying the price for months and months, for a crisis bred on Wall Street. More than half a million of them live in my State, which was suffering in recession even before the crisis hit. These are people who desperately want to work, who want to provide for their families, who want to give a better life to their children. They have done so in the past. They want to do so again. What they ask from us is a small measure of assistance so they can continue to feed and shelter their families while they search for work.

Literally thousands of emails and letters have flowed into my office from people asking us to extend these benefits. One from Waterford, MI, from a worker whose benefits expired in April, reads: ''Our life savings are gone! At some point we will be homeless, no doubt about it. We need help from Washington.'' Another, from Burton, MI, wrote to me: ''I know things will get better but we need help to make ends meet until then.''

Those stories, those pleas, have come in by letter and email by the thousands. The many months of on-again,

off-again extensions of unemployment benefits have added painful anxiety and uncertainty to what is already a tragedy for hundreds of thousands of Michigan families. Time and again, we have delayed and debated on whether to extend these benefits. On more than one occasion, a single Senator—just one—has obstructed our consideration of legislation to extend them. Now it appears that our colleagues across the aisle, despite enormous effort by the majority leader and Senator BAUCUS and others, have decided they simply will not allow an up-or-down vote on the extension.

We will have failed a basic responsibility to our constituents if we abandon the effort to approve an extension of unemployment benefits. Millions of Americans ask only that their government provide the safety net that keeps them from falling deeper into tragic uncertainty and debt. The Republican filibuster of that help is unconscionable. It leaves millions of families all across this country without help in their hour of need.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Mr. President, we lost this important vote today 57 to 41. For people who are watching who may not be familiar with the peculiarities of the Senate, you might think to yourself: How on Earth did you lose 57 to 41? It sounds to the ordinary person like you won by 16. What do you mean you lost 57 to 41? How could that have happened?

That happened because the other party, as it has done throughout the Obama administration, has used an arcane Senate procedure called the filibuster more times than ever in the history of this country to block progress for this administration.

The rule requires that the majority get to 60 when the minority so demands, and they have been demanding that 60 on everything over and over. There have been years when it was almost never used. There have been years when it was used two or three times. In really bad years, it might have been used 14, 15 times. This group of Republican colleagues has set the record. They use it on everything.

I think we are over 100 acts of obstruction and delay around this filibuster rule as a result. If one is wondering why we lost 57 to 41—if that sounds strange—we got the 57 votes, they got the 41, and we lost—it is because they are pulling out of the rule book this procedural trick so that the majority does not rule, so they can block progress.

They are doing it for what they claim is concern about deficits. I have to say, being lectured by our Republican colleagues about deficits and debt is like being lectured by Evel Knievel about safe driving. They should have a little sense of, at minimum, irony about that.

They say the past is prologue. Let me review a little bit of the past.

When George Bush took office, President Clinton, a Democrat, and the Democratic Congress at the time had left an annual budget that was in surplus. It was returning more money to the Federal Government than we were spending. It was an annual budget in surplus. We had a national debt at the time, but with the annual budget in surplus, our Congressional Budget Office—the nonpartisan, not Republican, not Democratic, professional Congressional Budget Office—had estimated that, when George Bush took office, we would be a debt-free nation by 2009. We would be a debt-free nation by 2009. That was the trajectory that Democratic President Bill Clinton and the Democratic Congress left, along with those annual budget surpluses, when George Bush and the Republicans took office.

So 2009 came and went. How did we do? Did we get to a debt-free nation? Are we at zero debt? No. Something changed when the Republicans took power, and when the Bush administration left, it left $9 trillion in debt—not a debt-free nation but $9 trillion in debt and an economy in which Americans were losing 700,000 jobs a month. They left $9 trillion in debt and families losing 700,000 jobs a month. That is the situation President Obama inherited—a little different from what President Bush inherited.

So have we spent since then? Yes, because every economist worth their salt knows that when family spending is contracting, when business spending is contracting, when municipal and State spending is contracting, the entire economy can contract to the point that it seizes up unless the Federal Government does what an economist would call countercyclical spending. If the economy is dying for lack of spending, if it is seizing up, the Federal Government can put money back into it to try to bring it back to life. As Senator STABENOW's graph has shown, it has brought it back to life. We have gone from losing 700,000-plus jobs a month to losing no jobs a month—actually gaining a few. So it worked.

In that context, to say to the people who are still out of work—the ones who lost their jobs back when 700,000 jobs a month were out the window and going overseas; the Bush legacy—to say that we can't help those people any longer, to say that we are cutting off their unemployment insurance, their lifeline, because we are concerned about the debt, I have to ask: Where was the concern about the debt when they were taking a trajectory toward a debt-free America and turning it into a $9 trillion debt? Where was the concern then? Where was the concern when it was tax breaks for billionaires?

We just had our first billion-plus-dollar estate pass under the Bush tax cuts, where the estate tax was eliminated. As a result, a $9 billion estate of a Texas tycoon went to his heirs tax free. How much tax? Zero dollars. Zero dollars. At the prevailing tax rate that has stood for most of this time, you would have paid $4 billion in estate taxes and your heirs would have had to suffer through with only $5 billion to divide amongst themselves. That $4 billion in lost revenue added to our debt and deficit doesn't bother our friends on the other side at all. They couldn't be happier. That is their plan. Those are the Bush tax cuts. America loses $4 billion, and they smile. It is their plan. But when we are talking about people who lost their jobs because of those very policies, because of letting Wall Street run unregulated and having that financial meltdown, and now regular families across this country who got hit by that tsunami of misery are out of work, now they are concerned about the debt. Now they are concerned about the deficit. They were OK with the billion-dollar family passing its estate tax free, but they can't have ordinary working Americans keep that unemployment insurance lifeline.

I think those are backward policies. I think those are upside-down policies, and they hit very hard in my home State. My home is Rhode Island. For over a year, we have had double-digit unemployment. We have been in the top three or four States every month for unemployment. I know Michigan has suffered immensely, and that is why Senator STABENOW and Senator LEVIN were here. But I have to say that my small State of Rhode Island, with only 1 million people, is not far behind. We have 70,000 families out of work, and because it has been a long recession in Rhode Island, those families—all their assets, everything they had salted away, they have gone through that. What is left is the unemployment insurance lifeline. It is the basic lifeline. To cut that off, frankly, I think it is disgraceful.

This is a low moment in this body—70,000 families missing a paycheck, 70,000 families with a provider who is out of work, 70,000 families with kids wondering where the income for mom and dad is coming from. This money would go right into the economy. It would be spent instantly. It would be spent on shoes. It would be spent on food. It would be spent on paying the electric bill. It would be spent on putting some gas in the car to get out to the job interviews. It would have been spent immediately on the necessities of life.

But that is not good enough. That is not good enough. Those are the families in the toughest circumstances whom our friends want to cut off because of the debt, because of the deficit. The billionaires can go untaxed, but the working families who have lost jobs through no fault of their own are the ones who have to bear the brunt of this. And it hits home to real people, real families, with real fears, who, late at night, sitting at the kitchen table, with the bills laid out in front of them and the kids asleep upstairs, are adding them up—adding up what they have and what is coming in—and realizing

they are not going to make it that month, that something is going to have to go. That is a cold and lonely moment for a family. When families are having that cold and lonely moment, that late night at the kitchen table with the bills they can't pay, that is the time when we are supposed to provide the insurance to protect them against unemployment. That is the policy of this Nation.

It is discouraging. It is discouraging to Dan, a Rhode Islander, in East Greenwich. He has worked in sales. He has been unemployed since April of 2009. His wife is disabled. He is looking for work, but in Rhode Island, as in Michigan, people can look as hard as they like and they are lucky to find a job because there are more people looking than there are jobs. The jobs just aren't there, and Dan has not been able to find one. Without unemployment insurance, he has let my office know that he and his wife are likely to be evicted from their apartment. That is the human consequence of today's decision for one person in Rhode Island—Dan.

Bill, from North Kingstown, contacted us. He is 56 years old. He has been unemployed for a while now—since January of 2009. This has been a persistent recession in Rhode Island. He used to work in the engineering field. He is a talented man, but he has been twice faced with eviction as his unemployment insurance has been put at risk. He received only $200 over the last 3-week period, as his benefits have expired. He is in that first leading group for whom the benefits have expired. He has lost his COBRA benefits. He needs heart medication. Without COBRA benefits, how can he pay for his health insurance that will provide the heart medication? The real cost of today's shameful decision comes home hard to somebody like Bill.

Nancy, in Portsmouth, RI, is 59 years old. She has been unemployed for a while, too—21 months. She has been looking for work for 21 months, looking through the classifieds, going online, reaching out to all her friends and contacts to try to find somebody who has a job for her. She has a bachelor's degree, she has several different industry certifications, and she has an extensive background in sales and marketing. She is somebody who, in an ordinary economy, would have no trouble finding a job. But after the Wall Street meltdown sent that tsunami of misery across our country, she got caught in it. For 15 years, she worked in the insurance industry, and now she can't find a job. She will soon lose her unemployment benefits if we don't continue to fight for it.

So behind all the big brave talk about how we have to fight the deficits—ironic talk coming from the people who were responsible for virtually all of these debts and deficits—are the human stories that are just being ignored here, and it is wrong. We have to change our direction and start putting people first instead of the big corporations.

Let me mention one other topic. There were winners today and there were losers today. The people who lost today were Dan and Bill and Nancy and many, many others like them in Rhode Island and across the country. The people who won today—among them—were the big Wall Street financiers, the hedge fund hotshots, the ones who have been earning millions of dollars every year and through clever legal tricks have got their million-plus-dollar salaries treated as if they were capital gains. So the hedge fund superstar out there in his private jet, getting ready to fly down for a weekend in the Caribbean in the private jet, looking out the window at the fellow stuffing his luggage into the hold of the private jet, the guy in the jet is paying a lower tax rate than the guy outside with the earmuffs on and the jumpsuit stuffing the luggage in the hold. The guy in the private jet is paying a lower tax rate than the guy outside working day-today and putting his luggage in the hold. The guy being driven around in his car is paying a lower tax rate than the man behind the wheel who is driving him around.

Who is the biggest, best, most prominent capitalist in America? I would submit that it is Warren Buffett. Warren Buffett is a legendary investor, a spectacular investor. He is one of the great success stories of American capitalism. He has come to lobby us about this issue. He has come to lobby us about the fact that he pays a lower tax rate than his secretary. He has come to lobby us about it because it is wrong, because he finds it embarrassing that, in a country like ours, somebody who has been as successful as he has, who has received such remarkable benefit from his talent and his energy, ends up paying a lower tax rate than the secretary who does his mail and takes his phone calls. He knows that is wrong and we should know that is wrong.

We could have corrected that. That was one of the ways that the benefits for regular working folks in this bill could have been paid for.

That is who won and that is who lost: Dan and Bill and Nancy lost. Tonight when they get word about this they are going to sit in their homes and they are going to worry. They are going to be anxious. They are going to be heartsick. They are going to be looking at a future that is filled with uncertainty.

Our friends on the other side will say no, once they get off unemployment insurance that is just a spur, that is an incentive to get out and find a job; get off the dole and get back out in the workforce. Not in Rhode Island, not with a 12.3-percent unemployment rate. At a rate like that Dan, Bill, Nancy—the three of them might go out looking for a job, but there will only be one for the three. These are people who have been looking for work for over a year. These are people who have had a lifetime of work experience. These are people who want to be back to work. Their character, their sense of self is that they are people who work and support themselves. They want to be back to work. The argument that they are going to fritter away their time on unemployment insurance until it ends and then they will get serious and get back to work is nonsense. It is nonsense. The suffering they are going to face as a result of this is real.

Those are the people in the column who lost today. In the column of the people who won is Warren Buffett. Based on what he said when he has come here to lobby us, I will bet you dollars against Dunkin' Donuts that he is embarrassed to be in the winners column. But he knows that it is not right, in this great country of ours, for the people who have been most successful, who have earned financial rewards beyond what ordinary people can dream of, to be able to pay a lower tax rate than the regular working people who come to their offices everyday and serve in their businesses. It is wrong. It is topsy-turvy.

I cannot tell you how discouraging a day it is. First in the real regular world you would have thought we had won today, 57 votes to 41. But, no, there is this procedural trick. So because we did not get to 60, we lost. Because we lost, Dan and Bill and Nancy lost. And the wealthiest people in our country won in a way that embarrasses probably America's greatest capitalist, Warren Buffett.

I see the majority leader is on the floor. I will inquire to see if the majority leader desires the floor? If so, I will gladly yield.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, before the Senator leaves the floor, I so appreciate his advocacy for the people of Rhode Island, but in speaking for the people of Rhode Island he is speaking for the people of this country. We are United States Senators. The States of Rhode Island and Nevada are having a very difficult time.

As I heard my friend say when manipulation of Wall Street finally caught up with them, it wrecked our two economies. I have so admired my friend and his colleague, the other REED in the Senate, JACK REED, and their wonderful presentations explaining that these are not just numbers that we talk about. These are people who have no jobs.

I was looking at the headlines from the Boston newspaper a few minutes ago in the cloakroom, after this failed vote. One man said: I hope politicians understand what I'm going through. My unemployment benefits will run out in 2 weeks. I have a wife who is working part time. I have two children. I lost my job 2 years ago.

These are not deadbeats out there looking for a handout. These are people who are desperate, looking for a job. So I do say to my friend, I appreciate his speaking—I repeat, not only for the

people of Rhode Island but for the people of Nevada and the rest of the country.

Mr. President, I was going to ask consent that we proceed to the Small Business Lending Fund Program but I have been told by my friends on the other side of the aisle are not here and they would object anyway, so there is no need that I propound that request.

SMALL BUSINESS LENDING FUND ACT OF 2010—MOTION TO PROCEED

Mr. REID. I now move to proceed to Calendar No. 435, H.R. 5297. I have a cloture motion at the desk that relates to that.

CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 435, H.R. 5297, the Small Business Lending Fund Act of 2010.

Harry Reid, Debbie Stabenow, Dianne Feinstein, Mark Begich, Jeff Merkley, Bernard Sanders, Carl Levin, Edward E. Kaufman, Mark L. Pryor, Richard Durbin, Frank R. Lautenberg, Jeanne Shaheen, Daniel K. Inouye, Barbara Boxer, Roland W. Burris, Sherrod Brown, Mary L. Landrieu.

Mr. REID. Mr. President, I ask unanimous consent that at 5:30 p.m., Monday, June 28, the Senate return to legislative session and vote on the motion to invoke cloture on the motion to proceed to H.R. 5297; that notwithstanding rule XXII, the Senate then proceed to executive session and vote on confirmation of the nomination of Calendar No. 814, Gary Feinerman to be a United States District Judge, with the time running postcloture; and that upon confirmation, the Senate resume legislative session.

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

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. As in executive session, I ask unanimous consent that on Monday, June 28, at 5 p.m., the Senate proceed to executive session to consider Calendar No. 814, the nomination of Gary Feinerman to be a United States District Judge for the Northern District of Illinois; that debate on the nomination extend to 5:30 p.m., with the time equally divided and controlled between Senators LEAHY and SESSIONS or their designees; that upon confirmation, the motion to consider be considered made and laid upon the table, the President be immediately notified of the Senate's action, and the Senate resume legislative session.

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

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

UNEMPLOYMENT

Ms. STABENOW. In closing, I wish to take a few more minutes to stress again how disappointing and, frankly, outrageous I find what happened tonight to be as it relates to the continual 8 weeks of blocking the jobs bill in front of us, for the ability for people who are out of work to be able to get some temporary help just to be able to keep things going for their family while they are looking for that next job. There are almost 1 million people who find themselves in a situation now where they have lost their jobs and have lost their insurance benefits, insurance benefits paid in when they were working to then be able to get help when they are not working, as any of us would want for ourselves and our families.

We are in a situation where we cannot get beyond—we cannot get even beyond one, and we need two Republican colleagues—we cannot even get one to be able to join with us to overturn this filibuster. We have a bill, a jobs bill in front of us that would provide tax cuts to businesses, provide help to State and local and municipal governments to keep police officers, firefighters, and teachers on the job in our communities for our children, and the other side has said no.

Time after time, no. We are putting much needed tax cuts, money back into the pockets of middle-class families. The other side has said no. We wanted to help small businesses be able to restore credit to create jobs. They said no. We want to help people who are going back to school to start a new career, people who have been looking for work, and they have said no. And we want to make sure we are investing in the kinds of jobs that are going to rebuild America—roads and bridges, other kinds of construction efforts, good-paying jobs for engineers, construction workers. Those provisions were in this bill, and they have said no. For people who are out of work, they have gotten a great big no, no way, time and time again from colleagues on the other side of the aisle.

We know that for every $1 we put into unemployment insurance benefits, we get, according to Mark Zandi, an economist, and certainly many other economists, at least $1.40 back in investment. Why? Because somebody goes to the store and buys some food with that $200 or $300 a month in unemployment benefits. They go buy some shoes for the kids. They put gas in the car. They keep the lights on. They are able to pay their rent or the mortgage or do other things we all want to be able to do for our families, for our children. So when you give unemployment insurance benefits to someone who is out of work, they, unfortunately for themselves, have to turn right around and spend it. But from an economic standpoint, that is stimulus, which is why that is viewed as one of the best economic stimuli you can have, to be able to provide assistance for people who are going to turn around and spend it in the economy.

We are struggling now. Even though we have the majority in the Senate, we do not have a supermajority, enough to stop filibusters. And we are struggling with a perversion of the Senate rules that has taken place. I think, frankly, our forefathers would be rolling over in their graves to see the perversion that has gone on here. Instead of using a majority vote like any of us would use if we were in an election—one more vote than the other guy wins the election—here one more vote than the other guy does not get us moving forward because of the efforts to block, obstruct, and filibuster that go on every single day and require 60 votes in order to overcome.

So what are they saying no to? Why are they blocking and stopping? Why do we see this continual effort to go back to the way it was, to go back to the policies that got us where we are today? We are in a situation now where we want to go forward. We want to change things. We want to go forward. And all we get are efforts to take us back.

Well, what was happening then? What was happening at the place they want to go? Well, in the last Presidency, when they were in charge, we saw us lose jobs, more and more jobs throughout the 8 years of this former President. And there were a number of reasons: wrong economic policies; wrong investments; investing in people who were very wealthy hoping that it would trickle down; not enforcing our trade laws; not stopping the incentives to ship our jobs overseas; not paying attention to manufacturing and making things in this country; and, frankly, not paying for things; two wars, not paid for; Medicare prescription drug benefit, not paid for—nothing was paid for. Everything was put on the credit card. And now the people who got us into this ditch, amazingly, are arguing for policies to take us back into the ditch. They dug the ditch, and now they want us to give them back the shovel and get more shovels to dig a bigger one.

We have a very different view and, frankly, a different set of priorities on whom we are fighting for. We are losing the middle class of this country. We are losing the middle class of this country because of the policies that have focused not on jobs, not on things that matter to middle-class families, working-class families, but on what the privileged few care about.

The philosophy that got us where we are, which this President inherited, President Obama, was a philosophy that said that a tax cut to the wealthy solves every problem and, by the way, step back and let corporate America regulate themselves, police themselves, and everything will be OK.

Well, we saw what happened on Wall Street—millions of jobs lost, 401(k)s gone, pensions gone, savings gone. We have seen what happened in the gulf when the oil companies policed themselves. We saw what happened in West Virginia, where the miners lost their lives because the mines were policing themselves. And we saw what happened economically in terms of job loss.

This really is a bigger fight than just the jobs bill in front of us. It is about whose side you are on. It is about what your values and priorities are. And I can tell you, just as a practical matter, I am going to support whatever works for the people I represent, whatever works for the people in Michigan.

This did not work, this red ink getting longer and longer and longer. President Obama comes in; 750,000 jobs lost a month. We put in a jobs bill, a Recovery Act to focus on manufacturing and small businesses, job training, to help the people who lost their jobs. It has been slow because the hole was so deep, but we have begun to turn it around. By the end of the year, we got it to zero jobs lost, and now we are gaining jobs. Now we have to keep gaining jobs. We are returning accountability and commonsense regulation to Wall Street, to the oil industry, and to other areas where lives could be lost and there is a public interest.

So we are in the middle of a major debate in this country. And what I find most disturbing is that too many on the other side of the aisle are rooting for failure. They want the President to fail. They want our majority to fail. But in the process of that, we all will fail. The country will fail if we do not have a set of economic policies and investments and partnerships that work, if we do not focus on the people who need temporary help and support right now while they hold their family together and look for a job.

When I think about the men and women fighting overseas, fighting in two wars around the world for our great democracy, they want to know that they are coming home to a job; that their family has a house; that the kids are going to be able to go to college; that they are going to be able to breathe fresh air and drink clean water; and that somehow that they were fighting not for some craziness, some crazy political battlefield here, but for a sense of love and thought about our country and the people in our country.

Patriotism really is, when it comes to our country, against other countries in the world, it is fighting for our side—not our side of the aisle but our country, not rooting for people to fail just so you can get a short-term political advantage. I hope that does not work. Obviously, you could say for personal reasons, we do not want it to work, but I hope it does not work for our country because we have to get beyond this and be able to work together because too many people are counting on us.

In closing this evening, I want to express an apology to everyone who is caught in this economic tsunami. I am not going to stand here and apologize to BP, but I am going to apologize to the people who are out of work in this country for what has happened today because it is shameful. And over 87,000 people in my State are going to be directly affected by this by the end of next week. I apologize to them for what has happened because it is wrong. It is wrong. And we are going to do everything we can to turn this around because people are counting on us to do that.

MORNING BUSINESS

Ms. STABENOW. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

HONORING STEWART UDALL

Mr. UDALL of Colorado. Mr. President, the oilspill in the gulf looks to become one of the greatest environmental disasters in our lifetime. This accident, which has been brought on by our addiction to oil, is another tragic reminder—as if we needed one—of the sad inevitability of human error. This spill in the gulf is also a reminder of the fragile balance we must maintain between the development of resources and protecting the environment from which they spring. It puts me in mind of our generation's responsibility to our children and the challenge of fueling prosperity with newer, cleaner, and more sustainable energy sources.

As the world watches our efforts to contain this disaster, I cannot help but think about how another generation of Americans might have responded. In particular, I have one man in mind.

A few months ago—March 10, to be precise—my family mourned the loss of a great and good man who was beloved by everyone in our clan, from the eldest to the youngest among us. On that day, we lost my uncle, Stewart Udall, at the grand age of 90. Of course, our family is no different from any other American family. Death occurs every day, every hour, and every minute, and families cope with the loss, however it comes. It harkens us to cherish those all-too-brief moments we have with the people we love.

I would not take to the floor of the Senate to discuss personal loss, but I hope my colleagues will indulge me in taking a few moments to honor Stewart Udall, not because he was a member of our family and because we loved him dearly but because his contributions to America deserve our recognition. So it is not my uncle I wish to recognize; it is Stewart Udall, Secretary of the Interior, Stewart Udall the conservationist, Stewart Udall the civil rights activist, author, historian, and public servant I wish to honor today.

Stewart never confused power with greatness. He was quoted saying as much. He knew that the power given to him by the people of Arizona to represent them in Congress, the power President John F. Kennedy bestowed upon him as Secretary of the Interior, and the power he subsequently had in private life as a man whose words and opinions mattered in the public arena—all of these manifestations of power were, for him, fleeting and not of deep consequence, except for the opportunity it gave him to make a difference in the world. And he did make a difference, a very big difference.

Under his leadership in the Kennedy-Johnson years, the Department of Interior was a beacon of conservation, wildland preservation, and environmental stewardship. As the New York Times recently noted, ''Few corners of the Nation escaped Mr. Udall's touch.''

For the wildlife, lands, and water of this country, his touch was a Midas touch. He added 3.85 million acres to the public lands inventory, including 4 national parks, 6 national monuments, 9 national recreation areas, 20 national historic sites, 50 wildlife refuges, and 8 national seashores.

While serving as Secretary of Interior, he also found time to write the first of many books in his long career as an author. His book ''A Quiet Crisis'' is considered a landmark work. His words provided a manifesto to an emerging public movement on behalf of the environment. Before Stewart Udall's time at Interior, the term ''environmental policy'' was not even a part of the public debate. By the time Stewart left public service, no politician in the country could run for office without addressing environmental concerns and issues.

While Stewart is deeply associated with the cause of conservation, his conscience was broader than the landscapes he helped protect. He cared deeply about the environment, but he cherished human beings. That is why he said:

> Plans to protect air and water, wilderness and wildlife are, in fact, plans to protect man.

That is also why he took up the cause of Native Americans and why he was an early champion of civil rights and an unrelenting opponent of racial segregation.

Friends and colleagues noted that he had a rare reputation in political life. It has been said that he ''never advanced his own ambitions by tearing down a fellow human being.'' I know this is true of Stewart Udall because

even his fiercest political opponents respected his sense of fairness and welcomed his friendship.

Mark Twain said:

> The fear of death follows from the fear of life. A man who lives fully is prepared to die at any time.

Stewart Udall was a man who lived life fully. He had a zest for life and a thirst for knowledge and experience that was truly without bounds. I cannot say where this enthusiasm for experience was rooted, but it must have been nourished by the intimate and painful memories from no less than 50 missions as a tail gunner during the Second World War. I still marvel at this feat of endurance and bravery. The average life expectancy for a B–17 crew in the European theater was allegedly 14 missions. He flew 50. It was something he rarely spoke about.

I know if he were here with us today, Stewart would be in the thick of our debate about energy, the threat of climate change, and lessons to be drawn from our painful experience in the gulf. In a moving letter he drafted for his grandchildren, Stewart anticipated the challenges of our time and acknowledged the mistakes of his own. To that end, he wrote:

> Operating on the assumption that energy would be both cheap and superabundant led my generation to make misjudgments that have come back and now haunt and perplex your generation. We designed cities, buildings, and a national system of transportation that were inefficient and extravagant. Now, the paramount task of your generation will be to correct those mistakes with an efficient infrastructure that respects the limitations of our environment to keep up with damages we are causing.

I cannot improve on words Stewart spoke in defense of conservation some years ago. Given the challenges we face today, I believe they still ring true, and I wish to close my tribute to his public service by recalling them now.

He said:

> Over the long haul of life on this planet, it is the ecologists, and not the bookkeepers of business, who are the ultimate accountants.

Our progress as a society cannot be measured solely or even in part by the output of our economy, the number or complexity of our machines, or the brilliance of our technology. Our progress and success as human beings cannot be defined by gross domestic product, billions expended or invested, profit margins, trade balances, or numbers of hits on a Web page. In the end, our progress in any category of endeavor depends on our survival, and our survival is tied to the health and well-being of the planet we share. Stewart Udall illuminated this simple truth and made it the centerpiece of his public service. I am proud to have known him, I am honored that he was my uncle, and grateful, as are so many, to have been his pupil. His voice will be missed, but his wisdom endures.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I wish to thank my colleague from Colorado for that beautiful and meaningful tribute to Stewart Udall and the lessons he has given us through his life and through this wonderful tribute. We very much appreciate it this evening.

CONVENTION AGAINST TORTURE

Mr. LEAHY. Mr. President, this week, we commemorate the United Nations International Day in Support of Victims of Torture. June 26, 2010, marks the 23rd anniversary of the day on which the Convention Against Torture—CAT—took effect. I am proud that the United States is a signatory to this important Convention and defends human dignity by criminalizing acts of torture. Along with the other 75 nations that have ratified the Convention, we affirm our commitment to hold those responsible for torture accountable for their actions.

I have worked hard for many years to improve the investigation and prosecution of international human rights abusers. I worked for several years to develop and secure passage of the Anti-Atrocity Alien Deportation Act. This act, which became law in 2004, expanded the mission of the Office of Special Investigations at the Department of Justice from denaturalizing Nazi war criminals, to investigating, extraditing, or denaturalizing any alien who participated in genocide, torture, or extrajudicial killing abroad. It has prompted, among other accomplishments, the deportation of a former Ethiopian official, Kelbessa Negewo. Negewo was accused of abuse and torture during the period of the Red Terror in Ethiopia in the mid-1970s. He is now serving a life sentence for torture and multiple killings in Ethiopia. This case proves that those who have committed reprehensible acts of torture and seek safe haven in the United States will not find refuge here.

In order to further improve our ability to identify and prosecute human rights abusers, I am proud to have cosponsored the Human Rights Enforcement Act of 2009. Signed into law at the end of last year, this legislation created a new section within the criminal division of the Department of Justice with responsibility for prosecuting serious human rights offenses. Additionally, it amends a section of the Immigration and Nationality Act to prevent those who have ordered, incited, assisted, or otherwise participated in genocide from obtaining eligibility for protection under our asylum laws.

In addition to strengthening our ability to investigate and hold human rights violators accountable, I have worked hard to ensure that victims of atrocity can find protection here in the United States. In March of this year, I introduced S.3113, the Refugee Protection Act. This law will renew America's commitment to the ideals embodied in the Refugee Convention and eliminate cumbersome procedural delays currently faced by refugees who flee persecution or torture.

For those who have suffered mental, physical, and emotional harm as a result of torture, I have consistently supported funding for rehabilitation and treatment. In my work on the State and Foreign Operations Appropriations Subcommittee, we secured $7,100,000 in the fiscal year 2010 Omnibus Appropriations Act for the United Nations Voluntary Fund for Victims of Torture and an additional $13,000,000 for Victims of Torture programs and activities at U.S. Agency for International Development. In order to help these victims heal, we must continue to provide resources to aid physical and psychological recovery.

Vermont has also become home to many resettled refugees who have been victims of torture. A group called New England Survivors of Torture and Trauma—NESTT—has been established by the Department of Psychology at the University of Vermont and the Vermont Immigration and Asylum Advocates to offer medical, psychological, legal and social services in an effort to help address the needs of this community.

As we mark this year's United Nations International Day in Support of Victims of Torture, we must acknowledge that the United States has not always lived up to its ideals. Under the previous administration, abhorrent acts were authorized by a series of Office of Legal Counsel, OLC, memoranda, and a dark chapter in American history was written. Under questionable legal guidance that failed to meet ethical standards, acts occurred in the interrogation of terrorist suspects that failed to reflect the fundamental American ideals of justice, dignity, and human equality. Nothing has done more to damage our world standing and moral authority than this revelation. It is vital that the United States reclaim its historic role as a world leader on issues of human rights.

The claim by some that there is a necessary choice between ensuring security and upholding liberty is a falsehood. Until we understand what led to the production of the OLC memos and the acts that followed, we cannot move forward with a clear moral conscience. The imperative to discover what led to these events is stronger than ever. I remain a committed advocate of the establishment of an independent, nonpartisan Commission of Inquiry to gather facts about how we arrived at this place. We must understand the mistakes of the previous administration to ensure that they never happen again. We cannot, and we must not ignore this chapter in the history of our Nation.

As we mark the Day in Support of Victims of Torture, we can begin to right these wrongs by renewing our commitment to recognize those who have suffered atrocities but fight on with enormous courage. To those around the world who have endured the unspeakable, we remember you. To those who have survived torture, inhuman, or degrading treatment at the

hands of their government, we call upon your voices to help end these reprehensible acts. And as the United States, we call upon every nation to join us in the fight to eradicate torture in all of its forms.

BLOODY SUNDAY

Mr. LEAHY. Mr. President, I rise to congratulate the people of Great Britain and Northern Ireland for taking another step down the long road towards peace. Last week the Saville Inquiry, the result of a 10-year investigation into the ''Bloody Sunday'' tragedy in Northern Ireland on January 30, 1972, was finally made public.

The inquiry definitively concluded that British Army soldiers were responsible for the shooting deaths of 14 pro-Catholic marchers. The terrible events, which took place against a backdrop of years of rioting, paramilitary violence and police brutality, contributed to increased hatred and mistrust on both sides, and led to over two more decades of violence and terror for the people of Northern Ireland.

The findings reversed those of a 1972 commission which had laid blame for the killings on the victims themselves. Parents passed away without the knowledge that their children killed that day were not at fault.

Upon the release of the new report, British Prime Minister David Cameron publicly accepted responsibility for the killings and apologized on behalf of his country for the unjustified actions of the Army. He acknowledged the great complexity engrained in the dozens of years of fighting in Northern Ireland—thousands of people were killed and terrible atrocities committed by all parties. But he also stated that the facts in this report cannot be overlooked: British Army soldiers unjustly took the lives of innocent civilians.

Self-reflection is an indispensable quality in a democracy. It is difficult for a nation to admit that the men and women protecting us are responsible for reprehensible acts, but it is undeniable that, in furtherance of truth and justice, no one in our society can be above the law.

Lasting peace comes about through the hard work, honesty and patience of those on all sides.

I extend my deepest condolences to the families of the victims and am grateful to them for their years of patience during the investigation.

I commend the people of Northern Ireland for their continued commitment to resolving their differences through the political process, as challenging as it often is, and working to leave behind the violent divisions of the past.

And I also applaud Prime Minister Cameron, the Inquiry, and the British people for acknowledging a painful truth after 38 years, and, in doing so, helping to further the cause of peace in Northern Ireland.

I ask unanimous consent that the Prime Minister's statement be printed in the RECORD.

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

STATEMENT TO THE HOUSE OF COMMONS ON THE SAVILLE INQUIRY

(By the Prime Minister, the Rt Hon David Cameron MP on 15 June 2010)

With permission, Mr Speaker, I would like to make a statement.

Today, my Rt Hon Friend, the Secretary of State for Northern Ireland is publishing the report of the Saville Inquiry . . .

. . . the Tribunal set up by the previous Government to investigate the tragic events of 30th January 1972—a day more commonly known as ''Bloody Sunday''.

We have acted in good faith by publishing the Tribunal's findings as quickly as possible after the General Election.

Mr Speaker, I am deeply patriotic.

I never want to believe anything bad about our country.

I never want to call into question the behaviour of our soldiers and our Army who I believe to be the finest in the world.

And I have seen for myself the very difficult and dangerous circumstances in which we ask our soldiers to serve.

But the conclusions of this report are absolutely clear.

There is no doubt. There is nothing equivocal. There are no ambiguities.

What happened on Bloody Sunday was both unjustified and unjustifiable.

It was wrong.

Lord Saville concludes that the soldiers of Support Company who went into the Bogside ''did so as a result of an order . . . which should have not been given'' by their Commander . . .

. . . on balance the first shot in the vicinity of the march was fired by the British Army . . .

. . . that ''none of the casualties shot by soldiers of Support Company was armed with a firearm'' . . .

. . . that ''there was some firing by republican paramilitaries . . . but . . . none of this firing provided any justification for the shooting of civilian casualties'' . . .

. . . and that ''in no case was any warning given before soldiers opened fire''.

He also finds that Support Company ''reacted by losing their self-control . . . forgetting or ignoring their instructions and training'' with ''a serious and widespread loss of fire discipline''.

He finds that ''despite the contrary evidence given by the soldiers . . . none of them fired in response to attacks or threatened attacks by nail or petrol bombers'' . . .

. . . and that many of the soldiers ''knowingly put forward false accounts in order to seek to justify their firing''.

What's more—Lord Saville says that some of those killed or injured were clearly fleeing or going to the assistance of others who were dying.

The Report refers to one person who was shot while ''crawling . . . away from the soldiers'' . . .

. . . another was shot, in all probability, ''when he was lying mortally wounded on the ground''. . .

. . . and a father was ''hit and injured by Army gunfire after he had gone to . . . tend his son''.

For those looking for statements of innocence, Saville says:

''The immediate responsibility for the deaths and injuries on Bloody Sunday lies with those members of Support Company whose unjustifiable firing was the cause of the those deaths and injuries'' . . .

. . . and—crucially—that ''none of the casualties was posing a threat of causing death or serious injury, or indeed was doing anything else that could on any view justify their shooting''.

For those people who were looking for the Report to use terms like murder and unlawful killing, I remind the House that these judgements are not matters for a Tribunal—or for us as politicians—to determine.

Mr Speaker, these are shocking conclusions to read and shocking words to have to say.

But Mr Speaker, you do not defend the British Army by defending the indefensible.

We do not honour all those who have served with distinction in keeping the peace and upholding the rule of law in Northern Ireland by hiding from the truth.

So there is no point in trying to soften or equivocate what is in this Report.

It is clear from the Tribunal's authoritative conclusions that the events of Bloody Sunday were in no way justified.

I know some people wonder whether nearly forty years on from an event, a Prime Minister needs to issue an apology.

For someone of my generation, this is a period we feel we have learned about rather than lived through.

But what happened should never, ever have happened.

The families of those who died should not have had to live with the pain and hurt of that day—and a lifetime of loss.

Some members of our Armed Forces acted wrongly.

The Government is ultimately responsible for the conduct of the Armed Forces.

And for that, on behalf of the Government—and indeed our country—I am deeply sorry.

Mr. Speaker, just as this Report is clear that the actions of that day were unjustifiable . . . so too is it clear in some of its other findings.

Those looking for premeditation, those looking for a plan, those looking for a conspiracy involving senior politicians or senior members of the Armed Forces—they will not find it in this Report.

Indeed, Lord Saville finds no evidence that the events of Bloody Sunday were premeditated . . .

. . . he concludes that the United Kingdom and Northern Ireland Governments, and the Army, neither tolerated nor encouraged ''the use of unjustified lethal force''.

He makes no suggestion of a Government cover-up.

And Lord Saville credits the UK Government with working towards a peaceful political settlement in Northern Ireland.

Mr Speaker, the Report also specifically deals with the actions of key individuals in the army, in politics and beyond . . .

. . . including Major General Ford, Brigadier MacLellan and Lieutenant Colonel Wilford.

In each case, the Tribunal's findings are clear.

It also does the same for Martin McGuinness.

It specifically finds he was present and probably armed with a ''sub-machine gun'' but concludes ''we are sure that he did not engage in any activity that provided any of the soldiers with any justification for opening fire''.

Mr. Speaker, while in no way justifying the events of January 30th 1972, we should acknowledge the background to the events of Bloody Sunday.

Since 1969 the security situation in Northern Ireland had been declining significantly.

Three days before 'Bloody Sunday', two RUC officers—one a Catholic—were shot by the IRA in Londonderry, the first police officers killed in the city during the Troubles.

A third of the city of Derry had become a no-go area for the RUC and the Army.

And in the end 1972 was to prove Northern Ireland's bloodiest year by far with nearly 500 people killed.

And let us also remember, Bloody Sunday is not the defining story of the service the British Army gave in Northern Ireland from 1969–2007.

This was known as Operation Banner, the longest, continuous operation in British military history, spanning thirty-eight years and in which over 250,000 people served.

Our Armed Forces displayed enormous courage and professionalism in upholding democracy and the rule of law in Northern Ireland.

Acting in support of the police, they played a major part in setting the conditions that have made peaceful politics possible . . .

. . . and over 1,000 members of the security forces lost their lives to that cause.

Without their work the peace process would not have happened.

Of course some mistakes were undoubtedly made.

But lessons were also learned.

Once again, I put on record the immense debt of gratitude we all owe those who served in Northern Ireland.

Mr. Speaker, may I also thank the Tribunal for its work—and all those who displayed great courage in giving evidence.

I would also like to acknowledge the grief of the families of those killed.

They have pursued their long campaign over thirty-eight years with great patience.

Nothing can bring back those that were killed but I hope, as one relative has put it, the truth coming out can set people free.

John Major said he was open to a new inquiry.

Tony Blair then set it up.

This was accepted by the then Leader of the Opposition.

Of course, none of us anticipated that the Saville Inquiry would last 12 years or cost £200 million.

Our views on that are well documented.

It is right to pursue the truth with vigour and thoroughness . . .

. . . but let me reassure the House that there will be no more open-ended and costly inquiries into the past.

But today is not about the controversies surrounding the process.

It's about the substance, about what this report tells us.

Everyone should have the chance to examine the complete findings—and that's why the report is being published in full.

Running to more than 5000 pages, it's being published in 10 volumes.

Naturally, it will take all of us some time to digest the report's full findings and understand all the implications.

The House will have the opportunity for a full day's debate this autumn—and in the meantime I have asked my Rt Hon Friends the Secretaries of State for Northern Ireland and Defence to report back to me on all the issues that arise from it.

Mr Speaker, this report and the Inquiry itself demonstrate how a State should hold itself to account . . .

. . . and how we are determined at all times—no matter how difficult—to judge ourselves against the highest standards.

Openness and frankness about the past—however painful—do not make us weaker, they make us stronger.

That's one of the things that differentiates us from terrorists.

We should never forget that over 3,500 people—people from every community—lost their lives in Northern Ireland, the overwhelming majority killed by terrorists.

There were many terrible atrocities.

Politically-motivated violence was never justified, whichever side it came from.

And it can never be justified by those criminal gangs that today want to drag Northern Ireland back to its bitter and bloody past.

No Government I lead will ever put those who fight to defend democracy on an equal footing with those who continue to seek to destroy it.

But neither will we hide from the truth that confronts us today.

In the words of Lord Saville—

''What happened on Bloody Sunday strengthened the Provisional IRA, increased nationalist resentment and hostility towards the Army and exacerbated the violent conflict of the years that followed. Bloody Sunday was a tragedy for the bereaved and the wounded, and a catastrophe for the people of Northern Ireland.''

These are words we can not and must not ignore.

But what I hope this Report can also do is to mark the moment when we come together, in this House and in the communities we represent.

Come together to acknowledge our shared history, even where it divides us.

And come together to close this painful chapter on Northern Ireland's troubled past.

That is not to say that we must ever forget or dismiss that past.

But we must also move on.

Northern Ireland has been transformed over the past twenty years . . .

. . . and all of us in Westminster and Stormont must continue that work of change, coming together with all the people of Northern Ireland to build a stable, peaceful, prosperous and shared future.

It is with that determination that I commend this statement to the House.

ANGOLA

Mr. FEINGOLD. Mr. President, the National Security Strategy released last month rightly states:

> [d]ue to increased economic growth and political stability, individual nations are increasingly taking on powerful regional and global roles and changing the landscapes of international cooperation. To achieve a just and sustainable order that advances our shared security and prosperity, we are, therefore, deepening our partnerships with emerging powers and encouraging them to play a greater role in strengthening international norms and advancing shared interests.

The strategy goes on to note that expanding our partnerships with emerging powers includes a number of African nations, specifically South Africa. Indeed, I have great respect for South Africa's leadership on the continent and internationally and am glad that we are seeking to deepen our bilateral relationship. From peace and security to climate change to nuclear nonproliferation, we should continue to look for areas where we can team up with the South Africans.

I would also like to highlight another emerging power in Sub-Saharan Africa that we should not ignore: Angola. Many of my colleagues will recall the brutal civil war that devastated Angola. In my first trip as a Senator to Africa, in 1994, I traveled with Senator REID and Senator Paul Simon to Angola to observe the tragic consequences of this conflict. Decades of war left an estimated 1 million people dead, a third of the country's population displaced, and millions of landmines littered throughout the countryside.

Yet since the war ended in 2002, Angolans have made tremendous strides to secure the peace and rebuild their country. According to a recent UNICEF study, since 2002 the percentage of children attending primary school has increased from 56 to 76 percent and infant mortality has fallen by 22 percent. At the same time, Angola's economy has registered double-digit GDP growth over recent years, mostly driven by increasing oil production. Angola's future growth prospects, however, are more diverse than just oil. According to the September 15, 2009, New York Times article, ''Angola is poised to become a hub of liquefied natural gas and diamond exports.''

With its economic growth and stability, Angola is also poised to play a greater role on regional, continental, and international issues. It has already become a major player in the Organization of Petroleum Exporting Countries, OPEC, and although it is not a member of the G–20, President Dos Santos has been invited to some G–20 meetings. Angola has also become involved in critical issues relating to the Gulf of Guinea, which sits to its north. It supported the launch of the Gulf of Guinea Commission in 2006 to resolve maritime disputes and ensure regional cooperation and hosted a summit for heads of the state of the commission in 2008. Finally, Angola has the potential to play a much more active future role on issues facing the Southern African Development Community, SADC.

For all these reasons, the United States has a strong interest in deepening and broadening our relationship with Angola. Secretary Clinton's visit to the country last year—in which she became the first U.S. Secretary of State to stay overnight in the country—was a major step to that end. She committed to developing a ''comprehensive strategic partnership'' with Angola and to expanding our engagement in the areas of trade, agriculture, health, and education.

To follow through on this commitment, we now need to ensure that our Embassy in Luanda has the necessary programs and tools to pursue such a partnership. We need to ensure there are sufficient incentives and encouragement to attract Foreign Service officers to Angola given the inordinately high cost of living and other hardships. And we should try to ensure that we have the right staff, including representatives from other agencies that can bring expertise on issues of commerce and agriculture.

But expanding our engagement with Angola should not mean ignoring or downplaying troubling issues of human rights and governance. In fact, it should be quite the opposite; we need to actively encourage reform in these important areas if we are going to pursue a truly comprehensive and long-term partnership with Angola.

According to the State Department's 2009 Human Rights Report for Angola, ''The government's human rights record remained poor, and there were numerous, serious problems.'' Last weekend, the Wall Street Journal reported that there continue to be abuses and killings by soldiers and private security guards around diamond mines in Angola. The international community should investigate these reports and ensure that Angola is fully living up to its commitments in the Kimberley Process. If it is not, there should be serious consequences.

More broadly, we should also consider whether certain gaps in the Kimberley Process, such as promoting greater protection for human rights, can be incorporated into the oversight procedures of participating countries. We need to be realistic about what is possible with a voluntary organization, but we cannot allow ongoing human rights abuses involving diamonds to be ignored.

Issues of governance are also especially important for Angola's development prospects. While the country has seen tremendous overall economic growth in recent years, most Angolans have seen little, if any, direct benefit. Corruption remains a serious and deep-seated problem in Angola, including in the oil sector. For 2009, Transparency International ranked Angola 162nd out of 180 countries in its annual Corruption Perceptions Index. A report released in February by the Senate's Permanent Subcommittee on Investigations documented how certain Angolan officials have sought to use U.S. banks and financial institutions to conceal funds acquired through corruption.

The Angolan Government has acknowledged that it needs to improve its fiscal management and practices, and President Dos Santos has called for a ''zero tolerance'' policy against corruption. I am pleased that the President has said this, and we should look for ways to help the government give real meaning to such a policy. At the same time, we should explore ways that we and our international partners can put pressure on corrupt officials in Angola to cease their illicit actions, including travel bans and assets freezes, and more.

In terms of governance, it is also important that the Angolan Government create the space for a strong civil society to develop—one that allows for the free flow of information and includes independent watchdog institutions that can demand accountability and transparency. We should seek to expand our engagement with civil society organizations and, as is appropriate, to help strengthen their capacity and amplify their voices in policy debates.

Within the government, Angola's National Assembly has the potential to play a strong oversight role, and I am pleased that Secretary Clinton met directly with the National Assembly during her visit to Luanda last year. We should look for ways, such as technical assistance and parliamentary exchanges, that we can support and strengthen the National Assembly's oversight roles.

Mr. President, none of this will be easy. Some in the Angolan Government are still unwelcoming toward the United States because of positions we took during their civil war. Many Angolans are also skeptical about whether we genuinely have interests beyond accessing oil. We need to take these perspectives seriously. But I believe we can break through the suspicion and mistrust by demonstrating—through greater resources and a more visible presence—that we seek a mutually beneficial, long-term partnership with the people of Angola. In the months and years ahead, I look forward to working with the administration to that end.

REMEMBERING JUDGE GERALD W. HEANEY

Mr. FRANKEN. Mr. President, today I note with sorrow the passing of one of America's great jurists, Judge Gerald W. Heaney. Judge Heaney died Tuesday in Duluth, MN. Judge Heaney served with distinction and honor for 40 years on the U.S. Court of Appeals for the Eighth Circuit. He played a leading role in enforcing Brown v. Board of Education by desegregating schools in, among other places, Kansas City, Omaha, and St. Louis. A giant of the law, Judge Heaney will be remembered as not only a brilliant jurist but a judge who helped make the promise of equality under the law a reality for many Americans.

Judge Heaney received both a bachelor's and law degree from the University of Minnesota. During World War II, Judge Heaney served with distinction in the Army, landing on Omaha Beach on D-day and staying in Germany after the war to help reform local labor laws. After returning from the war, Judge Heaney practiced labor law for 20 years. He negotiated the contract that made Duluth public schools the first in the State to adopt equal pay for women.

Judge Heaney's civic accomplishments before joining the Eighth Circuit are a testament to one of Minnesota's most public-spirited sons. He was instrumental in creating Duluth's Seaway Port Authority and the local public broadcasting station. He also served as a regent for the University of Minnesota and was a lifelong champion of the University of Minnesota Duluth.

As an appellate judge, Judge Heaney was devoted to enforcing the Constitution's promise of equal protection and expanding equality to all citizens, regardless of race, sex, religion, age, or disability. On the occasion of his retirement 4 years ago, Minnesota Public Radio interviewed Latonya Davis, a former student in the St. Louis public schools. Because of Judge Heaney's desegregation orders, Ms. Davis had the opportunity to attend a suburban school that she says changed her life:

''I didn't even expect to go to college,'' she recalls. ''My junior year in high school, I had a teacher say, 'So what college you going to?' and I was like, 'I'm not going.' Because I just knew it was expensive, and I didn't think to go. I had bunch of teachers push me, and help me find ways to pay for it. They really wanted me to succeed in life.''

Ms. Davis is now a teacher herself with an advanced degree.

For Judge Heaney, equality of opportunity was also personal: he hired the Eighth Circuit's first African-American and female law clerks.

Judge Heaney was a leading jurist on criminal justice issues. His opinions on the fourth amendment were exceedingly influential, including an argument in dissent concerning probable cause for a warrant that later was adopted by the Supreme Court. Judge Heaney's scholarship on Federal sentencing was an impassioned plea for humanity and decency in sentencing.

Judge Heaney is survived by Eleanor, his wife of 64 years, his daughter Carol, son Bill, sister Elizabeth, six grandchildren, and eight great-grandchildren. I offer my deepest sympathies to all who knew and loved him. Vice President Mondale said it best when he said that Judge Heaney was ''a great and decent human being, a superb judge and a really caring human being.''

Fittingly, the Federal courthouse in Duluth, MN, is named for Judge Heaney. It stands as a lasting monument to the cause of Judge Heaney's life—providing equal justice under the law.

ADDITIONAL STATEMENTS

WING, NORTH DAKOTA

• Mr. CONRAD. Mr. President, today I recognize a community in North Dakota that will be celebrating its 100th anniversary. On July 16 to 18, 2010, the residents of Wing will gather to celebrate their community's history and founding.

Wing, a Northern Pacific Railroad town site, was founded in 1910, and named after Charles Kleber Wing, who plotted many town sites, including McClusky, Wing, Pingree, Robinson, and Regan. Leslie B. Draper established the first post office on April 15, 1911. Wing was later incorporated as a village in 1921.

Today, Wing's school and residential market continue to prosper. The rural area remains rich in wildlife, attracting many out-of-state and instate hunters. The residents of Wing place great importance on involvement within the community. A strong Wing fire and ambulance service exists in town, with many local residents and farmers volunteering to perform much needed services.

Citizens of Wing have organized numerous activities to celebrate their centennial. Some of the celebratory festivities include socials, a class parade, pitchfork fondue, a concert, and a street dance.

Mr. President, I ask the Senate to join me in congratulating Wing, ND, and its residents on the first 100 years and in wishing them well through the next century. By honoring Wing and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Wing that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Wing has a proud past and a bright future.●

TRIBUTE TO SUE FELLEN

● Mr. CRAPO. Mr. President, today I offer tribute to a true leader and advocate for the rights of women and children in my home State of Idaho who deserve protection from abusive relationships. Sue Fellen has been executive director for the Idaho Coalition Against Sexual and Domestic Violence for more than a decade. She is announcing a well-deserved retirement at the end of this month. Her work on behalf of Idaho women, children and family protection is one well worth noting by all Americans who cherish family and personal security and freedom.

Sue Fellen's track record of service on behalf of Idahoans will remain long after she leaves active service. While she has headed the state's largest advocacy program to stop violence for 16 years now, she has been working nearly twice that long in other capacities to stop domestic violence and protect families, women and children across Idaho.

Sue Fellen began her career to stop domestic violence in the trenches. She was a shelter manager and director for the Women and Children's Association from 1982 through 1993. When she went on to head the Idaho Coalition, she built a statewide network of more than 80 organizations, including law enforcement, prosecutors, health care providers, victim advocates, victim witness coordinators, universities, and other professionals dedicated to preventing domestic violence and assisting victims of violence.

She is a trailblazer for Federal legislation protecting women. I know because I worked directly with Sue to pass the first-ever Federal law that recognizes the rights of dating partners in abusive relationships and offered them Federal assistance for the first time. We were able to shepherd that groundbreaking legislation through the Congress and saw it signed into law in 2004. ''Cassie's Law'' was named for Cassie Dehl of Idaho, who died following an abusive dating relationship. Sue Fellen, as a leader of the effort to stop abusive relationships in Idaho, was also a member of the National Network to End Domestic Violence. In her role in Idaho and nationally, Sue helped get the word out that this Idaho legislation should become a national model and I am proud to have partnered with her in these efforts.

Sue and I worked with a large group of Idahoans and found the funding and commitment to the first one-stop response center for response, treatment and prosecution in domestic violence and sexual assault cases in Idaho. I am proud to say that the FACES Center—for Family Advocacy Center and Education Services—has now been open nearly 5 years.

Sue Fellen and I have worked together on many other Federal issues. Congress has a penchant to want to spend money and on many occasions, leaders in both political parties have seen fit to borrow from the Victims of Crime Act, or VOCA. This fund is replenished by those who perpetrate crime and is intended as an ongoing fund to benefit the victims of crime and family members who need assistance. By working with advocates like Sue Fellen and my colleagues here in the Senate such as the chairman of the Judiciary Committee, my friend PATRICK LEAHY of Vermont, we have been able to keep that VOCA funding intact, and away from being spent on programs for which that money was never intended.

I have been proud to partner with Sue and the National Network with other Senate colleagues as we strengthened the Violence Against Women Act, provided improved DNA and rape assistance kits to speed the conviction of assault cases and worked with private partners such as the Liz Claiborne Foundation to broaden the audience for the critical message that domestic and sexual violence should not be tolerated. Not by Congress. Not by men. Not by anyone.

Surveys show that, out of the teenagers questioned, more than half, 62 percent, know someone who has been in an abusive relationship with their boyfriend. Two in five know someone who has been put down or called stupid, many of them through the social media on their computers and texts on their phones.

One in five between the ages of 13 and 14 know of friends and peers who have been hit, kicked, slapped or punched in anger. These statistics should alarm all of us. I have often said men should not stand by and observe any domestic violence.

Thankfully, there are people who do not just stand by. They jump in. They dedicate their lives to improving the safety of women, children and families. They are people like Sue Fellen and I am glad to call Sue my friend and colleague in this effort.

Thank you, Sue. You and your husband Sherm, and even your dog Belle, can look forward to a most well-deserved retirement.●

TRIBUTE TO JACOB COSTELLO

● Mrs. LINCOLN. Mr. President, today I recognize Arkansan Jacob Costello of Wesley, winner of the Congressional Award Gold Medal, the highest honor bestowed upon young people by the U.S. Congress. It is the first and only award for youth legislated by the U.S. Congress. I was proud to meet with Jacob in Washington this week and learn more about his experiences achieving this great honor.

Earning the Congressional Award Gold Medal requires a significant commitment. Participants must spend 2 years or more completing at least 400 hours of community service, 200 hours of personal development and physical fitness activities, and a 4-night ''Expedition or Exploration.''

Upon completion of these requirements, young leaders like Jacob from across the United States gather in Washington to honor their commitment to community service and personal improvement. They also have the opportunity to learn more about the federal government and visit Washington's museums and memorials.

Jacob represents the best of our Arkansas values of hard work and determination. His dedication to volunteerism and public service is to be admired by all Arkansans, and I commend him for this tremendous honor.●

RECOGNIZING GAY ISLAND OYSTER COMPANY

● Ms. SNOWE. Mr. President, one of the most beloved summer traditions we have in coastal Maine is enjoying fresh seafood from our State's numerous bays and harbors. While Maine is of course famous for its exquisite lobster, parts of our State are also undergoing a renaissance in oyster harvesting, particularly in the midcoast region. Today, I rise to recognize one of the companies involved in this reinvigoration of the industry, the Gay Island Oyster Company, a small family-run business founded in 2000 in the small seaside town of Cushing by Tara and Barrett Lynde.

A historic source of food in Maine, oysters have been gathered off the State's coast for over 5,000 years. Certain excavations have even found piles of shucked oysters, also known as ''middens,'' over 30 feet deep near the Damariscotta River near present-day route 1. Unfortunately, by 1949, climate changes, development, overfishing, and pollution had all but eliminated Maine's native oyster population. In response, Maine's Department of Sea and Shore Fisheries began a concerted effort to return this unique bivalve to local waters.

The Gay Island Oyster Company is one of the pioneering small businesses to take advantage of this reintroduction and has helped to revolutionize Maine's aquaculture industry. The owners of the company, Tara and Barrett Lynde, also hold a special distinction as a dynamic mother-and-son oyster harvesting team. Their oyster farm is unique in its harvesting methods, using floating mesh bags which bring Gay Island's oysters to the water's surface exposing them to tidal water flows. Tara and Barrett say that by

bringing oysters, which are normally found on the bottom of the ocean, to the surface, the oysters benefit from constant movement which translates into deeper oysters, narrower shells, and a cleaner taste. This method ensures that Gay Island oysters are full and sweet with perfect salinity and consistent taste.

To harvest these oysters, Tara and Barrett first place oyster seedlings in the calmer and less salty waters of the Meduncook River. After about a year they are moved a short distance away to an area between Gay and Morse islands, just off the coast of Cushing. The oysters then remain there for 2 more years before they are ready for harvest and consumption.

Gay Island Oyster Company is proud to remain a small business, and Tara and Barrett believe that their individual attention to detail allows them to ensure that the quality of their oysters will remain high. As a small family owned and operated business, Gay Island Oyster Company's efforts at responsible and sustainable oyster cultivation are a positive contribution towards a sensible use of such a precious resource. While Gay Island oysters are found in numerous restaurants, they can also be ordered from anywhere in the United States online, and are shipped the same day they are harvested to guarantee an unmatched freshness.

Maine's coastal heritage is critical to the past, present, and future of our State. While we often recognize the lobstermen and fishermen who spend long hours hauling in their catches, oystermen and other shellfishermen deserve credit for the intensity of their labors. I congratulate Tara and Barrett Lynde for founding Gay Island Oysters and recapturing a lost part of Maine's aquaculture, and I wish them all the best for many more successful years to come.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Armed Services.

(The nomination received today is printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 10:19 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills and joint resolution, without amendment:

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.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3993. An act to require accurate and reasonable disclosure of the terms and conditions of prepaid telephone calling cards and services.

H.R. 5481. An act to give subpoena power to the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling.

H.R. 5551. An act to require the Secretary of the Treasury to make a certification when making purchases under the Small Business Lending Fund Program.

H.R. 5569. An act to extend the National Flood Insurance Program until September 30, 2010.

The message further announced that the Clerk be directed to request the Senate to return to the House of Representatives the bill (H.R. 5136) to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

At 1:27 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that pursuant to section 201(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431), and the order of the House of January 6, 2009, the Speaker appointed the following members on the part of the House of Representatives to the Commission on International Religious Freedom: Ms. Elizabeth W. Prodromou of Boston, Massachusetts, for a 2-year term ending May 14, 2012, to succeed herself, and upon the recommendation of the Minority Leader: Mr. Ted Van Der Meid of Rochester, New York, for a 2-year term ending May 14, 2012, to succeed Ms. Nina Shea.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

At 4:46 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bills and joint resolution:

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.

The enrolled bills and joint resolution were signed by the Acting President pro tempore (Mr. REID).

ENROLLED BILL SIGNED

At 7:19 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 3962. An act to provide a physician payment update, to provide pension funding relief, and for other purposes.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. REID).

At 7:31 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House agrees 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) 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 message also announced that the House agrees to the amendments of the Senate 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.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3993. An act to require accurate and reasonable disclosure of the terms and conditions of prepaid telephone calling cards and services; to the Committee on Commerce, Science, and Transportation.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 5481. An act to give subpoena power to the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling.

H.R. 5551. An act to require the Secretary of the Treasury to make a certification when making purchases under the Small Business Lending Fund Program.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–6375. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Thiamethoxam; Pesticide Tolerances'' (FRL No. 8830–4) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6376. A communication from the Under Secretary of Defense (Personnel and Readiness), Department of Defense, transmitting, pursuant to law, a report entitled ''2010 Report to Congress on Sustainable Ranges''; to the Committee on Armed Services.

EC–6377. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Ownership or Control by a Foreign Government'' (DFARS Case 2010–D010) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Armed Services.

EC–6378. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Payments in Support of Emergencies and Contingency Operations'' (DFARS Case 2009–D020) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Armed Services.

EC–6379. A joint communication from the President and Chief Executive Officer and the Chief Accounting and Administrative Officer and Corporate Secretary, Federal Home Loan Bank of Seattle, transmitting, pursuant to law, the Bank's 2009 Annual Report; to the Committee on Banking, Housing, and Urban Affairs.

EC–6380. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13348 relative to the former Liberian regime of Charles Taylor; to the Committee on Banking, Housing, and Urban Affairs.

EC–6381. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Canada and Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC–6382. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled, ''Fundamental Properties of Asphalts and Modified Asphalts-III''; to the Committee on Commerce, Science, and Transportation.

EC–6383. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, a report entitled ''National Action Plan on Demand Response''; to the Committee on Energy and Natural Resources.

EC–6384. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Revision of Fee Schedules; Fee Recovery for FY 2010'' (RIN3150–AI70) received in the Office of the President of the Senate on June 18, 2010; to the Committee on Environment and Public Works.

EC–6385. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Ohio; Final Approval and Promulgation of State Implementation Plans; Carbon Monoxide and Volatile Organic Compounds'' (FRL No. 9159–3) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Environment and Public Works.

EC–6386. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Massachusetts: Final Authorization of State Hazardous Waste Management Program Revisions'' (FRL No. 9165–8) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Environment and Public Works.

EC–6387. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Determination of Attainment for PM10 for the Sandpoint PM10 Nonattainment Area, Idaho'' (FRL No. 9165–2) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Environment and Public Works.

EC–6388. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Oklahoma: Incorporation by Reference of Approved State Hazardous Waste Management Program'' (FRL No. 9162–7) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Environment and Public Works.

EC–6389. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Arkansas: Final Authorization of State-initiated Changes and Incorporation by Reference of State Hazardous Waste Management Program'' (FRL No. 9161–9) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Environment and Public Works.

EC–6390. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Significant New Use Rules on Certain Chemical Substances'' ((RIN2070–AB27)(FRL No. 8824–6)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Environment and Public Works.

EC–6391. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Applicable Federal Rates—July 2010'' (Rev. Rul. 2010–18) received in the Office of the President of the Senate on June 18, 2010; to the Committee on Finance.

EC–6392. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Interest and Penalty Suspension Provisions Under Section 6404(g) of the Internal Revenue Code'' ((TD 9488)(RIN1545–BE07)) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Finance.

EC–6393. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Rules Relating to Status as a Grandfathered Health Plan Under the Patient Protection and Affordable Care Act'' ((TD 9489)(RIN1545–BJ51)) received in the Office of the President of the Senate on June 18, 2010; to the Committee on Finance.

EC–6394. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including, technical data, and defense services to Sweden and Norway for the manufacture of F414–GE–400 engine components in support of U.S. Navy Commercial and FMS contracts in the amount of $100,000,000 or more; to the Committee on Foreign Relations.

EC–6395. A communication from the Assistant General Counsel for Regulatory Services, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Centers for Independent Living Program—Training and Technical Assistance'' (CFDA No. 84.400B) received in the Office of the President of the Senate on June 22, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC–6396. A communication from the Assistant General Counsel for Regulatory Services, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''National Institute on Disability and Rehabilitation Research (NIDRR)—Disability and Rehabilitation Research Projects and Centers Program—Rehabilitation Research and Training Centers (RRTCs)—Employment Outcomes for Individuals who are Blind or Visually Impaired'' (CFDA No. 84.133B–6) received in the Office of the President of the Senate on June 22, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC–6397. A communication from the Director, Employee Services, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''General Schedule Locality Pay Areas'' (RIN3206–AL96) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–6398. A communication from the Inspector General, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2009 through September 30, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–6399. A communication from the Secretary of Labor, transmitting, pursuant to law, the Semiannual Report of the Office of Inspector General of the Pension Benefit Guaranty Corporation for the period from April 1, 2009, through September 30, 2009 and the Director's Semiannual Report on Management Decisions and Final Actions on Office of Inspector General Audit Recommendations; to the Committee on Homeland Security and Governmental Affairs.

EC–6400. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of October 1, 2009 through March 31, 2010; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment:

S. 3466. A bill to require restitution for victims of criminal violations of the Federal Water Pollution Control Act, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LIEBERMAN for the Committee on Homeland Security and Governmental Affairs.

*Dennis J. Toner, of Delaware, to be a Governor of the United States Postal Service for the remainder of the term expiring December 8, 2012.

*John S. Pistole, of Virginia, to be an Assistant Secretary of Homeland Security.

By Mr. LEAHY for the Committee on the Judiciary.

Cathy Jo Jones, of Ohio, to be United States Marshal for the Southern District of Ohio for the term of four years.

Edward L. Stanton, III, of Tennessee, to be United States Attorney for the Western District of Tennessee for the term of four years.

Stephen R. Wigginton, of Illinois, to be United States Attorney for the Southern District of Illinois for the term of four years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BROWN of Ohio:

S. 3527. A bill to amend title XVIII of the Social Security Act to ensure access to chest radiography (x-ray) services that use Computer-Aided Detection for the purpose of early detection of lung cancer; to the Committee on Finance.

By Ms. SNOWE (for herself, Mr. LAUTENBERG, Mr. WHITEHOUSE, Ms. COLLINS, Mrs. SHAHEEN, Mrs. BOXER, Mr. KERRY, Ms. CANTWELL, Mr. REED, and Mr. BEGICH):

S. 3528. A bill to promote coastal jobs creation, promote sustainable fisheries and fishing communities, revitalize waterfronts, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. HAGAN:

S. 3529. A bill to require that certain Federal job training and career education programs give priority to programs that provide an industry-recognized and nationally portable credential; to the Committee on Health, Education, Labor, and Pensions.

By Mr. PRYOR (for himself and Mr. WARNER):

S. 3530. A bill to amend the Stevenson-Wydler Technology Innovation Act of 1980 to provide for prize competitions to stimulate innovations that advance the missions of Federal agencies, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SANDERS (for himself, Mrs. MURRAY, and Mr. LEAHY):

S. 3531. A bill to amend the Dairy Production Stabilization Act of 1983 to establish a dairy market stabilization program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. 3532. A bill to reinstate and transfer certain hydroelectric licenses and extend the deadline for commencement of construction of certain hydroelectric projects; to the Committee on Energy and Natural Resources.

By Mr. SANDERS (for himself, Mr. WHITEHOUSE, Mr. HARKIN, Mr. BROWN of Ohio, and Mr. FRANKEN):

S. 3533. A bill to amend the Internal Revenue Code of 1986 to reinstate estate and generation-skipping taxes, and for other purposes; to the Committee on Finance.

By Ms. LANDRIEU (for herself and Mr. DORGAN):

S. 3534. A bill to establish a Native American entrepreneurial development program in the Small Business Administration; to the Committee on Small Business and Entrepreneurship.

By Mr. BURR (for himself and Mr. CHAMBLISS):

S. 3535. A bill to enhance the energy security of the United States by promoting the production of natural gas, nuclear energy, and renewable energy, and for other purposes; to the Committee on Finance.

By Mr. BENNETT (for himself and Ms. KLOBUCHAR):

S. 3536. A bill to enhance aviation security and protect personal privacy, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. UDALL of Colorado (for himself, Mr. BENNETT, Mr. BENNET, and Mr. HATCH):

S. 3537. A bill to provide for certain land exchanges in Gunnison County, Colorado, and Uintah County, Utah; to the Committee on Energy and Natural Resources.

By Mr. BOND (for himself and Mr. HATCH):

S. 3538. A bill to improve the cyber security of the United States and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MERKLEY (for himself, Mr. FRANKEN, Mr. BROWN of Ohio, Mr. BEGICH, Mr. KERRY, Mr. WYDEN, Mrs. SHAHEEN, Ms. CANTWELL, Mrs. FEINSTEIN, Mrs. BOXER, Ms. MIKULSKI, Mrs. MURRAY, and Mrs. GILLIBRAND):

S. Res. 565. 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 Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 28

At the request of Mr. SCHUMER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 28, a bill to ensure that the courts of the United States may provide an impartial forum for claims brought by United States citizens and others against any railroad organized as a separate legal entity, arising from the deportation of United States citizens and others to Nazi concentration camps on trains owned or operated by such railroad, and by the heirs and survivors of such persons.

S. 306

At the request of Mr. NELSON of Nebraska, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 306, a bill to promote biogas production, and for other purposes.

S. 332

At the request of Mrs. FEINSTEIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 332, a bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner.

S. 435

At the request of Mr. CASEY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 435, a bill to provide for evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention to help build individual, family, and community strength and resiliency to ensure that youth lead productive, safe, healthy, gang-free, and law-abiding lives.

S. 678

At the request of Mr. LEAHY, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 678, a bill to reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

S. 797

At the request of Mr. DORGAN, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 797, a bill to amend the Indian Law Enforcement Reform Act, the Indian Tribal Justice Act, the Indian Tribal Justice Technical and Legal Assistance Act of 2000, and the Omnibus Crime Control and Safe Streets Act of 1968 to improve the prosecution of, and response to, crimes in Indian country, and for other purposes.

S. 831

At the request of Mr. KERRY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 831, a bill to amend title 10, United States Code, to include service after September 11, 2001, as service qualifying for the determination of a reduced eligibility age for receipt of non-regular service retired pay.

S. 1674

At the request of Mr. WYDEN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1674, a bill to provide for an exclusion under the Supplemental Security Income program and the Medicaid program for compensation provided to individuals who participate in clinical trials for rare diseases or conditions.

S. 2792

At the request of Mrs. GILLIBRAND, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 2792, a bill to amend the Federal Meat Inspection Act to develop an effective sampling and testing program to test for E. coli O157:H7 in boneless beef manufacturing trimmings and other raw ground beef components, and for other purposes.

S. 3029

At the request of Mr. KERRY, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 3029, a bill to establish an employment-based immigrant visa for alien entrepreneurs who have received significant capital from investors to establish a business in the United States.

S. 3036

At the request of Mr. BAYH, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 3036, a bill to establish the Office of the National Alzheimer's Project.

S. 3171

At the request of Mrs. LINCOLN, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 3171, a bill to amend title 38, United States Code, to provide for the approval of certain programs of education for purposes of the Post-9/11 Educational Assistance Program.

S. 3192

At the request of Mr. SPECTER, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 3192, a bill to amend title 38, United States Code, to provide for the tolling of the timing of review for appeals of final decisions of the Board of Veterans' Appeals, and for other purposes.

S. 3196

At the request of Mr. KAUFMAN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 3196, a bill to amend the Presidential Transition Act of 1963 to provide that certain transition services shall be available to eligible candidates before the general election.

S. 3213

At the request of Mr. LEVIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 3213, a bill to ensure that amounts credited to the Harbor Maintenance Trust Fund are used for harbor maintenance.

S. 3278

At the request of Mr. BENNET, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 3278, a bill to establish the Meth Project Prevention Campaign Grant Program.

S. 3320

At the request of Mr. WHITEHOUSE, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 3320, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 3335

At the request of Mr. COBURN, the names of the Senator from Massachusetts (Mr. BROWN), the Senator from Pennsylvania (Mr. CASEY) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S. 3335, a bill to require Congress to establish a unified and searchable database on a public website for congressional earmarks as called for by the President in his 2010 State of the Union Address to Congress.

S. 3347

At the request of Mr. JOHANNS, his name was added as a cosponsor of S. 3347, a bill to extend the National Flood Insurance Program through December 31, 2010.

S. 3371

At the request of Mrs. MCCASKILL, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 3371, a bill to amend title 10, United States Code, to improve access to mental health care counselors under the TRICARE program, and for other purposes.

S. 3479

At the request of Mrs. HAGAN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 3479, a bill to authorize the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, to establish and implement a birth defects prevention, risk reduction, and public awareness program.

S. 3481

At the request of Mr. CARDIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 3481, a bill to amend the Federal Water Pollution Control Act to clarify Federal responsibility for stormwater pollution.

S. 3505

At the request of Ms. STABENOW, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 3505, a bill to prohibit the purchases by the Federal Government of Chinese goods and services until China agrees to the Agreement on Government Procurement, and for other purposes.

S. 3512

At the request of Mrs. HUTCHISON, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 3512, a bill to provide a statutory waiver of compliance with the Jones Act to foreign flagged vessels assisting in responding to the Deepwater Horizon oil spill.

S. RES. 519

At the request of Mr. DEMINT, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. Res. 519, a resolution expressing the sense of the Senate that the primary safeguard for the well-being and protection of children is the family, and that the primary safeguards for the legal rights of children in the United States are the Constitutions of the United States and the several States, and that, because the use of international treaties to govern policy in the United States on families and children is contrary to principles of self-government and federalism, and that, because the United Nations Convention on the Rights of the Child undermines traditional principles of law in the United States regarding parents and children, the President should not transmit the Convention to the Senate for its advice and consent.

S. RES. 554

At the request of Mr. ENZI, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. Res. 554, a resolution designating July 24, 2010, as ''National Day of the American Cowboy''.

S. RES. 564

At the request of Mr. WEBB, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Indiana (Mr. LUGAR) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. Res. 564, a resolution recognizing the 50th anniversary of the ratification of the Treaty of Mutual Security and Cooperation with Japan, and affirming support for the United States-Japan security alliance and relationship.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE (for herself, Mr. LAUTENBERG, Mr. WHITEHOUSE, Ms. COLLINS, Mrs. SHAHEEN, Mrs. BOXER, Mr. KERRY, Ms. CANTWELL, Mr. REED, Mr. BARRASSO, and Mr. BEGICH):

S. 3528. A bill to promote coastal jobs creation, promote sustainable fisheries and fishing communities, revitalize waterfronts, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today to introduce the Coastal Jobs Creation Act of 2010. This bill would establish a grant program within the Department of Commerce to enhance employment opportunities for coastal communities by increasing support for cooperative research programs, revitalization of coastal infrastructure, and stewardship of coastal and marine resources. As Ranking Member of the Senate Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard, and as a Senator from a State which relies heavily on its coastal region as an economic driver, I am acutely aware of the hardships that have been visited on these areas in recent years.

I particularly want to thank my lead cosponsor on this key piece of legislation, Senator LAUTENBERG. Clearly, his home State of New Jersey shares many of the same issues we face in Maine when it comes to ensuring the vitality of our historic fishing and coastal industries, and I greatly appreciate his support of this initiative. I also want to thank the bill's additional cosponsors, Senators WHITEHOUSE, COLLINS, SHAHEEN, BOXER, KERRY, and CANTWELL, for their vital contributions.

As our Nation struggles to recover from the ongoing recession, it is critical that we do all we can to create employment opportunities. I have said it before, and I will say it again: the jobless recovery that our Nation is currently experiencing is not a true economic recovery. While the most recent unemployment figures may have shown a decline from 9.9 to 9.7 percent—of course, welcome news—the private sector is not creating jobs. Indeed, there were 411,000 temporary Census employees hired in May, as opposed to the 41,000 new jobs in the private sector. This does not bode well for our future

economic health, and does not instill confidence in our fragile economy.

Ultimately, what affects our coastal economy drives our Nation's economy. More than 75 percent of growth in this country from 1997 to 2007, whether measured in population, jobs, or GDP, occurred in coastal States, and more than half of U.S. citizens live in coastal communities. As the Nation's economy has struggled through the ongoing recession, maritime industries have experienced more than their share of hardship. This has been compounded in the fishing industry by regulatory changes mandated by the Magnuson-Stevens Fishery Conservation and Management Act which we reauthorized in 2006. The law now requires strict, science-based annual catch limits to be imposed in all fisheries by 2011. While we expect these changes will ultimately be beneficial to the health of the fish stocks, they have dire economic implications today.

On April 18, 2010, Bumble Bee Foods shuttered the last sardine cannery in the United States, which had been located in Prospect Harbor, Maine. This closure can be attributed to a single cause: the National Marine Fisheries Service's decision to slash the catch limit for herring by 38 percent for 2010, meaning there were not enough fish available to supply the plant. Scientists did not recommend this reduction because herring is overfished—it is not—but rather because they did not have the data to provide sufficient confidence in the stock assessment. In addition to impacts on the herring and lobster fisheries, this lack of data has directly resulted in a century-old fish processing plant closing its doors, costing an economically depressed community 130 jobs and spelling the end of an entire industry in the United States. If the law's new mandates are to be effective, they will require an infusion of better scientific data. The grant program authorized in this legislation will lead to more cooperative research to improve fishery-dependent data and increase employment opportunities for fishermen by involving them in the research process.

An additional concern this bill would help alleviate is the rapid decline in availability of working waterfront property. As Americans move to the coast in greater numbers, the demand for waterfront property increases, boosting prices and raising the tax burdens on waterfront property owners. According to a report by Maine Sea Grant and the Island Institute, a nonprofit advocacy group, of the more than 5,300 miles of Maine's coastline, just 20 miles remain in use as working waterfront property—less than half of one percent of the potential area. This bill would authorize grants to recapitalize working waterfront property to stem the loss of this vital infrastructure without which our coastal industries will simply vanish.

If enacted, this critical legislation would greatly enhance the health and vitality of our Nation's coastal communities, and help put our Nation on a path to a true economic recovery, driven by small businesses and private sector job creation. Once again, I thank Senator LAUTENBERG, and all of my cosponsors again for their efforts in developing this vital legislation.

By Mrs. HAGAN:

S. 3529. A bill to require that certain Federal job training and career education programs give priority to programs that provide an industry-recognized and nationally portable credential; to the Committee on Health, Education, Labor, and Pensions.

Mrs. HAGAN. Mr. President, today, I am proud to introduce an important piece of legislation to spur job growth across America. The American Manufacturing Efficiency and Retraining Investment Collaboration Achievement Works Act also known as the AMERICA Works Act is part of the solution to the Nation's unemployment problem.

With the national unemployment rate at 9.7 percent, and at 10.8 percent in my home state of North Carolina, we need to do everything we can to reinvigorate the American workforce.

The United States needs a strong technical workforce. Our country is facing a widening skills gap between older workers with advanced technical skills who will be retiring in the next few years, and the younger workers who have not yet received adequate training to replace them. The benefits of industry-recognized credentials are widely known, but too often those credentials do not count toward educational requirements, do not match the needs of local employers, or require too much time to earn just one credential. Ultimately, the system ends up breaking down, to the detriment of instructors, employers, and employees.

The AMERICA Works Act would give priority to Federal job training programs that provide an industry-recognized and nationally-portable credential. The legislation encourages national industries to come together and agree upon common standards, defining the skill sets needed in employees. Once industries have agreed upon standards, they can work with educational institutions to turn the standards into workable curriculums with tiered or stackable credentials. Ultimately, local workforce boards can help workers seeking training and employment opportunity by directing them toward job training programs that have priority under existing Federal programs.

The AMERICA Works Act would require certain Federal job training and career development education programs to give priority to programs that provide an industry-recognized and nationally-portable credential. This credentialing system starts out with basic competencies that prepare individuals for the workplace. Once basic competencies are completed, individuals can work toward high performance technical competencies and then progress further to highly skilled technical and management competencies. The credentialing levels are stackable, allowing workers flexibility along their career tracks. Stackable credentials provide straight forward paths, with clear entry and exit points, for workers to advance their careers and attain high quality jobs.

In North Carolina, we have an advanced manufacturing skills program at Forsyth Technical Community College in Winston-Salem. Forsyth Technical Community College is participating in the National Association of Manufacturers Endorsed Skills Certification System, which offers credit programs toward nationally-recognized, stackable credentials. Currently, they have 207 students enrolled in their programs. Forsyth Technical has already collaborated with State and local businesses to begin the process of incorporating their credentials into job descriptions. They believe that introducing graduates with skill certifications into the local workforce will help improve the hiring process, and these nationally-recognized credentials will increase employment opportunities.

The AMERICA Works Act will benefit business. When businesses clearly identify skills they need in their employees, educational institutions can tailor programs to teach those skills and workers will be better suited to meet their needs—starting on day one.

This legislation will benefit workers. Stackable credentials benefit workers by offering several on-ramps and off-ramps to a two-year technical degree: workers in training can exit the system having earned a basic, industry-recognized credential that qualifies them for employment, but without having completed the full two-year technical degree, and they can easily re-enter the system later to move up within their field and work toward the more advanced degree.

The AMERICA Works Act will benefit educational programs. Local educational institutes want to provide their students with the most useful skills possible. Open lines of communication between businesses, workforce boards and workers will better enable them to do just that.

This legislation will benefit local economies. Local workforce boards will have the chance to determine which skills training programs are most valuable for their region, today and into the future. Local areas with well-trained workforces can more effectively lure new businesses. While this bill mentions manufacturing, it would benefit any industry that meets the criteria established in the legislation.

I want to do everything I can to create jobs and make sure our workers have the skills needed to help our businesses grow and thrive. By incentivizing companies to work with educational institutes and develop industry-recognized, nationally-portable,

and stackable credentialing curricula, we can ensure that we have the best businesses, with the best workers, trained at the best institutes.

I urge my other colleagues to join me in supporting this important bill to enhance employment opportunity for hardworking Americans.

By Ms. LANDRIEU (for herself and Mr. DORGAN):

S. 3534. A bill to establish a Native American entrepreneurial development program in the Small Business Administration; to the Committee on Small Business and Entrepreneurship.

Ms. LANDRIEU. Mr. President, as Chair of the Committee on Small Business and Entrepreneurship, I am pleased to introduce the Native American Small Business Assistance and Entrepreneurial Growth Act of 2010. This vital and timely legislation codifies and builds upon the Small Business Administration's, SBA, existing efforts through the Office of Native American Affairs, which is responsible for overseeing and implementing programs that are specifically tailored to meet the needs of the Native American community. By strengthening and improving these programs, the SBA will be able to reach even more Native Americans, helping them to achieve their dream of starting or growing their own small businesses and spurring vital and necessary growth within tribal communities.

According to the most recent report released by the U.S. Census bureau, the ''three year average poverty rate for American Indians and Alaska Natives was 25.9 percent higher than for any other race groups.'' Additionally, research shows that entrepreneurial development is playing a significant role in promoting healthy tribal economies, and fostering much needed economic growth in various industries. Data from the 2000 U.S. Census shows that since 1997, the number of Native American-owned businesses has risen by 84 percent to 197,300, and that their gross incomes have increased by 179 percent to $34.5 billion.

However, in the face of historically high unemployment and tight credit, particularly for Native Americans, starting a business has never been more difficult. During the 111th Congress, the Committee has heard from industry experts, organizational leaders and entrepreneurs working in or on behalf of Native American communities. From them, we know that, despite the growth we are seeing in Native American-owned businesses, more resources are needed to provide additional technical assistance and business development opportunities so as to ensure the economic sustainability and growth within tribal communities. According to the Aspen Institute, ''training and technical assistance are arguably the most important components of microenterprise development services in the United States, particularly when those services are aimed at low-income clients.'' Additionally, according to the Corporation for Enterprise Development, this is particularly true for Native American entrepreneurs operating in environments that have not traditionally been geared towards private enterprise. For these reasons, it is critical that we do more to provide necessary resources for Native American entrepreneurial development programs that are working to address critical sustainability issues in tribal communities.

That is why today I am introducing the Native American Small Business Assistance and Entrepreneurial Growth Act of 2010. Since its establishment, SBA's Office of Native American Affairs worked to promote and support Native American entrepreneurs and to encourage important entrepreneurial activity in Native American communities. This legislation will further enhance and improve the existing programs within the Office of Native American Affairs, as well as create a new program that provides financial assistance to eligible entities to create Native American business centers which will conduct projects to provide culturally tailored business development training and related services to Native Americans and Native American small business concerns.

In introducing this important piece of legislation today, I would note that many of the provisions in this bill were included in S. 1229, the Entrepreneurial Development Act of 2009, which I introduced earlier this Congress and which passed out of Committee with unanimous and bi-partisan support in June of 2009. It is also the basis for many of the SBA related provisions included in the Native American Employment Act of 2010 that Senator DORGAN, Chairman of the U.S. Senate Committee on Indian Affairs introduced earlier this month. Given the importance of this legislation to hundreds of thousands of Native American-owned businesses, and the potential we have before us to strengthen one of America's greatest emerging markets, I have decided to re-introduce these provisions as a stand-alone bill. I look forward to working with my colleagues in the Senate to bring this legislation to the President's desk in the coming months.

In closing, I would like to thank Chairman DORGAN for his continued leadership on behalf of existing and future Native American small business owners, and especially for his cosponsorship of this important legislation. Chairman DORGAN has been a tireless advocate for Native American communities across the country and in his home state of North Dakota, and I am pleased to have his support on this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3534

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Native American Small Business Assistance and Entrepreneurial Growth Act of 2010''.

SEC. 2. NATIVE AMERICAN SMALL BUSINESS DEVELOPMENT PROGRAM.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) in section 4(b)(1) (15 U.S.C. 633(b)(1))—

(A) in the fifth sentence, by striking ''five Associate Administrators'' and inserting ''6 Associate Administrators''; and

(B) by inserting after the fifth sentence the following: ''1 Associate Administrator shall be the Associate Administrator of the Office of Native American Affairs established by section 44.'';

(2) by redesignating section 44 as section 45; and

(3) by inserting after section 43 (15 U.S.C. 657o) the following:

''SEC. 44. NATIVE AMERICAN SMALL BUSINESS DEVELOPMENT PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) ASSOCIATE ADMINISTRATOR.—The term 'Associate Administrator' means the Associate Administrator of the Office of Native American Affairs established under subsection (b).

''(2) CENTER; NATIVE AMERICAN BUSINESS CENTER.—The terms 'center' and 'Native American business center' mean a center established under subsection (c).

''(3) ELIGIBLE APPLICANT.—The term 'eligible applicant' means—

''(A) a tribal college;

''(B) a private, nonprofit organization—

''(i) that provides business and financial or procurement technical assistance to 1 or more Native American communities; and

''(ii) that is dedicated to assisting one or more Native American communities; or

''(C) a small business development center, women's business center, or other private organization participating in a joint project.

''(4) JOINT PROJECT.—The term 'joint project' means a project that—

''(A) combines the resources and expertise of 2 or more distinct entities at a physical location dedicated to assisting the Native American community; and

''(B) submits to the Administration a joint application that contains—

''(i) a certification that each participant of the project—

''(I) is an eligible applicant;

''(II) employs an executive director or program manager to manage the center; and

''(ii) information demonstrating a record of commitment to providing assistance to Native Americans and;

''(iii) information demonstrating that the participants in the joint project have the ability and resources to meet the needs, including the cultural needs, of the Native Americans to be served by the project.

''(5) NATIVE AMERICAN SMALL BUSINESS CONCERN.—The term 'Native American small business concern' means a small business concern that is at least 51 percent owned and controlled by —

''(A) an Indian tribe or a Native Hawaiian Organization, as the terms are described in paragraphs (13) and (15) of section 8(a), respectively; or

''(B) 1 or more individuals members of an Indian tribe or Native Hawaiian Organization.

''(6) NATIVE AMERICAN SMALL BUSINESS DEVELOPMENT PROGRAM.—The term 'Native American small business development program' means the program established under subsection (c).

''(7) SMALL BUSINESS CONCERN.—The term 'small business concern' has the same meaning as in section 3.

''(8) SMALL BUSINESS DEVELOPMENT CENTER.—The term 'small business development center' means a small business development center described in section 21.

''(9) TRIBAL COLLEGE.—The term 'tribal college' has the meaning given the term 'tribally controlled college or university' in section 2(a) of the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801(a)).

''(10) TRIBAL LAND.—The term 'tribal land' has the meaning given the term 'reservation' in section 3 of the Indian Financing Act (25 U.S.C. 1452).

''(b) OFFICE OF NATIVE AMERICAN AFFAIRS.—

''(1) ESTABLISHMENT.—There is established within the Administration the Office of Native American Affairs, which, under the direction of the Associate Administrator, shall implement the programs of the Administration for the development of business enterprises by Native Americans.

''(2) PURPOSE.—The purpose of the Office of Native American Affairs is to help Native American small business concerns—

''(A) to start, operate, and increase the business of small business concerns;

''(B) to develop management and technical skills;

''(C) to seek Federal procurement opportunities;

''(D) to increase employment opportunities for Native Americans through the establishment and expansion of small business concerns; and

''(E) to increase the access of Native Americans to capital markets.

''(3) ASSOCIATE ADMINISTRATOR.—

''(A) APPOINTMENT.—The Administrator shall appoint a qualified individual to serve as Associate Administrator of the Office of Native American Affairs in accordance with this paragraph.

''(B) QUALIFICATIONS.—The Associate Administrator appointed under subparagraph (A) shall have—

''(i) knowledge of Native American culture; and

''(ii) experience providing culturally tailored small business development assistance to Native Americans.

''(C) EMPLOYMENT STATUS.—The Administrator shall establish the position of Associate Administrator, who shall—

''(i) be an appointee in the Senior Executive Service (as defined in section 3132(a) of title 5, United States Code); and

''(ii) shall report to and be responsible directly to the Administrator.

''(D) RESPONSIBILITIES AND DUTIES.—The Associate Administrator shall—

''(i) administer and manage the Native American small business development program;

''(ii) formulate, execute, and promote the policies and programs of the Administration that provide assistance to small business concerns owned and controlled by Native Americans;

''(iii) act as an ombudsman for full consideration of Native Americans in all programs of the Administration;

''(iv) recommend the annual administrative and program budgets for the Office of Native American Affairs;

''(v) consult with Native American business centers in carrying out the Native American small business development program;

''(vi) recommend appropriate funding levels;

''(vii) review the annual budgets submitted by each applicant for the Native American small business development program;

''(viii) select applicants to participate in the Native American small business development program;

''(ix) implement this section; and

''(x) maintain a clearinghouse for the dissemination and exchange of information between all Administration-sponsored business centers.

''(E) CONSULTATION REQUIREMENTS.—In carrying out the responsibilities and duties described in this paragraph, the Associate Administrator shall confer with and seek the advice of—

''(i) officials of the Administration working in areas served by Native American business centers; and

''(ii) eligible applicants.

''(c) NATIVE AMERICAN SMALL BUSINESS DEVELOPMENT PROGRAM.—

''(1) FINANCIAL ASSISTANCE.—

''(A) IN GENERAL.—The Administration, acting through the Associate Administrator, shall provide financial assistance to eligible applicants to establish Native American business centers in accordance with this section.

''(B) USE OF FUNDS.—The financial and resource assistance provided under this subsection shall be used to establish a Native American business center to overcome obstacles impeding the establishment, development, and expansion of small business concerns, in accordance with this section.

''(2) 5-YEAR PROJECTS.—

''(A) IN GENERAL.—Each Native American business center that receives assistance under paragraph (1)(A) shall conduct a 5-year project that offers culturally tailored business development assistance in the form of—

''(i) financial education, including training and counseling in—

''(I) applying for and securing business credit and investment capital;

''(II) preparing and presenting financial statements; and

''(III) managing cash flow and other financial operations of a business concern;

''(ii) management education, including training and counseling in planning, organizing, staffing, directing, and controlling each major activity and function of a small business concern; and

''(iii) marketing education, including training and counseling in—

''(I) identifying and segmenting domestic and international market opportunities;

''(II) preparing and executing marketing plans;

''(III) developing pricing strategies;

''(IV) locating contract opportunities;

''(V) negotiating contracts; and

''(VI) using varying public relations and advertising techniques.

''(B) BUSINESS DEVELOPMENT ASSISTANCE RECIPIENTS.—The business development assistance under subparagraph (A) shall be offered to prospective and current owners of Native American small business concerns.

''(3) FORM OF FEDERAL FINANCIAL ASSISTANCE.—

''(A) DOCUMENTATION.—The financial assistance to Native American business centers authorized under this subsection may be made by grant, contract, or cooperative agreement.

''(B) PAYMENTS.—

''(i) TIMING.—Payments made under this subsection may be disbursed in periodic installments, at the request of the recipient.

''(ii) ADVANCE.—The Administrator may disburse not more than 25 percent of the annual amount of Federal financial assistance awarded to a Native American business center after notice of the award has been issued.

''(C) NON-FEDERAL CONTRIBUTIONS.—

''(i) IN GENERAL.—

''(I) INITIAL FINANCIAL ASSISTANCE.—Except as provided in subclause (II), an eligible applicant that receives financial assistance under this subsection shall provide non-Federal contributions for the operation of the Native American business center established by the eligible applicant in an amount equal to—

''(aa) in each of the first and second years of the project, not less than 33 percent of the amount of the financial assistance received under this subsection; and

''(bb) in the third through fifth years of the project, not less than 50 percent of the amount of the financial assistance received under this subsection.

''(II) RENEWALS.—An eligible applicant that receives a renewal of financial assistance under this subsection shall provide non-Federal contributions for the operation of a Native American business center established by the eligible applicant in an amount equal to not less than 50 percent of the amount of the financial assistance received under this subsection.

''(III) EXCEPTIONS.—The requirements of this section may be waived at the discretion of the Administrator, based on an evaluation of the ability of the eligible applicant to provide non-Federal contributions.

''(4) CONTRACT AND COOPERATIVE AGREEMENT AUTHORITY.—A Native American business center may enter into a contract or cooperative agreement with a Federal department or agency to provide specific assistance to Native American and other underserved small business concerns located on or near tribal land, to the extent that the contract or cooperative agreement is consistent with and does not duplicate the terms of any assistance received by the Native American business center from the Administration.

''(5) APPLICATION PROCESS.—

''(A) SUBMISSION OF A 5-YEAR PLAN.—Each applicant for assistance under paragraph (1) shall submit a 5-year plan to the Administration on proposed assistance and training activities.

''(B) CRITERIA.—

''(i) IN GENERAL.—The Administrator shall evaluate applicants for financial assistance under this subsection in accordance with selection criteria that are—

''(I) established before the date on which eligible applicants are required to submit the applications;

''(II) stated in terms of relative importance; and

''(III) publicly available and stated in each solicitation for applications for financial assistance under this subsection made by the Administrator.

''(ii) CONSIDERATIONS.—The criteria required by this subparagraph shall include—

''(I) the experience of the applicant in conducting programs or ongoing efforts designed to impart or upgrade the business skills of current or potential owners of Native American small business concerns;

''(II) the ability of the applicant to commence a project within a minimum amount of time;

''(III) the ability of the applicant to provide quality training and services to a significant number of Native Americans;

''(IV) previous assistance from the Administration to provide services in Native American communities;

''(V) the proposed location for the Native American business center, with priority given based on the proximity of the center to the population being served and to achieve a broad geographic dispersion of the centers; and

''(VI) demonstrated experience in providing technical assistance, including financial, marketing, and management assistance.

''(6) CONDITIONS FOR PARTICIPATION.—Each eligible applicant desiring a grant under this

subsection shall submit an application to the Administrator that contains—

''(A) a certification that the applicant—

''(i) is an eligible applicant;

''(ii) employs a full-time executive director, project director, or program manager to manage the Native American business center; and

''(iii) agrees—

''(I) to a site visit by the Administrator as part of the final selection process;

''(II) to an annual programmatic and financial examination; and

''(III) to the maximum extent practicable, to remedy any problems identified pursuant to that site visit or examination;

''(B) information demonstrating that the applicant has the ability and resources to meet the needs, including cultural needs, of the Native Americans to be served by the grant;

''(C) information relating to proposed assistance that the grant will provide, including—

''(i) the number of individuals to be assisted; and

''(ii) the number of hours of counseling, training, and workshops to be provided;

''(D) information demonstrating the effectiveness and experience of the applicant in—

''(i) conducting financial, management, and marketing assistance programs designed to educate or improve the business skills of current or prospective Native American business owners;

''(ii) providing training and services to a representative number of Native Americans;

''(iii) using resource partners of the Administration and other entities, including institutions of higher education, Indian tribes, or tribal colleges; and

''(iv) the prudent management of finances and staffing;

''(E) the location at which the applicant will provide training and services to Native Americans;

''(F) a 5-year plan that describes—

''(i) the number of Native Americans and Native American small business concerns to be served by the grant;

''(ii) if the Native American business center is located in the continental United States, the number of Native Americans to be served by the grant; and

''(iii) the training and services to be provided to a representative number of Native Americans; and

''(G) if the applicant is a joint project—

''(i) a certification that each participant in the joint project is an eligible applicant;

''(ii) information demonstrating a record of commitment to providing assistance to Native Americans; and

''(iii) information demonstrating that the participants in the joint project have the ability and resources to meet the needs, including the cultural needs, of the Native Americans to be served by the grant.

''(7) REVIEW OF APPLICATIONS.—The Administrator shall approve or disapprove each completed application submitted under this subsection not later than 90 days after the date on which the eligible applicant submits the application.

''(8) PROGRAM EXAMINATION.—

''(A) IN GENERAL.—Each Native American business center established under this subsection shall annually provide to the Administrator an itemized cost breakdown of actual expenditures made during the preceding year.

''(B) ADMINISTRATION ACTION.—Based on information received under subparagraph (A), the Administration shall—

''(i) develop and implement an annual programmatic and financial examination of each Native American business center assisted pursuant to this subsection; and

''(ii) analyze the results of each examination conducted under clause (i) to determine the programmatic and financial viability of each Native American business center.

''(C) CONDITIONS FOR CONTINUED FUNDING.—In determining whether to renew a grant, contract, or cooperative agreement with a Native American business center, the Administration—

''(i) shall consider the results of the most recent examination of the center under subparagraph (B), and, to a lesser extent, previous examinations; and

''(ii) may withhold the renewal, if the Administrator determines that—

''(I) the center has failed to provide the information required to be provided under subparagraph (A), or the information provided by the center is inadequate;

''(II) the center has failed to provide adequate information required to be provided by the center for purposes of the report of the Administrator under subparagraph (E);

''(III) the center has failed to comply with a requirement for participation in the Native American small business development program, as determined by the Administrator, including—

''(aa) failure to acquire or properly document a non-Federal contribution;

''(bb) failure to establish an appropriate partnership or program for marketing and outreach to reach new Native American small business concerns;

''(cc) failure to achieve results described in a financial assistance agreement; and

''(dd) failure to provide to the Administrator a description of the amount and sources of any non-Federal funding received by the center;

''(IV) the center has failed to carry out the 5-year plan under in paragraph (6)(F); or

''(V) the center cannot make the certification described in paragraph (6)(A).

''(D) CONTINUING CONTRACT AND COOPERATIVE AGREEMENT AUTHORITY.—

''(i) IN GENERAL.—The authority of the Administrator to enter into contracts or cooperative agreements in accordance with this subsection shall be in effect for each fiscal year only to the extent and in the amounts as are provided in advance in appropriations Acts.

''(ii) RENEWAL.—After the Administrator has entered into a contract or cooperative agreement with any Native American business center under this subsection, the Administrator may not suspend, terminate, or fail to renew or extend any such contract or cooperative agreement unless the Administrator—

''(I) provides the center with written notification that describes the reasons for the action of the Administrator; and

''(II) affords the center an opportunity for a hearing, appeal, or other administrative proceeding under chapter 5 of title 5, United States Code.

''(E) ANNUAL MANAGEMENT REPORT.—

''(i) IN GENERAL.—The Administrator shall prepare and submit to the Committee on Small Business and Entrepreneurship and the Committee on Indian Affairs of the Senate and the Committee on Small Business and the Committee on Natural Resources of the House of Representatives an annual report on the effectiveness of all projects conducted by Native American business centers under this subsection and any pilot programs administered by the Office of Native American Affairs.

''(ii) CONTENTS.—Each report submitted under clause (i) shall include, with respect to each Native American business center receiving financial assistance under this subsection—

''(I) the number of individuals receiving assistance from the Native American business center;

''(II) the number of startup business concerns established with the assistance of the Native American business center;

''(III) the number of existing businesses in the area served by the Native American business center seeking to expand employment;

''(IV) the number of jobs established or maintained, on an annual basis, by Native American small business concerns assisted by the center since receiving funding under this section;

''(V) to the maximum extent practicable, the amount of the capital investment and loan financing used by emerging and expanding businesses that were assisted by a Native American business center;

''(VI) any additional information on the counseling and training program that the Administrator determines to be necessary; and

''(VII) the most recent examination, as required under subparagraph (B), and the determination made by the Administration under that subparagraph.

''(9) ANNUAL REPORTS.—Each Native American business center receiving financial assistance under this subsection shall submit to the Administrator an annual report on the services provided with the financial assistance, including—

''(A) the number of individuals assisted, by tribal affiliation;

''(B) the number of hours spent providing counseling and training for those individuals;

''(C) the number of startup small business concerns established or maintained with the assistance of the Native American business center;

''(D) the gross receipts of small business concerns assisted by the Native American business center;

''(E) the number of jobs established or maintained by small business concerns assisted by the Native American business center; and

''(F) the number of jobs for Native Americans established or maintained at small business concerns assisted by the Native American business center.

''(10) RECORD RETENTION.—

''(A) APPLICATIONS.—The Administrator shall maintain a copy of each application submitted under this subsection for not less than 7 years.

''(B) ANNUAL REPORTS.—The Administrator shall maintain copies of the certification submitted under paragraph (6)(A) indefinitely.

''(d) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated to carry out the Native American small business development program $10,000,000 for each of fiscal years 2011 through 2013.

''(2) ADMINISTRATION.—Not more than 10 percent of funds appropriated for a fiscal year may be used for the costs of administering the programs under this section.''.

By Mr. UDALL of Colorado (for himself, Mr. BENNETT, Mr. BENNET, and Mr. HATCH):

S. 3537. A bill to provide for certain land exchanges in Gunnison County, Colorado, and Uintah County, Utah; to the Committee on Energy and Natural Resources.

Mr. UDALL of Colorado. Mr. President, I rise today to speak about legislation I am introducing, co-sponsored by Senators BENNETT, HATCH, and BENNET of Colorado, to effectuate a relatively small land exchange involving

lands in Colorado and Utah. The exchange involves a private ranch, the U.S. Bureau of Land Management and the National Park Service.

In a nutshell, the private Bear Ranch in central/west Colorado is completely bisected by a narrow strip of BLM land, mostly 1/4 to 1/2 mile wide, which is of limited public use due to its narrow configuration. The Bear Ranch would like to acquire the BLM strip in order to consolidate its ranch holdings for more efficient land, ranch and wildlife management, and to improve wildlife enhancement. There is also an issue of inadvertent trespass onto the Bear Ranch from the neighboring BLM land that would be eliminated by the Bear Ranch's acquisition of the BLM land strip.

In return for the BLM land, the Bear Ranch has purchased or optioned two magnificent tracts of land in Colorado and Utah that would be added into the National Park System. The first is a 911 acre property near the shores of the heavily used Blue Mesa Reservoir in the Curecanti National Recreation Area outside of Gunnison, CO. This property has an important sage grouse habitat, superb views of both the Blue Mesa Reservoir and the spectacular Dillon Pinnacles, and an important elk and deer winter range. A portion of it might also be utilized for a future park visitor center.

In Utah, the Bear Ranch has optioned 80 acres located inside Dinosaur National Monument. The so-called Orchid Draw property is about 1 mile west of the Monument's Quarry Visitor Center and is thought to contain rich dinosaur and vertebrate fossil resources. It is also within an area of special botanic interest, with nine sensitive plant species. The Park Service has been trying to acquire this property for a long time.

There are several other special features of our legislation which deserve special mention.

First, the Bear Ranch will place a permanent conservation status on all the land it acquires from the BLM which will limit future use of the land to ranching, wildlife conservation, open space and recreational purposes only.

Second, the BLM land will be appraised at its full market value before the conservation easement is put in place so that the U.S. taxpayers will get full value for the land they convey to the Bear Ranch.

Third, if the land Bear Ranch conveys to the Park Service appraises higher than the BLM land, the Bear Ranch will forego any cash equalization payment which might otherwise be due from the U.S., and will instead donate the excess value to the U.S.

Fourth, the Bear Ranch has committed to donate up to $250,000 for new trail, trailhead and other outdoor recreational improvements in the vicinity of the land exchange in order to improve public access and enhance recreational opportunities on nearby Forest Service and BLM lands. Exactly where, and how, those funds will be used will be determined by BLM and Forest Service planning that is currently underway.

Our legislation has received the support of the local county and town governments of jurisdiction in both Colorado and Utah, and from numerous environmental, conservation, recreation, historic and natural preservation organizations. Those include Gunnison County. CO, Uintah County, UT, the City of Gunnison, CO, City of Vernal, UT, the Nature Conservancy, National Parks & Conservation Association, Thunder Mountain Wheelers, Intermountain Natural History Association, and several others.

The bill also effectuates another small land for right of way exchange near Marble, CO, in order to facilitate a proposed small hydroelectric project and to acquire a new public trailhead to access the popular Maroon Bells-Snowmass Wilderness Area. That exchange is endorsed by the Aspen Valley Land Trust, Holy Cross Electric Association, a rural electric cooperative, the Town of Marble, CO and Gunnison County, CO, among others.

In summary, this legislation represents a true ''win-win'' for both the general public and numerous local communities. I thank my colleagues, Senators BENNETT, HATCH, and BENNET for joining me in sponsoring the bill, and for Congressmen JOHN SALAZAR, JIM MATHESON and MIKE THOMPSON for introducing an identical bill in the House. I am looking forward to the Senate's expeditious consideration and approval so that it can become law this year.

By Mr. BOND (for himself and Mr. HATCH):

S. 3538. A bill to improve the cyber security of the United States and for other purposes; to the Committee on Homeland Security and Government Affairs.

Mr. BOND. Mr. President, over the past several months, our Homeland has experienced direct terrorist attacks against two military bases and attempted terrorist attacks on Christmas Day and in Times Square. These attacks quickly captured the attention of the American public and stand as stark reminders of the threats our Nation continues to face from terrorists across the globe.

After these recent attacks, I have no doubt that every American is aware of the threat from a terrorist with a bomb, which could take out a city block or bring down an airplane. But I am afraid that right now, the American public is largely unaware of a silent threat that could devastate our entire Nation—cyber attacks.

These cyber attacks happen every day, but have remained largely under the public radar. Our government, businesses, citizens, and even social networking sites all have been hit. Cyber attacks are on the rise and unless our private sector and Congress start down a better path to protect our information networks, serious damage to our economy and our national security will follow.

In an ever-increasing cyber age, where our financial system conducts trades via the Internet, families pay bills online, and the government uses computers to calculate benefits and implement war strategies, successful cyber attacks can be devastating. The nightmare scenarios no longer exist just in Hollywood movies. Imagine if a terrorist disrupted our air traffic control on an average day with more than 28,000 commercial aircraft in our skies; if a hacker took down Wall Street trading for just hours; or if an attack destroyed an electrical grid in a major city.

Scenarios like these make it even more important that we listen to the recent comments by former Director of National Intelligence Mike McConnell who testified that ''[i]f we were in a cyber war today, the United States would lose.'' That is no insignificant statement coming from a military and intelligence veteran like Mike McConnell and it should cause all of us to pause and take a look at how we should neutralize this rising threat. Our networks and way of life could be taken down by an enemy state, a terrorist group, or a single hacker. That is why Senator HATCH and I are introducing the National Cyber Infrastructure Protection Act of 2010 today.

Let me be blunt here: our enemies won't wait for us to do our homework, solve our turf battles, or modernize our laws before using our networks as a deadly weapon; in fact, the attacks have already started. We do not have another day to waste, and I believe our bill is the best solution to address this threat.

This act is built on three principles: first, we must be clear about where Congress should, and, more importantly, should not legislate. Congress should set lanes in the road to protect our Nation's cyber security, but leave flexibility for the private sector and government to adapt to changing threats within those lanes.

In 1978, when the Foreign Intelligence Surveillance Act was enacted, it put into law certain technologies. Those technologies changed and thus FISA was ineffective in enabling us to listen in on cell phone and e-mail traffic between terrorists in foreign countries.

We have seen within the past few years the national security problems that can arise when laws are too rigid to keep pace with technology. We have also heard repeated concerns from industry, the private sector, and those operating critical infrastructure that overlegislating by Congress ultimately will make it harder to protect our networks as innovation and quick response get overrun by unnecessary regulatory schemes and mandates.

Second, right now virtually every Federal department or agency has

someone who is responsible for cyber security issues. But who makes sure that all those departments and agencies work together to protect all of our government networks? Who is the one person responsible, with authority to impact our cyber security strategies and activities? Unfortunately, right now, the answer is ''no one.''

To solve this problem, our bill establishes a National Cyber Center and designates a single, Senate-confirmed individual, accountable to the Congress and the American people and reporting directly to the President, to serve as the Director. The Director has the statutory responsibility and authority to coordinate activities to protect government networks and develop policies and procedures to help Federal agencies do the job.

In order to reduce the center's operating costs and to capitalize on the cyber expertise we all know resides in the Department of Defense, the National Cyber Center is administratively placed in DOD. But, out of deference to concerns that the military should not have too much control over government networks, the center is not run by the Defense Department and the Director does not report to the Secretary of Defense.

Because a key part of the center is to make sure the right people are talking to each other, the act requires those parts of DOD, the Department of Homeland Security, the Office of the Director of National Intelligence, and the Federal Bureau of Investigation needed to carry out the center's missions to collocate and integrate within the center, much like the National Counterterrorism Center integrates elements of the intelligence community. Other Federal agencies may also participate in the center.

As we put this bill together, former senior intelligence community officials told us that providing strong budget authority was essential for the Director to have the clout needed to do the job. And so, this act gives the Director clear input into cyber budgets across all Federal agencies, much like the Federal drug czar has in coordinating counterdrug budgets across different agencies. To hit this point home, the act also creates a National Cyber Security Program, similar to the National Intelligence Program. Such influence—influence that the current cyber czar simply does not have—is essential to creating a comprehensive, cost-effective approach to securing our government information networks.

The third and final principle underlying this act is the idea that there must be a venue for the government and the private sector to collaborate and share information on cyber-related matters. The private sector is often on the front lines of cyber attacks, so any information it can provide to increase government awareness of the source and nature of cyber threats will make both government and the private sector stronger. The corollary to this is that the Government must share its own cyber threat information, including classified or declassified intelligence, with the private sector.

Moreover, this collaboration, in order to be effective, must be voluntary. Once the private sector stands to gain technical advice and greater access to cyber threat information, there will be a clear incentive to join with the government in protecting our networks.

Our bill codifies this collaboration, creating a public-private partnership known as the Cyber Defense Alliance to facilitate the flow of information about cyber threats and the latest technologies between the private sector and the government. The Alliance will be the clearinghouse for passing sensitive cyber threat information to the private and critical infrastructure entities on the front lines, but without compromising our intelligence sources and methods.

We agree with intelligence experts and private sector representatives who have told us if the heavy hand of government drives this collaboration, it will not be effective. Therefore, the alliance will be managed by a board of directors consisting largely of private sector representatives and located in the Department of Energy, where the existing National Labs have great expertise to share. Because our private partners must know the information will not be compromised or other consequences will occur, the act gives solid protections from FOIA, antitrust restrictions, and other limitations.

This bill is one of many cyber-bills introduced in Congress, so some may be asking why this approach is better.

A key aspect of this bill is that it provides a practical public-private cyber infrastructure designed to address effectively the cyber threat rather than preserve the jurisdictional turf of any one agency or congressional oversight committee. In other words—I don't have a dog in this fight—I just want to pass the best bill to protect our networks. The cyber threat will only be eliminated when we get all of the public and private players working together in harmony under a common vision toward common mission objectives.

Our bill does not impose mandates on industry and the private sector—mandates and regulations that form the core of other bills, raising substantial concerns among our industry and private sector partners. Our economy is in turmoil as it is and the last thing we need are mandates imposed on U.S. businesses that will put them at a serious competitive disadvantage and jeopardize their proprietary information in the global marketplace. Many industry partners have told us that if we mandate this it would put them at a competitive disadvantage.

Finally, our bill moves away from the notion that creating a statutory cyber coordinator in the Executive Office of the President will solve the cyber security problem. The current cyber security coordinator in the White House has neither the authority nor the staff to coordinate the government's wide-range of cyber operations and strategies. Simply enshrining his position in statute will not overcome the claims of ''Executive Privilege'' that are bound to come when Congress asks for information and it will not guarantee the leadership necessary to address the cyber threat.

Also, I think many of my colleagues would agree that now is not the time to give the Department of Homeland Security more responsibility, as some of the cyber bills out there want to do. I don't think many in this Chamber would disagree that DHS is already overburdened.

The bill we are introducing today has already earned praise from the electric power sector because of the cooperative relationship that the Cyber Defense Alliance created in this bill fosters between the government and private sector. The entities that are part of the electric power sector recognize that this bill builds on what is already working and creates the infrastructure necessary to ensure a cooperative relationship between all of the relevant public and private cyber players to address the evolving cyber-security threat. I ask unanimous consent that this statement from the electric power sector be made a part of the RECORD.

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

THE NATIONAL CYBER INFRASTRUCTURE PROTECTION ACT OF 2010

Protecting the North American electric grid and ensuring a reliable supply of power is the electric power industry's top priority. Reliability is more than a buzzword for the electric industry—it's a mandate. In fact, electric companies can be assessed substantial penalties for failure to comply with reliability standards.

This focus on reliability, resiliency and recovery requires the power sector to take an all-hazards approach, recognizing risks from natural phenomena such as hurricanes or geomagnetic disturbances to intentional cyber attacks. The electric power sector works closely with the North American Electric Reliability Corporation (NERC) and federal agencies to enhance the cyber security of the bulk power system. This includes coordination with the Federal Energy Regulatory Commission (FERC), the Department of Homeland Security (DHS), and the Department of Energy (DOE), as well as federal intelligence and law enforcement agencies, and various federal and provincial authorities in Canada.

To complement its cyber security efforts and to address rapidly changing intelligence on evolving threats, the industry welcomes a cooperative relationship with federal authorities to protect against situations that threaten national security or public welfare, and to prioritize the assets that need enhanced security. A well-practiced, public-private partnership utilizes all stakeholders' expertise, including the government's ability to gather and share timely and actionable threat information with critical infrastructure asset owners and operators, upon which they can formulate appropriate mitigation strategies to prevent significant adverse consequences to utility operations or assets.

The comprehensive draft cyber security legislation under development in the Senate Select Committee on Intelligence attempts to create such a cooperative relationship by: * * *

Mr. BOND. In addition, because, the vice chairman of the Intelligence Committee, believe no legislation in this area should impede the intelligence community's ability to protect our nation from terrorist attacks and other threats, we asked the Office of the Director of National Intelligence for an informal assessment of our bill. They told us that, unlike other bills that have been introduced, this bill protects intelligence community equities, especially with respect to protecting classified intelligence sources and methods.

The National Cyber Infrastructure Protection Act of 2010 provides broad lanes in the road, without micromanaging, to give all partners in cyber security, whether government or private, the flexibility to defend against threats from our enemies. The private sector already has a tremendous incentive to protect their own networks; all the Federal Government needs to do is support them with technology and information and get out of the way.

Cyber attackers have been stealing intellectual property, threatening to take down our critical infrastructure, and gaining insight into our national security networks. The longer Congress waits to act, the more our vulnerability to these attacks increases. The National Cyber Infrastructure Protection Act will put the Government, our critical infrastructure companies, and the private sector on the right path to securing our networks. I urge my colleagues to join us in supporting this important legislation.

Mr. HATCH. Mr. President, today I rise to express my support as a cosponsor of the National Cyber Infrastructure Protection Act. At long last, our Nation is finally recognizing the increasing danger posed by cyber threats and the devastating disruption that they can cause because of the interdependent nature of information systems that support our Nation's critical infrastructure.

As a Nation, we must develop a strategy that provides a strategic framework to prevent cyber attacks against America's critical infrastructures. As a government, we must reduce national vulnerability to cyber attacks and minimize the damage and recovery time from cyber attacks should they occur. I believe that the legislation that my colleague from Missouri and I are introducing today will provide a sure foundation to put our Nation on a path to begin to address cyber vulnerabilities.

The challenge to protect cyberspace is vast and complex and ultimately requires the efforts of the entire government. As a Nation, we must recognize that cyber threats are multi-faceted and global in nature. These threats operate in an environment that rapidly changes. The sharing of information between government and the private sector is crucial to our overall national and economic viability.

Last January, McAfee issued a report that concluded that the use of cyber attacks as a strategic weapon by governments and political organizations is on the rise. The U.S. is the most targeted nation in the world—and our military, government, and private sector systems are often attacked with impunity. Our Nation has experienced large-scale malicious cyber intrusions from individuals, groups and nations. These attacks have dramatically increased in number and complexity.

Just last year, Google and over 30 other companies linked to our energy, finance, defense, technology and media sectors fell prey to costly cyber attacks. Too many nations either directly sanction this activity or give it tacit approval by failing to investigate or prosecute the perpetrators. Many of the major incidents are presently coming out of Russia and China.

The National Cyber Infrastructure Protection Act would establish a National Cyber Center, housed within the Department of Defense. The mission of the National Cyber Center would be to serve as the primary organization for coordinating Federal Government defensive operations, cyber intelligence collection and analysis, and activities to protect and defend Federal Government information networks. Critical in achieving this mission would be the sharing of information between the private sector and federal agencies regarding cyber threats. This center would be led by a Senate-confirmed director modeled after the Director of National Intelligence position. The director reports directly to the President and would coordinate cyber activities to protect and defend Federal Government information networks. The director would serve as the President's principal adviser on such matters and developing policies for securing Federal Government information networks.

In our Nation today, over 3/4 of our Nation's critical infrastructure is under the control of the private sector. One such example is smart grid technology for power grids. The Smart Grid will use automated meters, two-way communications and advanced sensors to improve electricity efficiency and reliability. The nation's utilities have embraced the concept and are installing millions of automated meters on homes across the country. However, cyber security experts have determined that some types of meters can be hacked. As we rely on technology developed by private industry, we must ensure that we harden this technology against threats that could leave our citizens vulnerable.

The opening salvos of future conflicts will be launched in cyberspace. In 2008, we saw this occur when Russian forces launched a cyber attack on Georgian defense and information networks. The Russians essentially blinded the Georgian military during the South Ostessia conflict. Our reliance on technology and integrated networks certainly makes our military and critical infrastructure more efficient. However, that efficiency can have its price in the form of cyber vulnerability.

As Americans, we must be prepared to fight back should we be attacked. We must also harden our networks against the tools that criminals use to steal a person's identity and a company's trade secrets. These are the same tools that today can and will be used by terrorists in the future to attack and erode our infrastructure and defense systems. The stakes are too high and the risks are too grave to delay. If we don't move now to protect our national cyber infrastructure, the consequences to our economy, security and citizens could be dire. This is a fight we must win. The only way to win is to be prepared.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 565—SUPPORTING AND RECOGNIZING THE ACHIEVEMENTS OF THE FAMILY PLANNING SERVICES PROGRAMS OPERATING UNDER TITLE X OF THE PUBLIC HEALTH SERVICE ACT

Mr. MERKLEY (for himself, Mr. FRANKEN, Mr. BROWN of Ohio, Mr. BEGICH, Mr. KERRY, Mr. WYDEN, Mrs. SHAHEEN, Ms. CANTWELL, Mrs. FEINSTEIN, Mrs. BOXER, Ms. MIKULSKI, Mrs. MURRAY, and Mrs. GILLIBRAND) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 565

Whereas 2010 marks the 40th anniversary of the family planning services programs operating under title X of the Public Health Service Act which has for 40 years provided low-income people in the United States access to contraceptive services, supplies, and information regardless of their ability to pay for these services;

Whereas a 2009 report from the Institute of Medicine echoed the Centers for Disease Control and Prevention's finding that, ''family planning is one of the most significant public health achievements of the twentieth century'';

Whereas the family planning services programs operating under title X are the only dedicated source of Federal funding for family planning services in the United States;

Whereas in 2008, 17,400,000 people were in need of publicly funded services and supplies;

Whereas in 2008, title X-funded family planning providers worked tirelessly to serve over 5,000,000 low-income men and women;

Whereas publicly supported family planning services, such as those provided by title X, help to prevent 1,500,000 unintended pregnancies each year;

Whereas the contribution of family planning services in assisting women in the planning and spacing of their pregnancies is linked to a reduction in infant mortality;

Whereas every dollar spent to provide services in the nationwide network of publicly funded family planning clinics saves $3.74 in Medicaid-related costs;

Whereas title X funds allow health centers to provide an array of confidential preventive health services, including contraceptive services, pelvic exams, pregnancy testing, screening for cervical and breast cancer, screening for high blood pressure, anemia, and diabetes, screening for STDs, including HIV, basic infertility services, health education, and referrals for other health and social services;

Whereas in 2008, title X centers provided over 2,200,000 Pap tests and over 2,300,000 clinical breast exams; and

Whereas women who have access to family planning services have better health outcomes: Now, therefore, be it

Resolved, That the Senate—

(1) acknowledges the family planning services programs operating under title X of the Public Health Service Act as a critical component of the United States public health care system, providing high-quality family planning services and other preventive health care to low-income or uninsured individuals who may otherwise lack access to health care;

(2) recognizes family planning providers at Title X health centers who work tirelessly to provide quality care to millions of low-income women and men in the United States; and

(3) supports the mission of the family planning services programs operating under title X which provide men and women the opportunity to maintain their reproductive health which contributes to the health, social, and economic well-being of families in the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4394. Mr. WHITEHOUSE (for himself, Mr. BENNET, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. CORKER, Mr. DURBIN, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. KAUFMAN, Ms. LANDRIEU, Mr. LEAHY, Mr. LEMIEUX, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. NELSON of Florida, Mr. PRYOR, Mr. SCHUMER, Mr. SESSIONS, Mr. SPECTER, and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 4386 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table.

SA 4395. Mr. HARKIN (for himself and Mr. KOHL) submitted an amendment intended to be proposed to amendment SA 4386 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4396. Mr. CORNYN (for Mr. KERRY) proposed an amendment to the resolution S. Res. 548, to express the sense of the Senate that Israel has an undeniable right to self-defense, and to condemn the recent destabilizing actions by extremists aboard the ship Mavi Marmara.

SA 4397. Mr. CORNYN (for Mr. KERRY) proposed an amendment to the resolution S. Res. 548, supra.

TEXT OF AMENDMENTS

SA 4394. Mr. WHITEHOUSE (for himself, Mr. BENNET, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. CORKER, Mr. DURBIN, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. KAUFMAN, Ms. LANDRIEU, Mr. LEAHY, Mr. LEMIEUX, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. NELSON of Florida, Mr. PRYOR, Mr. SCHUMER, Mr. SESSIONS, Mr. SPECTER, and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 4386 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 407, between lines 18 and 19, insert the following:

TITLE X—REGISTRATION OF AGENTS OF FOREIGN MANUFACTURERS AUTHORIZED TO ACCEPT SERVICE OF PROCESS

SEC. 1001. FINDINGS.

Congress makes the following findings:

(1) Each year, many people in the United States are injured by defective products manufactured or produced by foreign entities and imported into the United States.

(2) Both consumers and businesses in the United States have been harmed by injuries to people in the United States caused by defective products manufactured or produced by foreign entities.

(3) People in the United States injured by defective products manufactured or produced by foreign entities often have difficulty recovering damages from the foreign manufacturers and producers responsible for such injuries.

(4) The difficulty described in paragraph (3) is caused by the obstacles in bringing a foreign manufacturer or producer into a United States court and subsequently enforcing a judgment against that manufacturer or producer.

(5) Obstacles to holding a responsible foreign manufacturer or producer liable for an injury to a person in the United States undermine the purpose of the tort laws of the United States.

(6) The difficulty of applying the tort laws of the United States to foreign manufacturers and producers puts United States manufacturers and producers at a competitive disadvantage because United States manufacturers and producers must—

(A) abide by common law and statutory safety standards; and

(B) invest substantial resources to ensure that they do so.

(7) Foreign manufacturers and producers can avoid the expenses necessary to make their products safe if they know that they will not be held liable for violations of United States product safety laws.

(8) Businesses in the United States undertake numerous commercial relationships with foreign manufacturers, exposing the businesses to additional tort liability when foreign manufacturers or producers evade United States courts.

(9) Businesses in the United States engaged in commercial relationships with foreign manufacturers or producers often cannot vindicate their contractual rights if such manufacturers or producers seek to avoid responsibility in United States courts.

(10) One of the major obstacles facing businesses and individuals in the United States who are injured and who seek compensation for economic or personal injuries caused by foreign manufacturers and producers is the challenge of serving process on such manufacturers and producers.

(11) An individual or business injured in the United States by a foreign company must rely on a foreign government to serve process when that company is located in a country that is a signatory to the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters done at The Hague November 15, 1965 (20 UST 361; TIAS 6638).

(12) An injured person in the United States must rely on the cumbersome system of letters rogatory to effect service in a country that did not sign the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters. These countries do not have an enforceable obligation to serve process as requested.

(13) The procedures described in paragraphs (11) and (12) add time and expense to litigation in the United States, thereby discouraging or frustrating meritorious lawsuits brought by persons injured in the United States against foreign manufacturers and producers.

(14) Foreign manufacturers and producers often seek to avoid judicial consideration of their actions by asserting that United States courts lack personal jurisdiction over them.

(15) The due process clauses of the fifth amendment to and section 1 of the fourteenth amendment to the Constitution govern United States courts' personal jurisdiction over defendants.

(16) The due process clauses described in paragraph (15) are satisfied when a defendant consents to the jurisdiction of a court.

(17) United States markets present many opportunities for foreign manufacturers.

(18) In choosing to export products to the United States, a foreign manufacturer or producer subjects itself to the laws of the United States. Such a foreign manufacturer or producer thereby acknowledges that it is subject to the personal jurisdiction of the State and Federal courts in at least one State.

SEC. 1002. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) foreign manufacturers and producers whose products are sold in the United States should not be able to avoid liability simply because of difficulties relating to serving process upon them;

(2) to avoid such lack of accountability, foreign manufacturers and producers of foreign products distributed in the United States should be required, by regulation, to register an agent in the United States who is authorized to accept service of process for such manufacturer or producer;

(3) it is unfair to United States consumers and businesses that foreign manufacturers and producers often seek to avoid judicial consideration of their actions by asserting that United States courts lack personal jurisdiction over them;

(4) those who benefit from exporting products to United States markets should expect to be subject to the jurisdiction of at least one court within the United States;

(5) exporting products to the United States should be understood as consent to the accountability that the legal system of the United States ensures for all manufacturers and producers, foreign, and domestic;

(6) exporters recognize the scope of opportunities presented to them by United States markets but also should recognize that products imported into the United States must satisfy Federal and State safety standards established by statute, regulation, and common law;

(7) foreign manufacturers should recognize that they are responsible for the contracts they enter into with United States companies;

(8) foreign manufacturers should act responsibly and recognize that they operate within the constraints of the United States legal system when they export products to the United States;

(9) United States laws and the laws of United States trading partners should not put burdens on foreign manufacturers and producers that do not apply to domestic companies;

(10) it is fair to ensure that foreign manufacturers, whose products are distributed in

commerce in the United States, are subject to the jurisdiction of State and Federal courts in at least one State because all United States manufacturers are subject to the jurisdiction of the State and Federal courts in at least one State; and

(11) it should be understood that, by registering an agent for service of process in the United States, the foreign manufacturer or producer acknowledges consent to the jurisdiction of the State in which the registered agent is located.

SEC. 1003. DEFINITIONS.

In this title:

(1) APPLICABLE AGENCY.—The term ''applicable agency'' means, with respect to covered products—

(A) described in subparagraphs (A) and (B) of paragraph (4), the Food and Drug Administration;

(B) described in paragraph (4)(C), the Consumer Product Safety Commission;

(C) described in subparagraphs (D) and (E) of paragraph (4), the Environmental Protection Agency; and

(D) described in subparagraph (F) of paragraph (4)—

(i) the Food and Drug Administration, if the item is intended to be a component part of a product described in subparagraphs (A) and (B) of paragraph (4);

(ii) the Consumer Product Safety Commission, if the item is intended to be a component part of a product described in paragraph (4)(C); and

(iii) the Environmental Protection Agency, if the item is intended to be a component part of a product described in subparagraphs (D) and (E) of paragraph (4).

(2) COMMERCE.—The term ''commerce'' means trade, traffic, commerce, or transportation—

(A) between a place in a State and any place outside of the State; or

(B) which affects trade, traffic, commerce, or transportation described in subparagraph (A).

(3) COMMISSIONER OF U.S. CUSTOMS AND BORDER PROTECTION.—The term ''Commissioner of U.S. Customs and Border Protection'' means the Commissioner responsible for U.S. Customs and Border Protection of the Department of Homeland Security.

(4) COVERED PRODUCT.—The term ''covered product'' means any of the following:

(A) Drugs, devices, and cosmetics, as such terms are defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(B) A biological product, as such term is defined in section 351(i) of the Public Health Service Act (42 U.S.C. 262(i)).

(C) A consumer product, as such term is used in section 3(a) of the Consumer Product Safety Act (15 U.S.C. 2052).

(D) A chemical substance or new chemical substance, as such terms are defined in section 3 of the Toxic Substances Control Act (15 U.S.C. 2602).

(E) A pesticide, as such term is defined in section 2 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136).

(F) An item intended to be a component part of a product described in subparagraph (A), (B), (C), (D), or (E) but is not yet a component part of such product.

(5) DISTRIBUTE IN COMMERCE.—The term ''distribute in commerce'' means to sell in commerce, to introduce or deliver for introduction into commerce, or to hold for sale or distribution after introduction into commerce.

SEC. 1004. REGISTRATION OF AGENTS OF FOREIGN MANUFACTURERS AUTHORIZED TO ACCEPT SERVICE OF PROCESS IN THE UNITED STATES.

(a) REGISTRATION.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act and except as otherwise provided in this subsection, the head of each applicable agency shall require foreign manufacturers and producers of covered products distributed in commerce to establish a registered agent in the United States who is authorized to accept service of process on behalf of such manufacturer or producer—

(A) for the purpose of any civil or regulatory proceeding in State or Federal court relating—

(i) to a covered product; and

(ii) to—

(I) commerce in the United States;

(II) an injury or damage suffered in the United States; or

(III) conduct within the United States; and

(B) if such service is made in accord with the State or Federal rules for service of process in the State of the civil or regulatory proceeding.

(2) LOCATION.—The head of each applicable agency shall require that an agent of a foreign manufacturer or producer registered under this subsection with respect to a covered product be located in a State with a substantial connection to the importation, distribution, or sale of the covered product.

(3) MINIMUM SIZE.—This subsection shall only apply to foreign manufacturers and producers that manufacture or produce covered products in excess of a minimum value or quantity the head of the applicable agency shall prescribe by rule for purposes of this section. Such rules may include different minimum values or quantities for different subcategories of covered products prescribed by the head of the applicable agency for purposes of this section.

(b) REGISTRY OF AGENTS OF FOREIGN MANUFACTURERS.—

(1) IN GENERAL.—The Secretary of Commerce shall, in cooperation with each head of an applicable agency, establish and keep up to date a registry of agents registered under subsection (a).

(2) AVAILABILITY.—The Secretary of Commerce shall make the registry established under paragraph (1) available—

(A) to the public through the Internet website of the Department of Commerce; and

(B) to the Commissioner of U.S. Customs and Border Protection.

(c) CONSENT TO JURISDICTION.—A foreign manufacturer or producer of covered products that registers an agent under this section thereby consents to the personal jurisdiction of the State or Federal courts of the State in which the registered agent is located for the purpose of any civil or regulatory proceeding relating—

(1) to a covered product; and

(2) to—

(A) commerce in the United States;

(B) an injury or damage suffered in the United States; or

(C) conduct within the United States.

(d) DECLARATIONS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, any person importing a covered product manufactured outside the United States shall provide a declaration to U.S. Customs and Border Protection that—

(A) the person has made appropriate inquiry, including seeking appropriate documentation from the exporter of the covered product and consulting the registry of agents of foreign manufacturers described in subsection (b); and

(B) to the best of the person's knowledge, with respect to each importation of a covered product, the foreign manufacturer or producer of the product has established a registered agent in the United States as required under subsection (a).

(2) PENALTIES.—Any person who fails to provide a declaration required under paragraph (1), or files a false declaration, shall be subject to any applicable civil or criminal penalty, including seizure and forfeiture, that may be imposed under the customs laws of the United States or title 18, United States Code, with respect to the importation of a covered product.

(e) REGULATIONS.—Not later than the date described in subsection (a)(1), the Secretary of Commerce, the Commissioner of U.S. Customs and Border Protection, and each head of an applicable agency shall prescribe regulations to carry out this section, including the establishment of minimum values and quantities under subsection (a)(3).

SEC. 1005. STUDY ON REGISTRATION OF AGENTS OF FOREIGN FOOD PRODUCERS AUTHORIZED TO ACCEPT SERVICE OF PROCESS IN THE UNITED STATES.

Not later than 1 year after the date of the enactment of this Act, the Secretary of Agriculture and the Commissioner of Food and Drugs shall jointly—

(1) complete a study on the feasibility and advisability of requiring foreign producers of food distributed in commerce to establish a registered agent in the United States who is authorized to accept service of process on behalf of such producers for the purpose of all civil and regulatory actions in State and Federal courts; and

(2) submit to Congress a report on the findings of the Secretary with respect to such study.

SEC. 1006. STUDY ON REGISTRATION OF AGENTS OF FOREIGN MANUFACTURERS AND PRODUCERS OF COMPONENT PARTS WITHIN COVERED PRODUCTS.

Not later than 1 year after the date of the enactment of this Act, the head of each applicable agency shall—

(1) complete a study on determining feasible and advisable methods of requiring manufacturers or producers of a component parts within covered products manufactured or produced outside the United States and distributed in commerce to establish registered agents in the United States who are authorized to accept service of process on behalf of such manufacturers or producers for the purpose of all civil and regulatory actions in State and Federal courts; and

(2) submit to Congress a report on the findings of the head of the applicable agency with respect to the study.

SEC. 1007. RELATIONSHIP WITH OTHER LAWS.

Nothing in this title shall affect the authority of any State to establish or continue in effect a provision of State law relating to service of process or personal jurisdiction, except to the extent that such provision of law is inconsistent with the provisions of this title, and then only to the extent of such inconsistency.

SA 4395. Mr. HARKIN (for himself and Mr. KOHL) submitted an amendment intended to be proposed to amendment SA 4386 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, insert the following:

Subtitle C—Fee Disclosure

SEC. 321. SHORT TITLE OF SUBTITLE.

This subtitle may be cited as the ''Defined Contribution Fee Disclosure Act of 2010''.

SEC. 322. AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) REQUIREMENTS RELATING TO SERVICE PROVIDERS AND PLAN ADMINISTRATORS OF INDIVIDUAL ACCOUNT PLANS.—

(1) IN GENERAL.—Part 1 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 is amended—

(A) by redesignating section 111 (29 U.S.C. 1031) as section 113; and

(B) by inserting after section 110 (29 U.S.C. 1030) the following new sections:

"SEC. 111. REQUIREMENT TO PROVIDE NOTICE OF PLAN FEE INFORMATION TO PLAN ADMINISTRATORS.

''(a) INITIAL STATEMENT OF SERVICES PROVIDED AND REVENUES RECEIVED.—

''(1) IN GENERAL.—In any case in which a service provider enters into a contract or arrangement to provide services to an individual account plan, the service provider shall, before entering into such contract or arrangement, provide to the plan administrator a single written statement which includes, with respect to the first plan year covered under such contract or arrangement, the following information:

''(A) A detailed description of the services which will be provided to the plan by the service provider, the amount of total expected annual revenue with respect to such services, the manner in which such revenue will be collected, and the extent to which such revenue varies between specific investment options.

''(B)(i) In the case of a service provider who is providing recordkeeping services with respect to any investment option, such information as is necessary for the plan administrator to satisfy the requirements of subparagraphs (B)(ii)(IV) and (C) of section 105(a)(2) and paragraphs (1) and (3) of section 112(a) with respect to such option, including specifying the method used by the service provider in disclosing or estimating expenses under subparagraphs (C)(iv) and (E) of section 105(a)(2).

''(ii) To the extent provided in regulations issued by the Secretary, clause (i) shall not apply in the case of a service provider described in such clause if the service provider receives a written notification from the plan administrator that the information described in such clause in connection with the investment option is provided by another service provider pursuant to a contract or arrangement to provide services to the plan.

''(C) A statement indicating—

''(i) the identity of any investment options offered under the plan with respect to which the service provider provides substantial investment, trustee, custodial, or administrative services, and

''(ii) in the case of any investment option, whether the service provider expects to receive any component of total expected annual revenue described in paragraph (2)(A)(ii)(II) with respect to such option and the amount of any such component.

''(D) The portion of total expected annual revenue which is properly allocable to each of the following:

''(i) Administration and recordkeeping.

''(ii) Investment management.

''(iii) Other services or amounts not described in clause (i) or (ii).

''(2) DEFINITION OF TOTAL EXPECTED ANNUAL REVENUE.—For purposes of this section—

''(A) IN GENERAL.—The term 'total expected annual revenue' means, with respect to any plan year—

''(i) any amount expected to be received during such plan year from the plan (including amounts paid from participant accounts), any participant or beneficiary, or any plan sponsor in connection with the contract or arrangement referred to in paragraph (1), and

''(ii) any amount not taken into account under clause (i) which is expected to be received during such plan year by the service provider in connection with—

''(I) plan administration, recordkeeping, consulting, management, or investment or other service activities undertaken by the service provider with respect to the plan, or

''(II) plan administration, recordkeeping, consulting, management, or investment or other service activities undertaken by any other person with respect to the plan.

''(B) EXPRESSED AS DOLLAR AMOUNT OR PERCENTAGE OF ASSETS.—Total expected annual revenue and any amount indicated under paragraph (1)(C)(ii) may be expressed as a dollar amount or as a percentage of assets (or a combination thereof), as appropriate. To the extent that total expected annual revenue is expressed as a percentage of assets, such percentage shall be properly allocated among clauses (i), (ii), and (iii) of paragraph (1)(D).

''(C) PROVISION OF FEE SCHEDULE FOR CERTAIN PARTICIPANT INITIATED TRANSACTIONS.—In the case of amounts expected to be received from participants or beneficiaries under the plan (or from an account of a participant or beneficiary) as a fee or charge in connection with a transaction initiated by the participant (other than loads, commissions, brokerage fees, and other investment related transactions)—

''(i) such amounts shall not be taken into account in determining total expected annual revenue, and

''(ii) the service provider shall provide to the plan administrator, as part of the statement referred to in paragraph (1), a fee schedule which describes each such fee or charge, the amount thereof, and the manner in which such amount is collected.

''(3) ESTIMATIONS.—In determining under this section any amount which is to be disclosed by the service provider, the service provider may provide a reasonable estimate of such amount but only if the service provider indicates that such amount disclosed is an estimate. Any such estimate shall be based on reasonable assumptions specified in writing to the plan administrator.

''(4) DISCLOSURE OF DIFFERENT PRICING OF INVESTMENT OPTIONS.—In the case of investment options with more than one share class or price level, the Secretary shall prescribe regulations for the disclosure of the different share classes or price levels available as part of the statement in paragraph (1). Such regulations shall provide guidance with respect to the disclosure of the basis for qualifying for such share classes or price levels, which may include amounts invested, number of participants, or other factors.

''(5) DISCLOSURE OF INVESTMENT TRANSACTION COSTS.—To the extent provided in regulations issued by the Secretary, a service provider shall separately disclose the transaction costs (including sales commissions) for each investment option for the preceding year or the plan's allocable share of such costs for the preceding year. The Secretary shall, before making a determination to issue any final rule under this subsection, conduct, and report to the Congress on the results of, a study regarding the feasibility and benefits of requiring the disclosure of transaction costs to plan sponsors.

''(b) ANNUAL STATEMENTS.—With respect to each plan year after the plan year covered by the statement described in subsection (a), the service provider shall provide the plan administrator a single written statement which includes the information described in subsection (a) with respect to such subsequent plan year.

''(c) MATERIAL CHANGE STATEMENTS.—In the case of any event or other change during a plan year which causes the information included in any statement described in subsection (a) or (b) with respect to such plan year to become materially incorrect, the service provider shall provide the plan administrator a written statement providing the corrected information not later than 30 days after the service provider knows, or exercising reasonable diligence would have known, of such event or other change.

''(d) TIME AND MANNER OF PROVIDING STATEMENT AND OTHER MATERIALS.—The statement referred to in subsections (a)(1) and (b) shall be made at such time and in such manner as the Secretary may provide. Other materials required to be provided under this section shall be provided in such manner as the Secretary may provide. All information included in such statements and other materials shall be presented in a manner which is easily understood by the typical plan administrator.

''(e) EXCEPTION FOR SMALL SERVICE PROVIDERS.—The requirements of this section shall not apply with respect to any contract or arrangement for services provided with respect to an individual account plan for any plan year if—

''(1) the total annual revenue expected by the service provider to be received with respect to the plan for such plan year is less than $5,000, and

''(2) the service provider provides a written statement to the plan administrator that the total annual revenue expected by the service provider to be received with respect to the plan is less than $5,000.

Service providers who expect to receive de minimis annual revenue from the plan need not provide the written statement described in paragraph (2). The Secretary may by regulation or other guidance adjust the dollar amount specified in this subsection.

''(f) DEFINITION OF SERVICE PROVIDER.—For purposes of this section—

''(1) IN GENERAL.—The term 'service provider' includes any person providing administration, recordkeeping, consulting, investment management services, or investment advice to an individual account plan under a contract or arrangement.

''(2) CONTROLLED GROUPS TREATED AS ONE SERVICE PROVIDER.—All persons which would be treated as a single employer under subsection (b) or (c) of section 414 of the Internal Revenue Code of 1986 if section 1563(a)(1) of such Code were applied—

''(A) except as provided by subparagraph (B), by substituting 'more than 50 percent' for 'at least 80 percent' each place it appears therein, or

''(B) for purposes of subsection (a)(1)(C)(i), by substituting 'at least 20 percent' for 'at least 80 percent' each place it appears therein,

shall be treated as one person for purposes of this section.

"SEC. 112. REQUIREMENT TO PROVIDE NOTICE TO PARTICIPANTS OF PLAN FEE INFORMATION.

''(a) DISCLOSURES TO PARTICIPANTS AND BENEFICIARIES.—

''(1) ADVANCE NOTICE OF AVAILABLE INVESTMENT OPTIONS.—

''(A) IN GENERAL.—The plan administrator of an applicable individual account plan shall provide to the participant or beneficiary notice of the investment options available under the plan before—

''(i) the earliest date provided for under the plan for the participant's initial investment of any contribution made on behalf of such participant, and

''(ii) the effective date of any change in the list of investment options available under the plan, unless such advance notice is impracticable, and in such case, as soon as is practicable.

''(B) INFORMATION INCLUDED IN NOTICE.—The notice required under subparagraph (A) shall—

''(i) set forth, with respect to each available investment option—

''(I) the name of the option,

''(II) a general description of the option's investment objectives and principal investment strategies, principal risk and return characteristics, and the name of the option's investment manager,

''(III) whether the investment option is designed to be a comprehensive, stand-alone investment for retirement that provides varying degrees of long-term appreciation and capital preservation through a mix of equity and fixed income exposures,

''(IV) the extent to which the investment option is actively managed or passively managed in relation to an index and the difference between active management and passive management,

''(V) where, and the manner in which, additional plan-specific, option-specific, and generally available investment information may be obtained, and

''(VI) a statement explaining that investment options should not be evaluated solely on the basis of the charges for each option but should also be based on consideration of other key factors, including the risk level of the option, the investment objectives of the option, historical returns of the option, and the participant's personal investment objectives,

''(ii) include a statement of the right under paragraph (2) of participants and beneficiaries to request, and a description of how a participant or beneficiary may request, a copy of the statements received by the plan administrator under section 111 with respect to the plan, and

''(iii) include the plan fee comparison chart described in subparagraph (C).

''(C) PLAN FEE COMPARISON CHART.—

''(i) IN GENERAL.—

''(I) IN GENERAL.—The notice provided under this paragraph shall include a plan fee comparison chart consisting of a comparison of the service and investment charges that will or could be assessed against the account of the participant or beneficiary with respect to the plan year.

''(II) EXPRESSED AS DOLLAR AMOUNT OR FORMULA.—For purposes of this subparagraph, such charges shall be provided in the form of a dollar amount or as a formula (such as a percentage of assets), as appropriate.

''(ii) CATEGORIZATION OF CHARGES.—The plan fee comparison chart shall provide information in relation to the following categories of charges that will or could be assessed against the account of the participant or beneficiary:

''(I) ASSET-BASED CHARGES SPECIFIC TO INVESTMENT.—Charges that vary depending on the investment options selected by the participant or beneficiary, including the annual operating expenses of the investment option and investment-specific asset-based charges (such as loads, commissions, brokerage fees, exchange fees, redemption fees, and surrender charges). Except as provided by the Secretary in regulations under this section, the information relating to such charges shall include a statement noting any charges for 1 or more investment options which pay for services other than investment management.

''(II) RECURRING ASSET-BASED CHARGES NOT SPECIFIC TO INVESTMENT.—Charges that are assessed as a percentage of the total assets in the account of the participant or beneficiary, regardless of the investment option selected.

''(III) ADMINISTRATIVE AND TRANSACTION-BASED CHARGES.—Administration and transaction-based charges, including fees charged to participants to cover plan administration, compliance, and recordkeeping costs, plan loan origination fees, possible redemption fees, and possible surrender charges, that are not assessed as a percentage of the total assets in the account and are either automatically deducted each year or result from certain transactions engaged in by the participant or beneficiary.

''(IV) OTHER CHARGES.—Any other charges which may be deducted from participants' or beneficiaries' accounts and which are not described in subclauses (I), (II), and (III).

''(iii) FEES AND HISTORICAL RETURNS.—The plan fee comparison chart shall include—

''(I) the historical returns, net of fees and expenses, for the previous year, 5 years, and 10 years (or for the period since inception, if shorter) with respect to such investment option, and

''(II) the historical returns of an appropriate benchmark, index, or other point of comparison for each such period.

''(D) MODEL NOTICES.—The Secretary shall prescribe one or more model notices that may be used for purposes of satisfying the requirements of this paragraph, including model plan fee comparison charts.

''(E) ESTIMATIONS.—For purposes of providing the notice required under this paragraph, the plan administrator may provide a reasonable and representative estimate for any charges or percentages disclosed under subparagraph (B) or (C) and shall indicate whether the amount of any such charges or percentages disclosed is an estimate.

''(2) DISCLOSURE OF SERVICE PROVIDER STATEMENTS.—The plan administrator shall provide to any participant or beneficiary a copy of any statement received pursuant to section 111 within 30 days after receipt of a request for such a statement.

''(3) NOTICE OF MATERIAL CHANGES.—In the case of any event or other change which causes the information included in any notice described in paragraph (1) to become materially incorrect, the plan administrator shall provide participants and beneficiaries a written statement providing the corrected information not later than 30 days after the plan administrator knows, or exercising reasonable diligence would have known, of such event or other change.

''(4) TIME AND MANNER OF PROVIDING NOTICES AND DISCLOSURES.—

''(A) IN GENERAL.—The notices described in paragraph (1) shall be provided at such times and in such manner as the Secretary may provide. Other notices and materials required to be provided under this subsection shall be provided in such manner as the Secretary may provide.

''(B) MANNER OF PRESENTATION.—

''(i) IN GENERAL.—All information included in such notices or explanations shall be presented in a manner which is easily understood by the typical participant.

''(ii) GENERIC EXAMPLE OF OPERATING EXPENSES OF INVESTMENT OPTIONS.—The information described in paragraph (1)(C)(ii)(I) shall include a generic example describing the charges that would apply during an annual period with respect to a $10,000 investment in the investment option.

''(b) APPLICABLE INDIVIDUAL ACCOUNT PLAN.—For purposes of this section, the term 'applicable individual account plan' means the portion of any individual account plan which permits a participant or beneficiary to exercise control over assets in his or her account.

''(c) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this section, including regulations or other guidance which—

''(1) provide a later deadline for providing the notice of investment menu changes described in subsection (a)(3) in appropriate circumstances, and

''(2) provide guidelines, and a safe harbor, for the selection of an appropriate benchmark, index, or other point of comparison for an investment option under subsection (a)(1)(C)(iii)(II).''.

(2) CLERICAL AMENDMENT.—The table of contents in section 1 of such Act is amended by striking the item relating to section 111 and inserting the following new items:

''Sec. 111. Requirement to provide notice of plan fee information to plan administrators.

''Sec. 112. Requirement to provide notice to participants of plan fee information.

''Sec. 113. Repeal and effective date.''.

(b) QUARTERLY BENEFIT STATEMENTS.—Section 105 of such Act (29 U.S.C. 1025) is amended—

(1) in subsection (a)(2)—

(A) by redesignating subparagraph (C) as subparagraph (G);

(B) in subparagraph (B)(ii)—

(i) in subclause (II), by striking ''diversified, and'' and inserting ''diversified,'';

(ii) in subclause (III) by striking the period and inserting '', and''; and

(iii) by adding after subclause (III) the following new subclause:

''(IV) with respect to the portion of a participant's account for which the participant has the right to direct the investment of assets, the information described in subparagraph (C).''; and

(C) by inserting after subparagraph (B) the following new subparagraphs:

''(C) QUARTERLY BENEFIT STATEMENTS.—The plan administrator shall provide to each participant and beneficiary, at least once each calendar quarter, an explanation describing the investment options in which the participant's or beneficiary's account is invested as of the last day of the preceding quarter. Such explanation shall provide, to the extent applicable, the following for the preceding quarter:

''(i) As of the last day of the quarter, a statement of the different asset classes that the participant's or beneficiary's account is invested in and the percentage of the account allocated to each asset class.

''(ii) A statement of the starting and ending balance of the participant's or beneficiary's account for such quarter.

''(iii) A statement of the total contributions made to the participant's or beneficiary's account during the quarter and a separate statement of—

''(I) the amount of such contributions, and the total amount of any restorative payments, which were made by the employer during the quarter, and

''(II) the amount of such contributions which were made by the employee.

''(iv) A statement of the total fees and expenses which were directly deducted from the participant's or beneficiary's account during the quarter and an itemization of such fees and expenses.

''(v) A statement of the net returns for the year to date, expressed as a percentage, and a statement as to whether the net returns include amounts described in clause (iv).

''(vi) With respect to each investment option in which the participant or beneficiary was invested as of the last day of the quarter, the following:

''(I) A statement of the percentage of the participant's or beneficiary's account that is invested in such option as of the last day of such quarter.

''(II) A statement of the starting and ending balance of the participant's or beneficiary's account that is invested in such option for such quarter.

''(III) A statement of the annual operating expenses of the investment option.

''(IV) A statement of whether the disclosure described in clause (iv) includes the annual operating expenses of the investment options of the participant or beneficiary.

''(vii) The statement described in section 112(a)(1)(B)(i)(VI).

''(viii) A statement regarding how a participant or beneficiary may access the information required to be disclosed under section 112(a)(1).

''(D) MODEL EXPLANATIONS.—The Secretary shall prescribe one or more model explanations that may be used for purposes of satisfying the requirements of subparagraph (C).

''(E) DETERMINATION OF EXPENSES.—For purposes of subparagraph (C)(vi)(III)—

''(i) Expenses may be expressed as a dollar amount or as a percentage of assets (or a combination thereof).

''(ii) The plan administrator may provide disclosure of the expenses for the quarter or may provide a reasonable and representative estimate of such expenses and shall indicate any such estimate as being an estimate. Any such estimate shall be based on reasonable assumptions stated together with such estimate.

''(iii) To the extent that estimated expenses are expressed as a percentage of assets, the disclosure shall also include one of the following, stated in dollar amounts:

''(I) an estimate of the expenses for the quarter based on the amount invested in the option; or

''(II) an example describing the expenses that would apply during the quarter with respect to a hypothetical $10,000 investment in the option.

''(F) ANNUAL COMPLIANCE FOR SMALL PLANS.—A plan that has fewer than 100 participants and beneficiaries as of the first day of the plan year may provide the explanation described in subparagraph (C) on an annual rather than a quarterly basis.''.

(c) ASSISTANCE FROM THE DEPARTMENT OF LABOR.—Section 105 of such Act (29 U.S.C. 1025) is amended by adding at the end the following new subsections:

''(d) ASSISTANCE TO SMALL EMPLOYERS.—The Secretary shall make available to employers with 100 or fewer employees—

''(1) educational and compliance materials designed to assist such employers in selecting and monitoring service providers for individual account plans which permit a participant or beneficiary to exercise control over the assets in the account of the participant or beneficiary, investment options under such plans, and charges relating to such options, and

''(2) services designed to assist such employers in finding and understanding affordable investment options for such plans and in comparing the investment performance of, and charges for, such options on an ongoing basis against appropriate benchmarks or other appropriate measures.

''(e) ASSISTANCE TO PLAN SPONSORS AND PLAN PARTICIPANTS AND BENEFICIARIES.—The Secretary shall provide plan administrators and plan sponsors of individual account plans and participants and beneficiaries under such plans assistance with any questions or problems regarding compliance with the requirements of subparagraphs (B)(ii)(IV) and (C) of subsection (a)(2) and section 112.''.

(d) ENFORCEMENT.—

(1) PENALTIES.—Section 502 of such Act (29 U.S.C. 1132) is amended—

(A) in subsection (a)(6), by striking ''under paragraph (2)'' and all that follows through ''subsection (c)'' and inserting ''under paragraph (2), (4), (5), (6), (7), (8), (9), (10), (11), or (12) of subsection (c)''; and

(B) in subsection (c), by redesignating the second paragraph (10) as paragraph (13), and by inserting after the first paragraph (10) the following new paragraphs:

''(11)(A) In the case of any failure by a service provider (as defined in section 111(f)(1)) to provide a statement in violation of section 111, the service provider may be assessed by the Secretary a civil penalty of up to $1,000 for each day in the noncompliance period.

''(B) For purposes of subparagraph (A), the noncompliance period with respect to the failure to provide any statement is the period beginning on the date that such statement was required to be provided and ending on the date that such statement is provided or the failure is otherwise corrected.

''(C)(i) The total amount of a penalty assessed under this paragraph on any service provider with respect to any individual account plan for any plan year shall not exceed an amount equal to the lesser of—

''(I) 10 percent of the assets of the plan, determined as of the first day of such plan year, or

''(II) $1,000,000.

''(ii) No penalty shall be imposed by subparagraph (A) on any failure if—

''(I) the service provider subject to liability for the penalty under subparagraph (A) exercised reasonable diligence to meet the requirement with respect to which the failure relates, and

''(II) such service provider provides the information required under section 111 during the 30-day period beginning on the date such person knew, or exercising reasonable diligence would have known, that such failure existed.

''(iii) In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the penalty under subparagraph (A) to the extent that the payment of such penalty would be excessive or otherwise inequitable relative to the failure involved.

''(D) The penalty imposed under this paragraph with respect to any failure shall be reduced by the amount of any tax imposed on such person with respect to such failure under section 4980J of the Internal Revenue Code of 1986.

''(12)(A) Any plan administrator with respect to a plan who fails or refuses to provide a notice, explanation, or statement to participants and beneficiaries in accordance with subparagraphs (B)(ii)(IV) and (C) of section 105(a)(2) and section 112 may be assessed by the Secretary a civil penalty of up to $110 for each day in the noncompliance period.

''(B) For purposes of subparagraph (A), the noncompliance period with respect to the failure to provide any notice, explanation, or statement referred to in subparagraph (B)(ii)(IV) or (C) of section 105(a)(2) or section 112 with respect to any participant or beneficiary is the period beginning on the date that such notice, explanation, or statement was required to be provided and ending on the date that such notice, explanation, or statement is provided or the failure is otherwise corrected.

''(C)(i) The total amount of penalty assessed under this paragraph with respect to any plan for any plan year shall not exceed an amount equal to the lesser of—

''(I) 10 percent of the assets of the plan, determined as of the first day of such plan year, or

''(II) $500,000.

''(ii) No penalty shall be imposed under subparagraph (A) on any failure to meet the requirements of subparagraphs (B)(ii)(IV) and (C) of section 105(a)(2) and section 112 if—

''(I) any person subject to liability for the penalty under subparagraph (A) exercised reasonable diligence to meet such requirements, and

''(II) such person provides the notice, explanation, or statement to which the failure relates during the 30-day period beginning on the date such person knew, or exercising reasonable diligence would have known, that such failure existed.

''(iii) In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary shall waive part or all of the penalty under subparagraph (A) to the extent that the payment of such penalty would be excessive or otherwise inequitable relative to the failure involved.

''(iv) The penalty imposed under this paragraph with respect to any failure shall be reduced by the amount of any tax imposed on such person with respect to such failure under section 4980K of the Internal Revenue Code of 1986.''.

(2) ENFORCEMENT COORDINATION AND REVIEW BY THE DEPARTMENT OF LABOR.—Section 502 of such Act (29 U.S.C. 1132) is amended by adding at the end the following new subsection:

''(n) ENFORCEMENT COORDINATION OF CERTAIN DISCLOSURE REQUIREMENTS RELATING TO INDIVIDUAL ACCOUNT PLANS AND REVIEW BY THE DEPARTMENT OF LABOR.—

''(1) NOTIFICATION AND ACTION RELATING TO SERVICE PROVIDERS.—The Secretary shall notify the applicable regulatory authority in any case in which the Secretary determines that a service provider is engaged in a pattern or practice that precludes compliance by plan administrators with subparagraphs (B)(ii)(IV) and (C) of section 105(a)(2) and section 112. The Secretary shall, in consultation with the applicable authority, take such timely enforcement action under this title as is necessary to assure that such pattern or practice ceases and desists and assess any appropriate penalties.

''(2) ANNUAL AUDIT OF REPRESENTATIVE SAMPLING OF INDIVIDUAL ACCOUNT PLANS.—The Secretary shall annually audit a representative sampling of individual account plans covered by this title to determine compliance with the requirements of subparagraphs (B)(ii)(IV) and (C) of section 105(a)(2), section 111, and section 112. The Secretary shall annually report the results of such audit and any related recommendations of the Secretary to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.''.

(e) REVIEW AND REPORT TO THE CONGRESS BY SECRETARY OF LABOR RELATING TO REPORTING AND DISCLOSURE REQUIREMENTS.—

(1) STUDY.—As soon as practicable after the date of the enactment of this Act, the Secretary of Labor shall review the reporting and disclosure requirements of part 1 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 and related provisions of the Pension Protection Act of 2006.

(2) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Labor, in consultation with the Secretary of the Treasury, shall make such recommendations as the Secretary of Labor considers appropriate to the appropriate committees of the Congress to consolidate, simplify, standardize, and improve the applicable reporting and disclosure requirements so as to simplify reporting for employee pension benefit plans and ensure that needed understandable information is provided to participants and beneficiaries of such plans.

SEC. 323. AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.

(a) IN GENERAL.—Chapter 43 of the Internal Revenue Code of 1986 (relating to qualified pension, etc. plans) is amended by adding at the end the following new sections:

''SEC. 4980J. FAILURE TO PROVIDE NOTICE OF PLAN FEE INFORMATION TO PLAN ADMINISTRATORS.

''(a) IMPOSITION OF TAX.—

''(1) IN GENERAL.—There is hereby imposed a tax on each failure of a service provider to meet the requirements of paragraph (2) with

respect to any applicable defined contribution plan.

''(2) FAILURES DESCRIBED.—The failures described in this paragraph are—

''(A) any failure to provide an initial statement described in subsection (d),

''(B) any failure to provide an annual statement described in subsection (e), and

''(C) any failure to provide a material change statement described in subsection (f).

''(b) AMOUNT OF TAX.—

''(1) IN GENERAL.—The amount of the tax imposed by subsection (a) on any failure shall be $1,000 for each day in the noncompliance period.

''(2) NONCOMPLIANCE PERIOD.—For purposes of paragraph (1), the noncompliance period with respect to the failure to provide any statement is the period beginning on the date that such statement was required to be provided and ending on the date that such statement is provided or the failure is otherwise corrected.

''(c) LIMITATIONS.—

''(1) AGGREGATE LIMITATION.—The total amount of tax imposed by this section on any service provider with respect to any applicable defined contribution plan for any plan year shall not exceed an amount equal to the lesser of—

''(A) 10 percent of the assets of the plan, determined as of the first day of such plan year, or

''(B) $1,000,000.

''(2) TAX NOT TO APPLY TO FAILURES CORRECTED WITHIN 30 DAYS.—No tax shall be imposed by subsection (a) on any failure if—

''(A) the service provider subject to liability for the tax under subsection (a) exercised reasonable diligence to meet the requirement with respect to which the failure relates, and

''(B) such service provider provides the information required under subsection (a) during the 30-day period beginning on the date such person knew, or exercising reasonable diligence would have known, that such failure existed.

''(3) WAIVER BY SECRETARY.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the tax imposed by subsection (a) to the extent that the payment of such tax would be excessive or otherwise inequitable relative to the failure involved.

''(d) INITIAL STATEMENT OF SERVICES PROVIDED AND REVENUES RECEIVED.—

''(1) IN GENERAL.—Before entering into any contract or arrangement to provide services to an applicable defined contribution plan, the service provider shall provide to the plan administrator a single written statement which includes, with respect to the first plan year covered under such contract or arrangement, the following:

''(A) A detailed description of the services which will be provided to the plan by the service provider, the amount of total expected annual revenue with respect to such services, the manner in which such revenue will be collected, and the extent to which such revenue varies between specific investment options.

''(B)(i) In the case of a service provider who is providing recordkeeping services with respect to any investment option, such information as is necessary for the plan administrator to satisfy the requirements of paragraphs (1), (2) and (4) of section 4980K(e) with respect to such option, including specifying the method used by the service provider in disclosing or estimating expenses under subparagraphs (A)(iv) and (C) of such paragraph (2).

''(ii) To the extent provided in regulations issued by the Secretary of Labor, clause (i) shall not apply in the case of a service provider described in such clause if the service provider receives a written notification from the plan administrator that the information described in such clause in connection with the investment option is provided by another service provider pursuant to a contract or arrangement to provide services to the plan.

''(C) A statement indicating—

''(i) the identity of any investment options offered under the plan with respect to which the service provider provides substantial investment, trustee, custodial, or administrative services, and

''(ii) in the case of any investment option, whether the service provider expects to receive any component of total expected annual revenue described in paragraph (2)(A)(ii)(II) with respect to such option and the amount of any such component.

''(D) The portion of total expected annual revenue which is properly allocable to each of the following:

''(i) Administration and recordkeeping.

''(ii) Investment management.

''(iii) Other services or amounts not described in clause (i) or (ii).

''(2) DEFINITION OF TOTAL EXPECTED ANNUAL REVENUE.—For purposes of this section—

''(A) IN GENERAL.—The term 'total expected annual revenue' means, with respect to any plan year—

''(i) any amount expected to be received during such plan year from the plan (including amounts paid from participant accounts), any participant or beneficiary, or any plan sponsor in connection with the contract or arrangement referred to in paragraph (1), and

''(ii) any amount not taken into account under clause (i) which is expected to be received during such plan year by the service provider in connection with—

''(I) plan administration, recordkeeping, consulting, management, or investment or other service activities undertaken by the service provider with respect to the plan, or

''(II) plan administration, recordkeeping, consulting, management, or investment or other service activities undertaken by any other person with respect to the plan.

''(B) EXPRESSED AS DOLLAR AMOUNT OR PERCENTAGE OF ASSETS.—Total expected annual revenue and any amount indicated under paragraph (1)(C)(ii) may be expressed as a dollar amount or as a percentage of assets (or a combination thereof), as appropriate. To the extent that total expected annual revenue is expressed as a percentage of assets, such percentage shall be properly allocated among clauses (i), (ii), and (iii) of paragraph (1)(D).

''(C) PROVISION OF FEE SCHEDULE FOR CERTAIN PARTICIPANT INITIATED TRANSACTIONS.—In the case of amounts expected to be received from participants or beneficiaries under the plan (or from the account of a participant or beneficiary) as a fee or charge in connection with a transaction initiated by the participant (other than loads, commissions, brokerage fees, and other investment related transactions)—

''(i) such amounts shall not be taken into account in determining total expected annual revenue, and

''(ii) the service provider shall provide to the plan administrator, as part of the statement referred to in paragraph (1), a fee schedule which describes each such fee or charge, the amount thereof, and the manner in which such amount is collected.

''(3) ESTIMATIONS.—In determining under this section any amount which is to be disclosed by the service provider, the service provider may provide a reasonable estimate of such amount but only if the service provider indicates that such amount disclosed is an estimate. Any such estimate shall be based on reasonable assumptions specified in writing to the plan administrator.

''(4) DISCLOSURE OF DIFFERENT PRICING OF INVESTMENT OPTIONS.—In the case of investment options with more than one share class or price level, the Secretary of Labor shall prescribe regulations for the disclosure of the different share classes or price levels available as part of the statement in paragraph (1). Such regulations shall provide guidance with respect to the disclosure of the basis for qualifying for such share classes or price levels, which may include amounts invested, number of participants, or other factors.

''(5) DISCLOSURE OF INVESTMENT TRANSACTION COSTS.—To the extent provided in regulations issued by the Secretary of Labor, a service provider shall separately disclose the transaction costs (including sales commissions) for each investment option for the preceding year or the plan's allocable share of such costs for the preceding year. The Secretary of Labor shall, before making a determination to issue any final rule under this subsection, conduct, and report to the Congress on the results of, a study regarding the feasibility and benefits of requiring the disclosure of transaction costs to plan sponsors.

''(e) ANNUAL STATEMENTS.—With respect to each plan year after the plan year covered by the statement described in subsection (d), the service provider shall provide the plan administrator a single written statement which includes the information described in subsection (d) with respect to such subsequent plan year.

''(f) MATERIAL CHANGE STATEMENTS.—In the case of any event or other change during a plan year which causes the information included in any statement described in subsection (d) or (e) with respect to such plan year to become materially incorrect, the service provider shall provide the plan administrator a written statement providing the corrected information not later than 30 days after the service provider knows, or exercising reasonable diligence would have known, of such event or other change.

''(g) TIME AND MANNER OF PROVIDING STATEMENT AND OTHER MATERIALS.—The statement referred to in subsections (d)(1) and (e) shall be made at such time and in such manner as the Secretary of Labor may provide. Other materials required to be provided under this section shall be provided in such manner as such Secretary may provide. All information included in such statements and other materials shall be presented in a manner which is easily understood by the typical plan administrator.

''(h) EXCEPTION FOR SMALL SERVICE PROVIDERS.—The requirements of this section shall not apply with respect to any contract or arrangement for services provided with respect to an individual account plan for any plan year if—

''(1) the total annual revenue expected by the service provider to be received with respect to the plan for such plan year is less than $5,000, and

''(2) the service provider provides a written statement to the plan administrator that the total annual revenue expected by the service provider to be received with respect to the plan is less than $5,000.

Service providers who expect to receive de minimis annual revenue from the plan need not provide the written statement described in paragraph (2). The Secretary of Labor may by regulation or other guidance adjust the dollar amount specified in this subsection.

''(i) DEFINITIONS.—For purposes of this section—

''(1) SERVICE PROVIDER.—

''(A) IN GENERAL.—The term 'service provider' includes any person providing administration, recordkeeping, consulting, investment management services, or investment

advice to an applicable defined contribution plan under a contract or arrangement.

''(B) CONTROLLED GROUPS TREATED AS ONE SERVICE PROVIDER.—All persons which would be treated as a single employer under subsection (b) or (c) of section 414 if section 1563(a)(1) were applied—

''(i) except as provided by subparagraph (B), by substituting 'more than 50 percent' for 'at least 80 percent' each place it appears therein, or

''(ii) for purposes of subsection (d)(1)(C)(i), by substituting 'at least 20 percent' for 'at least 80 percent' each place it appears therein,

shall be treated as one person for purposes of this section.

''(2) APPLICABLE DEFINED CONTRIBUTION PLAN.—The term 'applicable defined contribution plan' means any defined contribution plan described in clauses (iii) through (vi) of section 402(c)(8)(B).

''(3) PLAN ADMINISTRATOR.—The term 'plan administrator' has the meaning given such term by section 414(g).

''SEC. 4980K. FAILURE TO PROVIDE NOTICE TO PARTICIPANTS OF PLAN FEE INFORMATION.

''(a) IMPOSITION OF TAX.—

''(1) IN GENERAL.—There is hereby imposed a tax on each failure of a plan administrator of an applicable defined contribution plan to meet the requirements of paragraph (2) with respect to any participant or beneficiary.

''(2) FAILURES DESCRIBED.—The failures described in this paragraph are—

''(A) any failure to provide an advance notice of available investment options described in subsection (e)(1),

''(B) any failure to provide an account explanation described in subsection (e)(2),

''(C) any failure to provide a service provider statement referred to in subsection (e)(3), and

''(D) any failure to provide a notice of material change described in subsection (e)(4).

''(b) AMOUNT OF TAX.—

''(1) IN GENERAL.—The amount of the tax imposed by subsection (a) on any failure with respect to any participant or beneficiary shall be $100 for each day in the noncompliance period.

''(2) NONCOMPLIANCE PERIOD.—For purposes of paragraph (1), the noncompliance period with respect to the failure to provide any notice, explanation, or statement referred to in subsection (a)(2) with respect to any participant or beneficiary is the period beginning on the date that such notice, explanation, or statement was required to be provided and ending on the date that such notice, explanation, or statement is provided or the failure is otherwise corrected.

''(c) LIMITATIONS ON AMOUNT OF TAX.—

''(1) AGGREGATE LIMITATION.—The total amount of tax imposed by this section with respect to any plan for any plan year shall not exceed an amount equal to the lesser of—

''(A) 10 percent of the assets of the plan, determined as of the first day of such plan year, or

''(B) $500,000.

''(2) TAX NOT TO APPLY TO FAILURES CORRECTED WITHIN 30 DAYS.—No tax shall be imposed by subsection (a) on any failure if—

''(A) any person subject to liability for the tax under subsection (a) exercised reasonable diligence to meet the requirements of subsection (e), and

''(B) such person provides the notice, explanation, or statement to which the failure relates during the 30-day period beginning on the date such person knew, or exercising reasonable diligence would have known, that such failure existed.

''(3) WAIVER BY SECRETARY.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary shall waive part or all of the tax imposed by subsection (a) to the extent that the payment of such tax would be excessive or otherwise inequitable relative to the failure involved.

''(d) LIABILITY FOR TAX.—The plan administrator shall be liable for the tax imposed by subsection (a).

''(e) DISCLOSURES TO PARTICIPANTS AND BENEFICIARIES.—

''(1) ADVANCE NOTICE OF AVAILABLE INVESTMENT OPTIONS.—

''(A) IN GENERAL.—The plan administrator of an applicable defined contribution plan shall provide to the participant or beneficiary notice of the investment options available under the plan before—

''(i) the earliest date provided for under the plan for the participant's initial investment of any contribution made on behalf of such participant, and

''(ii) the effective date of any change in the list of investment options available under the plan, unless such advance notice is impracticable, and in such case, as soon as is practicable.

''(B) INFORMATION INCLUDED IN NOTICE.—The notice required under subparagraph (A) shall—

''(i) set forth, with respect to each available investment option—

''(I) the name of the option,

''(II) a general description of the option's investment objectives and principal investment strategies, principal risk and return characteristics, and the name of the option's investment manager,

''(III) whether the investment option is designed to be a comprehensive, stand-alone investment for retirement that provides varying degrees of long-term appreciation and capital preservation through a mix of equity and fixed income exposures,

''(IV) the extent to which the investment option is actively managed or passively managed in relation to an index and the difference between active management and passive management,

''(V) where, and the manner in which, additional plan-specific, option-specific, and generally available investment information may be obtained, and

''(VI) a statement explaining that investment options should not be evaluated solely on the basis of the charges for each option but should also be based on consideration of other key factors, including the risk level of the option, the investment objectives of the option, historical returns of the option, and the participant's personal investment objectives,

''(ii) include a statement of the right under paragraph (3) of participants and beneficiaries to request, and a description of how participant or beneficiary may request, a copy of the statements received by the plan administrator under section 4980J with respect to the plan, and

''(iii) include the plan fee comparison chart described in subparagraph (C).

''(C) PLAN FEE COMPARISON CHART.—

''(i) IN GENERAL.—

''(I) IN GENERAL.—The notice provided under this paragraph shall include a plan fee comparison chart consisting of a comparison of the service and investment charges that will or could be assessed against the account of the participant or beneficiary with respect to the plan year.

''(II) EXPRESSED AS DOLLAR AMOUNT OR FORMULA.—For purposes of this subparagraph, such charges shall be provided in the form of a dollar amount or as a formula (such as a percentage of assets), as appropriate.

''(ii) CATEGORIZATION OF CHARGES.—The plan fee comparison chart shall provide information in relation to the following categories of charges that will or could be assessed against the account of the participant or beneficiary:

''(I) ASSET-BASED CHARGES SPECIFIC TO INVESTMENT.—Charges that vary depending on the investment options selected by the participant or beneficiary, including the annual operating expenses of the investment option and investment-specific asset-based charges (such as loads, commissions, brokerage fees, exchange fees, redemption fees, and surrender charges). Except as provided by the Secretary of Labor in regulations under this section, the information relating to such charges shall include a statement noting any charges for 1 or more investment options which pay for services other than investment management.

''(II) RECURRING ASSET-BASED CHARGES NOT SPECIFIC TO INVESTMENT.—Charges that are assessed as a percentage of the total assets in the account of the participant or beneficiary, regardless of the investment option selected.

''(III) ADMINISTRATIVE AND TRANSACTION-BASED CHARGES.—Administration and transaction-based charges, including fees charged to participants to cover plan administration, compliance, and recordkeeping costs, plan loan origination fees, possible redemption fees, and possible surrender charges, that are not assessed as a percentage of the total assets in the account and are either automatically deducted each year or result from certain transactions engaged in by the participant or beneficiary.

''(IV) OTHER CHARGES.—Any other charges which may be deducted from participants' or beneficiaries' accounts and which are not described in subclauses (I), (II), and (III).

''(iii) FEES AND HISTORICAL RETURNS.—The plan fee comparison chart shall include—

''(I) the historical returns, net of fees and expenses, for the previous year, 5 years, and 10 years (or for the period since inception, if shorter) with respect to such investment option, and

''(II) the historical returns of an appropriate benchmark, index, or other point of comparison for each such period.

''(D) MODEL NOTICES.—The Secretary of Labor shall prescribe one or more model notices that may be used for purposes of satisfying the requirements of this paragraph, including model plan fee comparison charts.

''(E) ESTIMATIONS.—For purposes of providing the notice required under this paragraph, the plan administrator may provide a reasonable and representative estimate for any charges or percentages disclosed under subparagraph (B) or (C) and shall indicate whether the amount of any such charges or percentages disclosed is an estimate.

''(2) QUARTERLY BENEFIT STATEMENT.—

''(A) REQUIREMENTS.—The plan administrator shall provide to each participant and beneficiary, at least once each calendar quarter, an explanation describing the investment options in which the participant's or beneficiary's account is invested as of the last day of the preceding quarter. Such explanation shall provide, to the extent applicable, the following for the preceding quarter:

''(i) As of the last day of the quarter, a statement of the different asset classes that the participant's or beneficiary's account is invested in and the percentage of the account allocated to each asset class.

''(ii) A statement of the starting and ending balance of the participant's or beneficiary's account for such quarter.

''(iii) A statement of the total contributions made to the participant's or beneficiary's account during the quarter and a separate statement of—

''(I) the amount of such contributions, and the total amount of any restorative payments, which were made by the employer during the quarter, and

''(II) the amount of such contributions which were made by the employee.

''(iv) A statement of the total fees and expenses which were directly deducted from the participant's or beneficiary's account during the quarter and an itemization of such fees and expenses.

''(v) A statement of the net returns for the year to date, expressed as a percentage, and a statement as to whether the net returns include amounts described in clause (iv).

''(vi) With respect to each investment option in which the participant or beneficiary was invested as of the last day of the quarter, the following:

''(I) A statement of the percentage of the participant's or beneficiary's account that is invested in such option as of the last day of such quarter.

''(II) A statement of the starting and ending balance of the participant's or beneficiary's account that is invested in such option for such quarter.

''(III) A statement of the annual operating expenses of the investment option.

''(IV) A statement of whether the disclosure described in clause (iv) includes the annual operating expenses of the investment options of the participant or beneficiary.

''(vii) The statement described in paragraph (1)(B)(i)(VI).

''(viii) A statement regarding how a participant or beneficiary may access the information required to be disclosed under paragraph (1).

''(B) MODEL EXPLANATIONS.—The Secretary of Labor shall prescribe one or more model explanations that may be used for purposes of satisfying the requirements of this paragraph.

''(C) DETERMINATION OF EXPENSES.—For purposes of subparagraph (A)(vi)(III)—

''(i) Expenses may be expressed as a dollar amount or as a percentage of assets (or a combination thereof).

''(ii) The plan administrator may provide disclosure of the expenses for the quarter or may provide a reasonable and representative estimate of such expenses and shall indicate any such estimate as being an estimate. Any such estimate shall be based on reasonable assumptions stated together with such estimate.

''(iii) To the extent that estimated expenses are expressed as a percentage of assets, the disclosure shall also include one of the following, stated in dollar amounts:

''(I) an estimate of the expenses for the quarter based on the amount invested in the option; or

''(II) an example describing the expenses that would apply during the quarter with respect to a hypothetical $10,000 investment in the option.

''(3) DISCLOSURE OF SERVICE PROVIDER STATEMENTS.—The plan administrator shall provide to any participant or beneficiary a copy of any statement received pursuant to section 4980J within 30 days after receipt of a request for such a statement.

''(4) NOTICE OF MATERIAL CHANGES.—In the case of any event or other change which causes the information included in any notice described in paragraph (1) to become materially incorrect, the plan administrator shall provide participants and beneficiaries a written statement providing the corrected information not later than 30 days after the plan administrator knows, or exercising reasonable diligence would have known, of such event or other change.

''(5) TIME AND MANNER OF PROVIDING NOTICES AND DISCLOSURES.—

''(A) IN GENERAL.—The notices described in paragraph (1) shall be provided at such times and in such manner as the Secretary of Labor may provide. Other notices and materials required to be provided under this subsection shall be provided in such manner as such Secretary may provide.

''(B) MANNER OF PRESENTATION.—

''(i) IN GENERAL.—All information included in such notices or explanations shall be presented in a manner which is easily understood by the typical participant.

''(ii) GENERIC EXAMPLE OF OPERATING EXPENSES OF INVESTMENT OPTIONS.—The information described in paragraphs (1)(C)(ii)(I) shall include a generic example describing the charges that would apply during an annual period with respect to a $10,000 investment in the investment option.

''(C) ANNUAL COMPLIANCE FOR SMALL PLANS.—A plan that has fewer than 100 participants and beneficiaries as of the first day of the plan year may provide the explanation described in paragraph (2) on an annual rather than a quarterly basis.

''(f) DEFINITIONS.—

''(1) APPLICABLE DEFINED CONTRIBUTION PLAN.—The term 'applicable defined contribution plan' means the portion of any defined contribution plan which—

''(A) permits a participant or beneficiary to exercise control over assets in his or her account, and

''(B) is described in clauses (iii) through (vi) of section 402(c)(8)(B).

''(2) PLAN ADMINISTRATOR.—The term 'plan administrator' has the meaning given such term by section 414(g).

''(g) REGULATIONS.—The Secretary of Labor shall prescribe such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this section, including regulations or other guidance which—

''(1) provide a later deadline for providing the notice of investment menu changes described in subsection (e)(4) in appropriate circumstances, and

''(2) provide guidelines, and a safe harbor, for the selection of an appropriate benchmark, index, or other point of comparison for an investment option under subsection (e)(1)(C)(iii)(II).''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 43 of such Code is amended by adding at the end the following new items:

''Sec. 4980J. Failure to provide notice of plan fee information to plan administrators.

''Sec. 4980K. Failure to provide notice to participants of plan fee information.''.

SEC. 324. REGULATORY AUTHORITY AND COORDINATION.

(a) REGULATORY AUTHORITY.—The Secretary of Labor shall prescribe regulations or other guidance to the extent the Secretary determines necessary or appropriate to carry out the purposes of sections 105, 111, and 112 of the Employee Retirement Income Security Act of 1974 and sections 4980J and 4980K of the Internal Revenue Code of 1986, including regulations or other guidance which—

(1) provide safe harbor and simplified methods for making the allocations described in subsection (a)(1)(D) of such section 111 and subsection (d)(1)(D) of such section 4980J; and

(2) provide special rules for the application of such sections to—

(A) investments with a guaranteed rate of return;

(B) investments with an insurance component; and

(C) employer sponsored retirement plans funded through an individual retirement account.

(3) address notices with respect to investments provided through participant directed brokerage trading;

(4) address the disclosure of information that is not proprietary to the service provider; and

(5) provide rules to allow service providers to consolidate information to satisfy the requirements of such sections with respect to all such service providers.

(b) CERTAIN ELECTRONIC DISCLOSURES PERMITTED.—Any disclosure required under section 112 of the Employee Retirement Income Security Act of 1974 or section 4980K of the Internal Revenue Code of 1986 may be provided through an electronic medium under such rules as shall be prescribed under such section by the Secretary of Labor not later than 1 year after the date of the enactment of this Act. Such rules shall be similar to those applicable under the Internal Revenue Code of 1986 with respect to notices to participants in pension plans. Such Secretary shall regularly modify such rules as appropriate to take into account new developments, including new forms of electronic media, and to fairly take into consideration the interests of plan sponsors, service providers, and participants. The rules prescribed by such Secretary pursuant to this subsection shall provide for a method for the typical participant or beneficiary to obtain without undue burden any such disclosure in writing on paper in lieu of receipt through an electronic medium.

SEC. 325. EFFECTIVE DATE OF SUBTITLE.

(a) IN GENERAL.—The amendments made by this subtitle shall apply to plan years beginning after December 31, 2011.

(b) APPLICATION OF SERVICE PROVIDER DISCLOSURES TO EXISTING CONTRACTS AND ARRANGEMENTS.—For purposes of section 111 of the Employee Retirement Income Security Act of 1974 and section 4980J of the Internal Revenue Code of 1986, any contract or arrangement to provide services to a plan which is in effect on January 1, 2012, shall be treated as a new contract or arrangement entered into on such date.

(c) SPECIAL RULE FOR COMPLIANCE WITH SUBTITLE.—Until 12 months after final regulations are issued by the Secretary of Labor pursuant to the amendments made by this subtitle, a service provider or plan administrator shall be treated as having complied with such amendments if such service provider or plan administrator complies with a reasonable good faith interpretation of such amendments.

SA 4396. Mr. CORNYN (for Mr. KERRY) proposed an amendment to the resolution S. Res. 548, to express the sense of the Senate that Israel has an undeniable right to self-defense, and to condemn the recent destabilizing actions by extremists aboard the ship *Mavi Marmara;* as follows:

On page 7, strike lines 22–24.

SA 4397. Mr. CORNYN (for Mr. KERRY) proposed an amendment to the resolution S. Res. 548, to express the sense of the Senate that Israel has an undeniable right to self-defense, and to condemn the recent destabilizing actions by extremists aboard the ship *Mavi Marmara;* as follows:

Strike the 14th clause in the preamble.

NOTICE OF HEARING

SUBCOMMITTEE ON WATER AND POWER

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public

that a hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources. The hearing will be held on Thursday, July 1, 2010, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this oversight hearing is to examine the Federal response to the discovery of the aquatic invasive species Asian carp in Lake Calumet, Illinois.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to Gina_Weinstock@energy.senate.gov.

For further information, please contact Tanya Trujillo at (202) 224–5479 or Gina Weinstock at (202) 224–5684.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on June 24, 2010, at 9:30 a.m.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on June 24, 2010, at 10 a.m., in Room 253 of the Russell Senate Office Building.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on June 24, 2010, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on June 24, 2010, at 10 a.m., to conduct a hearing entitled ''The New START Treaty (Treaty Doc. 111–5): Implementation—Inspections and Assistance.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on June 24, 2010, at 2:30 p.m., to conduct a hearing entitled ''The New START Treaty (Treaty Doc. 111–5): Benefits and Risks.''

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled ''Emerging Risk? An Overview of the Federal Investment in For-Profit Education'' on June 24, 2010. The hearing will commence at 10 a.m. in room 124 of the Dirksen Senate Office Building.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on June 24, 2010, at 2:30 p.m.

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

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on June 24, 2010, at 10 a.m., in SD–226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

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

SUBCOMMITTEE ON SURFACE TRANSPORTATION AND MERCHANT MARINE INFRASTRUCTURE, SAFETY, AND SECURITY

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety, and Security of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on June 24, 2010, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

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

PRIVILEGES OF THE FLOOR

Mr. MENENDEZ. Mr. President, I ask unanimous consent the privilege of the floor be granted to a member of my staff, Heide Bronke Fulton, during the pendency of the Conference Report to accompany H.R. 2194, Iran Refined Petroleum Sanctions Act, for each day that the measure is pending.

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

MEASURES READ THE FIRST TIME—H.R. 5481 AND H.R. 5551

Ms. STABENOW. Mr. President, I understand there are two bills at the desk. I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will report the bills by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5481) to give subpoena power to the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling.

A bill (H.R. 5551) to require the Secretary of the Treasury to make certification when making purchases under the Small Business Lending Fund Program.

Ms. STABENOW. I now ask for a second reading en bloc, and I object to my own request en bloc.

The PRESIDING OFFICER. Objection having been heard, the bills will receive their second reading on the next legislative day.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011

Ms. STABENOW. I ask the Chair to lay before the Senate a message from the House with respect to H.R. 5136.

The PRESIDING OFFICER. The clerk will state the message.

The assistant legislative clerk read as follows:

Ordered, That the Clerk be directed to request the Senate to return to the House of Representatives the bill (H.R. 5136) entitled ''An Act to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.''.

Ms. STABENOW. Mr. President, I ask unanimous consent that the Senate agree to the request that the Senate return to the House H.R. 5136, the Department of Defense Authorization Act.

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

ORDERS FOR FRIDAY, JUNE 25, 2010

Ms. STABENOW. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Friday, June 25; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and that following any leader remarks, the Senate resume consideration of the motion to proceed to H.R. 5297, the small business jobs bill. Finally, I ask that the quorum with respect to the cloture motion be waived.

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

PROGRAM

Ms. STABENOW. Mr. President, there will be no rollcall votes during Friday's session of the Senate. Senators should expect the next votes to begin at 5:30 p.m. on Monday, June 28.

ADJOURNMENT UNTIL 9:30 TOMORROW

Ms. STABENOW. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 8:02 p.m., adjourned until Friday, June 25, 2010, at 9:30 a.m.

NOMINATIONS

Executive nomination received by the Senate:

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GEN. DAVID H. PETRAEUS

EXTENSIONS OF REMARKS

RECOGNIZING THE 50TH ANNIVERSARY OF THE WILDCATS OF TRAINING SQUADRON TEN

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. MILLER of Florida. Madam Speaker, it is with great pleasure I rise to recognize the 50th anniversary of the Wildcats of Training Squadron Ten. Through times of war and through times of peace, the Wildcats have served our country with great distinction and valor. For that reason, I am proud to recognize the Wildcats of Squadron Ten for their exceptional training and excellent performance over the last 50 years.

From the first day the squadron was commissioned, the Wildcats of Training Squadron Ten have continued the legacy of training a new generation of pilots with the skill and will to fight and win. Today, Training Squadron Ten trains more than 300 Naval Flight Officers and Air Force Weapons System Officers annually, and flies approximately 13,400 flight hours each year.

Throughout the squadron's history, the Wildcats have been awarded with numerous awards and honors. In 1978 they were awarded the Towers Award. Training Squadron Ten's extensive energy conservation efforts and improved efficiency standards won the Secretary of the Navy's Energy Conservation Award in 1995, 1996, and 2002. Furthermore, the safety initiatives implemented by VT-10 have earned the squadron 21 Chief of Naval Operations Safety Awards.

Madam Speaker, on behalf of the United States Congress, I am privileged to recognize the Wildcats for going above and beyond the call of duty on their 50th anniversary. To this day, the Wildcats of Training Squadron Ten continue to provide the highest quality training to our nation's aviators. As they remain resolute and steadfast to doing their part to defend our country, we must do our part to remember their unwavering commitment with our hearts and minds.

HONORING MS. FEDORA MANZOA

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. HIGGINS. Madam Speaker, I rise today to pay tribute to the years of service given to the people of Chautauqua County by Ms. Fedora Manzoa. Ms. Manzoa served her constituency faithfully and justly during her tenure as the Portland Tax Collector.

Public service is a difficult and fulfilling career. Any person with a dream may enter but only a few are able to reach the end. Ms. Manzoa served her term with her head held high and a smile on her face the entire way. I have no doubt that her kind demeanor left a lasting impression on the people of Chautauqua County.

We are truly blessed to have such strong individuals with a desire to make this county the wonderful place that we all know it can be. Ms. Manzoa is one of those people and that is why, Madam Speaker, I rise in tribute to her today.

HONORING RON GETTELFINGER FOR HIS LEADERSHIP OF THE UAW

SPEECH OF

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Mr. VISCLOSKY. Mr. Speaker, it is with great pleasure that I take this time to honor one of America's great leaders, retiring president of the United Auto Workers Union, Ron Gettelfinger. Mr. Gettelfinger served as president of the UAW from 2002 until 2010.

Mr. Gettelfinger became a member of the UAW in 1964 when he became a chassis line repairman in Ford's Louisville factory. In 1984 Mr. Gettelfinger was elected by the membership of the UAW Local 862 chapter in Louisville to represent them as their committee person, bargaining chair, and president, and in 1992 Mr. Gettelfinger was elected to be the director of UAW's Region 3, which represents the UAW membership of Indiana and Kentucky. Then in 1998 Mr. Gettelfinger was elected vice president of the UAW, and he served in that position until June 5, 2002, when at the UAW's 33rd constitutional convention Mr. Gettelfinger was elected president.

Throughout Mr. Gettelfinger's rise to the top within the UAW he was driven by the sole purpose of fighting for the rights of the American worker. He fought for fair trade agreements that would protect the rights and health of American workers and the environment. He steadfastly worked to prevent a race to the bottom environment in countries around the world, and was an outspoken advocate for a national single-payer health care system. He fought for all of these ideals while having to lead the UAW through the worst economic downturn since the Great Depression, and I wish there were more exemplary fighters out there like Ron Gettlefinger.

Mr. Speaker, at this time I ask that you and my other distinguished colleagues join me in commending Mr. Ron Gettelfinger for his 46 years of service as both a member and leader of the United Auto Workers Union, and in wishing him all the best in his retirement.

THE SWEEP ACT

HON. GLENN C. NYE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. NYE. Madam Speaker, on Tuesday I introduced, with my colleague Mr. WILSON, the Stop Waste by Eliminating Excessive Programs Act, otherwise known as the SWEEP act. The bill will reduce wasteful government spending by creating a means to review and abolish federal programs that are inefficient, unnecessary, or outdated.

Back home in Hampton Roads and the Eastern Shore of Virginia, families sit around the kitchen table, forced to make tough decisions about their budget and where they need to trim back—it's time Congress acted with the same responsibility.

We have already taken several important steps toward fiscal restraint and responsibility, such as voting to install statutory Pay-Go budget rules. Another area of spending Congress has tackled is the Congressional pay raise. Voted in favor of before I took office, I immediately took my unnecessary raise and donated it to Vetshouse, a local organization in my district that supports homeless veterans. In addition, I, joined by many of my colleagues, successfully voted to stop the Congressional pay raise for this year and the next. But these efforts are just the tip of the iceberg.

It is clear that we need a more comprehensive approach to reducing the federal government footprint and my bill will do just this.

Across the various federal agencies and bureaus, the government supports tens of thousands of programs. Many of which have been continuing for years without proper Congressional oversight or authorization. In effect, these programs continue to receive funding without proving their merit.

What's more, without a thorough inventory, duplicative programs have cropped up across agency lines, wasting precious taxpayer dollars on activities that are being performed elsewhere.

The SWEEP Act is a three step approach that will make sure inefficient, duplicative, or wasteful programs are eliminated.

The first step is to review current funding authorizations by creating a bi-partisan Sunset Commission. The Commission will examine each and every government-funded program to determine its worth based on proven outcomes, cost-effectiveness, scope of interest, and whether a duplicative program exists.

The second step will require the Commission to submit a report to Congress annually, analyzing each program reviewed. This report will recommend whether each program assessed should be abolished, consolidated, transferred, reorganized or remain untouched.

The final step will require the Commission to submit a legislative proposal to Congress, which contains all programs recommended for reform or repeal. This legislation will be fast tracked and must receive an up or down vote by Congress within a month of the proposal.

Our current deficits are unsustainable and, if left unchecked, will weaken America's standing in the world. Congress has a responsibility to correct these irresponsible financial practices that continue to undermine the long term economy and national security of America. The SWEEP Act is a bold step forward that will allow Congress to roll up its sleeves and clean house.

I strongly urge all Members of the House to support this endeavor to provide legislative oversight and, program by program, rein in excessive government spending.

HONORING 200TH ANNIVERSARY OF THE IRON AND STEEL INDUSTRY IN COATESVILLE

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. GERLACH. Madam Speaker, I rise today to recognize the 200th anniversary of the iron and steel industry in the City of Coatesville, Chester County, Pennsylvania.

During the last two centuries, men and women of great character, tremendous ingenuity and bold leadership have contributed to the longevity and success of an industry, which helped sustain a community and fueled America's growth and prosperity.

The steel mill that Isaac Pennock established on the banks of the Brandywine River in the early 19th Century developed into an industrial complex that housed the world's largest plate mill thanks to the efforts of Dr. Charles Lukens, Rebecca Lukens and several generations of Lukens descendants. Dedicated employees, all with a work ethic as strong as the steel plates they forge, also have been integral to the industry's success. These highly-skilled and extremely motivated workers have helped the industry adapt from an era of steam locomotives and iron-hulled vessels to an era of nuclear submarines and specialty steel.

Madam Speaker, I ask that my colleagues join me today in honoring the 200th anniversary of the iron and steel industry in the City of Coatesville and recognizing the exemplary work of The Graystone Society, which has meticulously chronicled and preserved the iron and steel industry's rich history in the City.

A TRIBUTE TO REVEREND EARL JONES, SR.

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of Reverend Earl Jones, Sr. for his unwavering commitment and service to his faith and community.

Reverend Earl Jones, Sr. preached his trial sermon in March of 1981, and became an Associate Minister of the Universal Baptist Church. In March of 1983, Dr. John H. Nichols and the First Calvary Baptist Church called Rev. Jones to be Assistant to the Pastor. Rev. Jones served in this capacity until the Lord called Dr. Nichols from labor to reward in June of 1984, after which, the First Calvary Baptist Church called Rev. Jones to serve as interim Pastor for one year. Rev. Jones was called to the pastorate of the First Calvary Baptist Church in June of 1985.

Reverend Jones has been a man of vision and great faith, leading his congregation to spiritual heights and service not only to each other but, most importantly to those in the community. Under his leadership the church has started an Outreach Ministry; Vacation Bible School; a soup kitchen which also distributes clothing to the needy and homeless; provided clothing and other needed items to the Renaissance Women's Facility and home goods and toys to the mothers and children of the Rose Kennedy Home for Displaced Mothers and Children; established the First Calvary Baptist Church Bible Institute; undertook a total renovation of the church edifice; and added more than 1000 new members to the church membership.

Currently, Reverend Jones is solidifying the plans for "Project Kingdom," which will be the relocation of our current church to a 38,000 square ft area to include a 1,200 seat sanctuary, state of the art multi-purpose facility including a banquet hall, classrooms, administrative offices and gymnasium. Our current site will become a 53 family apartment building, including a medical facility.

Reverend Jones is also working with federal, state and local elected officials in the area of green technology, addressing environmental issues and solutions such as converting waste to energy.

Under his leadership, the church has organized a movement of pastors, churches and other lay persons to address the issue of black on black crime in our neighborhoods. Too many of our black youth are being gunned down and his message is, "If Not Now, Then When, If Not Us, Then Who." They have embraced the concept of peace action designed by Dr. Matthew Johnson, which teaches them to identify and develop strategies to handle conflicts other than in a violent manner.

Reverend Jones has worked and been very successful in the financial and business industries, but he has remained faithful to his first love (God) and the work of the ministry. In June 1995, Rev. Jones was named "Minister of the Week" for his outstanding leadership and outreach to the community.

Reverend Jones has held several positions of leadership, including Moderator of the New York Missionary Baptist Association; a member of the Board of Directors of the Hampton Ministers and Musicians Conference; an officer of the Progressive National Baptist Convention; the Chairman of the Community Advisory Board of Brooklyn Hospital; and he serves on various political and civic committees throughout the city.

Reverend Jones is a pastor, preacher, teacher, husband, father, grandfather, godfather, friend and visionary whose mission is to bring people to Jesus.

Madam Speaker, I urge my colleagues to join me in recognizing the contributions of Reverend Earl Jones, Sr.

HONORING FIRST SERGEANT QUINTIN WATERMAN, UNITED STATES ARMY

HON. JOHN CAMPBELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. CAMPBELL. Madam Speaker, I rise today to pay tribute to First Sergeant Quintin Waterman, United States Army. First Sergeant Waterman has served a distinguished career in the United States Army, spanning nearly thirty years, concluding here in the United States House of Representatives as the very first senior Non-Commissioned Officer to serve as a Legislative Liaison Officer. Over the course of the 28 years which First Sergeant Waterman has spent in uniform serving his country, he has been cited by his command as exhibiting outstanding initiative, leadership, and professionalism in all of his actions. In doing so, he has made significant contributions to the welfare of Soldiers, and their families, to say nothing of the service he has provided the people of this nation.

During First Sergeant Waterman's career, he has served with distinction as a military language instructor, teaching Russian at the Defense Language Institute Foreign Language Center in Monterey, California. It was there that he was selected to serve as a Brigade Command Language Program Manager. In this capacity, he was responsible for the training and professional development of four subordinate Command Language Program Managers at the largest Command Language Program in the Army's Intelligence and Security Command.

Following his assignment at the Defense Language Institute Foreign Language Center, First Sergeant Waterman was selected as First Sergeant for B Company, 741st Military Intelligence Battalion. There he led a company of over 112 Soldiers in a number of occupational specialties, providing direct support throughout the Signals and Intelligence Directorate of the National Security Agency.

He later performed with distinction at the Deployed Security Operations Center for U.S. Central Command as the Chief of Mission for Counter-Terrorism, Force Protection, and Indications and Warnings in direct support of Operation Enduring Freedom. There is no doubt that Master Sergeant has demonstrated himself as a natural and selfless leader who is willing to lead from the front.

Perhaps his most notable service however, was as the very first senior non-commissioned officer in the United States Army to serve as a Legislative Liaison Officer in the U.S. House of Representatives, a post for which he was hand selected for by the Sergeant Major of the Army. As a Legislative Liaison Officer, First Sergeant Waterman was in a unique position to serve as a conduit between the Army, Members of Congress, and their staffs. This is a crucial role which allows the Army to train, equip, and sustain an Army, especially an Army in the time of war.

I want to thank First Sergeant Waterman for his tireless and selfless service to the people of our great nation. His career and performance has brought distinction upon himself, the commands he has served under, and the entire United States Army. It is Soldiers like First Sergeant Waterman who make up the finest

Army the world has ever seen and I am grateful for his service.

TRIBUTE TO CALIFORNIA HIGHWAY PATROLMAN THOMAS PHILIP COLEMAN

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. BACA. Madam Speaker, I stand here today to honor and remember a loving father and husband, son, brother, respected serviceman and dedicated officer, Mr. Thomas Philip Coleman.

Officer Coleman of Fontana, California, was killed on duty June 11, 2010, while pursuing a stolen vehicle on motorcycle, in Redlands, California. He was 33 years old.

He leaves behind a wife, Jamie Jean, a 2-year-old son, Ryan, and an 11-month old daughter, Shaylen. Born on October 6, 1976 in West Covina, California to Robert Francis Coleman and Janice Womack, he was the third of five children including his brother Joseph Coleman, and sisters, Jennifer Coleman Chagas, Kathleen Poole, and Mary Coleman Heinen.

Graduating Damien High School in La Verne, in 1994, he entered the United States Marine Corps. While enlisted, Tom served as a Land Support Specialist and a Marine Embassy Security Guard in Rome and Romania. After five years of meritorious service, he was honorably discharged at the rank of sergeant.

Officer Coleman served with the California Highway Patrol (CHP) for seven years. He was assigned to the San Bernardino Area of the Inland Division in March 2008, where he became a CHP Motorcycle Officer.

Tom was an exemplary family man and father who enjoyed spending time with his kids. He enjoyed fulfilling his aspiration of becoming a California Highway Patrol Motorcycle Officer. His hobbies included riding, hiking, and following the NFL.

His passion, dedication to his job and strong, bear hugs which he gave at each greeting will be greatly missed, along with the way he quoted movies, making everyone laugh.

Tom's mischievous sense of humor, smile and twinkling eyes will be missed by all who knew him. Let us take the time to pay tribute to Tom and celebrate the life and the example he lived.

Although he is no longer with us, his unforgettable spirit will continue to live on through the lives of everyone he touched.

The thoughts and prayers of my wife Barbara, my family and I are with his family at this time.

Madam Speaker, let us pay our respects to Officer Thomas Philip Coleman. He will always have a place in our memories and hearts as we remember the selfless genuine devotion he gave to his family, country, the California Highway Patrol, and community.

HONORING RON GETTELFINGER FOR HIS LEADERSHIP OF THE UAW

SPEECH OF

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Mr. RYAN of Ohio. Mr. Speaker, I rise today to honor and thank the outgoing President of the United Auto Workers Union, Mr. Ron Gettelfinger. Mr. Gettelfinger has admirably represented the nearly 1 million active and retired members of the UAW. Under Ron's leadership, the Union has continued its fight for improved health care benefits and the enforcement of fair trade provisions on human rights, and fair labor standards.

Ron and I share a lot in common. We both were voted into current office in 2002, we both have been fortunate enough to be reelected by our constituents, and we both understand the substantial value of our Nation's auto workers. My district in Northeastern Ohio is home to UAW Local 1112 and Local 1714. These UAW locals represent over 7,500 active and 4,000 retired GM Lordstown Assembly Plant employees. The men and women of the Lordstown plant have manufactured the Chevrolet Cavalier, the Pontiac Sunfire, the Chevrolet Cobalt, and will soon begin production on the new Chevrolet Cruze. These workers represent the best of American production, manufacturing, and ingenuity.

At a time of unprecedented catastrophe for America's automotive industry, Ron Gettelfinger provided much needed leadership. On behalf of the United Autoworkers in my district and those in my district whose livelihoods depend on UAW jobs, I thank Mr. Gettelfinger for his years of service and leadership and wish him well in retirement.

NICK ANDERSON

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Nick Anderson who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Nick Anderson is a 12th grader at Arvada School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Nick Anderson is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Nick Anderson for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character in all his future accomplishments.

CALLING CARD CONSUMER PROTECTION ACT

SPEECH OF

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Ms. SCHAKOWSKY. Madam Speaker, I rise today in support of H.R. 3993, the Calling Card Consumer Protection Act. I congratulate my colleague Mr. ENGEL for introducing it.

Today, more than 276 million American households—89 percent of the U.S. population—have cell phones. But prepaid calling cards remain a huge industry—worth $4 billion in 2007.

They are particularly popular among college students, as well as military personnel and immigrant communities—people who frequently make international calls.

My district is one of the most diverse and international in the Nation. Almost one-third, 31.6 percent, of my constituents are foreign-born, first-generation American residents. So calling cards are very important for them.

Unfortunately, the calling card industry is full of deceptive advertising and hidden fees. A card may say it is worth 250 minutes, but you may get 200 or 100 once you actually use it. Too often, calling cards have no information listed about connection fees, varying rates-per-minute, fees charged each week that you do not use the card, or even fees for just hanging up. When those fees aren't fully disclosed to consumers, we have a serious problem.

Earlier this year, in the wake of the devastating earthquake in Haiti, I heard from many of my Haitian constituents who were using calling cards to try to reach their loved ones. Because of the high fees placed on the cards and the lack of clarity about fees and terms, they were going through dozens of cards without ever having a call connected.

At the time, I sent letters to a number of calling card companies. I encouraged them to reach out to their local Haitian communities and to give refunds or issue free cards to customers who bought their cards and had the time run out before the call connected.

Mr. ENGEL's bill would ensure that fees, rates, expiration dates or limitations of calling cards are clearly and fully disclosed to consumers. This is an important consumer protection bill and I encourage all of my colleagues to support it.

TRIBUTE TO GEORGE WOOTON

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. ROGERS of Kentucky. Madam Speaker, I rise today to pay tribute to the late George Wooton of Hyden, Kentucky who was a lifetime public servant for his hometown, advocating for progress with every breath, even at the age of 94.

In a television interview on the night before he passed on, George declared he wanted to be remembered as the number one farmer in Kentucky. While he received many state awards for the production of shell corn with irrigated water on his farm, the people of Leslie

County and Eastern Kentucky will remember him for much more. George was a veteran of World War II, having served honorably in the United States Army. His legacy is even more firmly grounded in his public service and tireless efforts for progress in one of the most rural, distressed county's in our Nation.

The people of Leslie County elected George Wooton as Sheriff for one term and County Judge Executive for three terms. George attended every event, large or small because he believed in supporting his community and their interests. In every crowd, there was no mistaking George's presence. He was the type of man who greeted everyone and gladly spoke up for anyone not bold enough to share their concerns. He will be remembered for his compassion, his tenacity and boisterous personality.

Madam Speaker, I ask my colleagues to join me in honoring George Wooton for dedicating a lifetime of service to the families of Eastern Kentucky, our Commonwealth and our great Nation.

HONORING THE 100TH ANNIVERSARY OF RETAIL OPERATIONS AT ECKERT'S FAMILY FARMS

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. COSTELLO. Madam Speaker, I rise today to ask my colleagues to join me in recognizing the 100th Anniversary of retail operations at Eckert's Family Farms in Belleville, Illinois.

The Eckert family has been involved in farming since their ancestor, Johann Peter Eckert, came to this country from Germany in the 1830's. The first fruit trees, for which the family has become renowned in southwestern Illinois and surrounding areas, were planted near Fayetteville, Illinois, almost 150 years ago., Alvin O. Eckert opened a roadside produce stand on what was known as Turkey Hill, near Belleville, Illinois, in 1910. Thus was born a tradition that has grown and prospered for 100 years.

Currently, sixth and seventh generation Eckert family members oversee an operation that includes multiple orchards, a newly expanding country store and restaurant, garden center and wholesale operations. Generations of area families have built memories and savored the produce at Eckert's pick-your-own orchards, which are the largest family-owned and operated pick-your-own orchards in the United States.

Madam Speaker, I ask my colleagues to join me in recognizing the 100th Anniversary of retail operations at Eckert's family farms and to wish the Eckert family and all of their employees the very best for many years to come.

HONORING THE CLUB HOUSE AT LAKE HOPATCONG YACHT CLUB

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. FRELINGHUYSEN. Madam Speaker, I rise today to honor the Club House at Lake Hopatcong Yacht Club, located in Morris County, New Jersey, which is celebrating its 100th Anniversary.

Recognized on both the National and New Jersey State Register of Historic Places, this building is the single most important surviving link to Lake Hopatcong's past grandeur as a major northeast resort. Built during the golden years of the lake's resort period, it is a tribute to an era when the lake hosted grand hotels, magnificent summer ''cottages,'' two amusement parks and some of the most famous Americans of the day.

Appearing nearly unchanged from its construction in 1910, the Lake Hopatcong Yacht Club's Club House is a structure almost frozen in time, bearing witness to a near forgotten period in northwestern New Jersey's history. Its stately charm recounts long forgotten days when thousands made the trek to what is known as the ''jewel of the mountains.'' The club house has endured prosperity and depression, peace and war, seen popular music move through ragtime, jazz, swing, and rock-and-roll, and witnessed the country go from the first automobile to the moon. From an origin of catboats, Fay and Bowen's and Model T's, the Lake Hopatcong Yacht Club has left behind a legacy of sailors, sportsmen and friends.

While Lake Hopatcong continues today as a wonderful recreation source with numerous marinas and waterfront restaurants, the Club House of the Lake Hopatcong Yacht Club, provides members with a lasting glimpse into the lake's great history.

Madam Speaker, I ask you and my colleagues to join me in congratulating the Club House of the Lake Hopatcong Yacht Club as it celebrates its centennial.

OLGA SLYUSAR

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Olga Slyusar who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Olga Slyusar is a 12th grader at Arvada High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Olga Slyusar is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Olga Slyusar for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

HONORING RON GETTELFINGER FOR HIS LEADERSHIP OF THE UAW

SPEECH OF

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Mr. CLYBURN. Mr. Speaker, I rise today to recognize Ron Gettelfinger today upon his retirement from the United Auto Workers or UAW. Ron devoted his long and distinguished career to helping his colleagues and the American people achieve the American dream; and as he leaves the working world, it is my great pleasure to honor his professional efforts and accomplishments.

Growing up with 11 brothers and sisters in Frenchtown, Indiana, Ron got some early lessons in negotiating with others. After graduating high school in 1962, he moved to Louisville, Kentucky and in 1964 was hired as a chassis line repairman at the Louisville Assembly Plant of Ford Motor Company.

In one of his earliest jobs Ron so impressed those around him that the workers in the plant elected him to represent them as committeeperson, bargaining chairperson and president. Ron excelled in these positions and also functioned as a delegate to the National Ford Council and Sub-Council # 2.

After twenty years of work in the auto industry, Ron was elected president of local union 862. In 1987, he became a member of the Ford-UAW bargaining committee. When he was asked by Car and Driver magazine about what prompted this move into the union arena, he simply responded ''I just thought I should apply my education to helping the workers.''

Ron moved on to other union positions, including director of United Auto Workers Region 3, which represents United Auto Workers' members in Indiana and Kentucky. After six years in this role, he was elected UAW vice president in 1998.

As Vice President, Ron was director of the UAW Aerospace Department and the UAW Ford Department, where he led negotiations in 1999 that focused on ''Bargaining for Families.'' In 2002, he was elected president of the UAW and was re-elected in 2006. On March 19, 2009, Ron announced his intent to retire at the end of his term.

During his tenure at the helm of the UAW, Ron has been an outspoken advocate for national single-payer health care in the United States. Under his leadership, the UAW has lobbied for fair trade agreements that include provisions for workers' rights and environmental provisions. With the help of these efforts, Congress enacted legislation to reform health, expand the children health insurance program (S–CHIP), the economic stimulus package, auto restructuring, the Lilly Ledbetter equal pay legislation, as well as a minimum wage increase.

During his presidency the UAW successfully lobbied for the enactment of compromise CAFE legislation in 2007, which included the Section 136 program to provide funds to encourage investment in domestic production of advanced technology vehicles and their key components. With Ron's help Congress was also able to facilitate agreement on a national standard for regulating greenhouse gas emissions and fuel economy for light, medium and

heavy duty vehicles. All of these accomplishments have come in the face of trying times for organized labor. In the words of U.S. Labor Secretary Hilda Solis, American workers are endangered by ''the corporate global chase for the lowest wage which creates a race to the bottom that no workers, in any country, can win.''

With Ron as their advocate, UAW members have endured and succeeded in these difficult times. He will be remembered for his leadership role in putting the UAW at the forefront of the struggle for civil rights, better schools and pensions, tougher workplace health and safety standards, and stronger workers compensation benefits. His impact stretches beyond the auto industry and will be felt for years to come.

Mr. Speaker, I ask you and my colleagues to join me in wishing Ron Gettelfinger the best in his retirement. I am certain he will enjoy his newfound free time with his wife Judy, and their two children and four grandchildren. I can think of no one more deserving of having a long, happy and healthy post-career life. He will be sorely missed at the UAW, but if his successors follow the examples he set for so many years, American workers will continue to be well represented.

A TRIBUTE TO ROBERT MANNINGS

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. BRADY of Pennsylvania. Madam Speaker, I rise to honor the life and work of my friend Robert Mannings. Robert dedicated his life to serving his community and he will be sorely missed.

Born in Asbury Park, New Jersey, Robert Mannings was the oldest of three children. Educated in the New Jersey public school system, Robert entered the U.S. Army in 1952, serving his country during the Korean War. After his service in Korea, Robert moved to Philadelphia and quickly established strong ties to the community.

A long-time member of the Mount Carmel Baptist Church, Robert was dedicated to bettering his neighborhood. He served in various positions within the Church, such as a member of the Men Usher Board and Men of Mount Carmel. For over 20 years, Robert served as the president of the Dewey and Race Streets Civic Organization, providing outreach and necessary services to those in his community. Robert headed ''Let's Talk About It'' seminars and starred in a video called ''Putting the Pieces Back Together'', both dealing with cancer. In recognition of his hard work, Robert was awarded the American Cancer Society's Volunteer Achievement Award and the Carl Mansfield, M.D. Award.

Robert Mannings' long and impressive career showcases his commitment, service, and dedication to bettering his community. Madam Speaker, I ask that you and my other distinguished colleagues join me in celebrating the life and accomplishments of Mr. Mannings, and honor him for the great work he has done for the people of Philadelphia.

CELEBRATING THE BOY SCOUTS CENTENNIAL

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. PAUL. Madam Speaker, this year marks the centennial of the Boy Scouts of America. Like most Americans, I am a long-time admirer of the Boy Scouts of America organization. The Boy Scouts have taught generations of young men the values of teamwork and the importance of continuingly striving for excellence, as well as providing its members the opportunity to develop leadership skills at a young age.

It is therefore my pleasure to congratulate the Boy Scouts of America on the occasion of their one-hundredth anniversary. I would also like to extend a special thanks to all those who have made the great work of the Boy Scouts possible by volunteering to serve as Troop Leaders, Den Mothers, and in other positions with their local Boy Scouts Troops.

Finally, Madam Speaker, I would like to extend special congratulations to the following Boy Scout Troops in my district who will be honored at the City of Fulsher's annual Fulsher Friday Night on July 2: Boy Scouts of America Troop 941; Boy Scouts of America, Cub Scout Pack 941; Boy Scouts of America Troop 1103; Boy Scouts of America Troop 1103, Cub Scout Pack 1103; Boy Scouts of America Troop 941, and Cub Scout Pack 941.

RACHEL OLSSON

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Rachel Olsson who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Rachel Olsson is a 9th grader at Faith Christian Academy and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Rachel Olsson is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Rachel Olsson for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character to all her future accomplishments.

HONORING RON GETTELFINGER FOR HIS LEADERSHIP OF THE UAW

SPEECH OF

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Mr. COSTELLO. Mr. Speaker, first, let me thank my colleague, friend, and the Dean of the House, Congressman JOHN DINGELL, for leading tonight's Special Order.

I rise today to honor a true champion of the American working family, Ron Gettelfinger. Since 1935, the United Auto Workers (UAW) have led the fight to create and protect the rights of autoworkers and working people across our country—the basic work place protections that have made the United States the most productive country in history. For eight years as the UAW president, Ron has carried that charge, advocating tirelessly to improve the lives of his union brothers and sisters.

A member of UAW Local 862 since 1964, he spent his career fighting for equity and justice in the workplace, ensuring labor and wage standards in fair trade agreements, advocating for quality and affordable health care for all, and raising the quality of life for workers worldwide. Ron relished being close to line workers and advocating for them on a daily basis. For six years, he served as the director of UAW Region 3 before being elected UAW vice president in 1998.

The last two years have been a historic period for the auto industry as the country recovers from the worst economic downturn since the Great Depression. Amid drastic job cuts, plant closures, and financial hardship, Ron steered his organization to emerge on a solid footing, ensuring that his workers were treated fairly. Tough choices were made, but Ron understood that working with the industry was necessary to secure stability for the automakers and his workers. This willingness contributed significantly to the industry's survival and saved the jobs of thousands of auto workers.

This year also marked the passage of landmark health care reform legislation. I was proud to support this legislation, and am grateful for the efforts of Ron and his fellow union members in support of health care reform.

It is my honor to recognize Ron for his years of service and contributions to organized labor. His leadership and warm demeanor will be missed among his fellow union members, but his legacy will live on. I look forward to working closely with UAW's new president Bob King and I wish Ron a happy and healthy retirement.

HONORING CONGRESSMAN SAM JOHNSON

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. NEUGEBAUER. Madam Speaker, as Congress commemorates the 60th Anniversary of the Korean War, I am honored to recognize Congressman SAM JOHNSON for his dedicated service to the United States. SAM spent 29 years in the United States Air Force, serving valiantly in both the Korean and Vietnam Wars. During the Vietnam War, SAM was held as a Prisoner of War for nearly seven years in Hanoi. Despite 42 months of solitary confinement, SAM's spirit was never broken. In 1991, SAM came to Washington to serve the people of the 3rd District of Texas in the United States Congress.

In honor of SAM's service to our Nation, Albert Carey Caswell, a long time House employee, authored a poem entitled, The Star of

Texas. I would like to share Mr. Caswell's poem as a tribute to Congressman JOHNSON at his request.

THE STAR OF TEXAS

In the darkest days of night . . .
All in that battle, all in that fight!
To but bring our light!
All in our souls, so very bright!
As but a Freedom Fighter, who all those wrongs must right!
While, all around you such a living hell . . .
All in those moments of faith and courage, that do tell!
While, all in that darkness . . . where such evil dwells!
As against all odds, Sam . . . your fine heart so chose to swell!
A Star was born!
For now Sam, the Eyes of Texas . . . are upon you, as a Hero you will live on!
With but only your most heroic heart, as against all odds you fought!
To stay the course, and rise above . . .
A Freedom Fighter, now in our Lord's heart you are but his special love!
Because, your fine heart of courage . . . so chose to swell . . .
From out of this darkness, from out of such hell!
A Star of Texas would rise, rise up to ever dwell!
Your life, has been a Tour De Force!
You Soar! As an Eagle, in The United States Air Force!
Mothers teach your children well!
All about, such heroes you must tell!
And one day Sam, you will get your new wings . . . ''Come to Heaven my son,'' as our Lord sings!
For we need Angels like you, to fight the darkest of things!
This Star of Texas, one of our Nation's greatest beings!
For the Eyes of Texas, are upon you . . .
And as a great American Hero Sam, you will live on, YOU!

In honor of Sam Johnson, a real American Hero . . .

REAFFIRMING FRIENDSHIP AND ALLIANCE BETWEEN THE UNITED STATES AND COLOMBIA

SPEECH OF

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Mr. CAMP. Madam Speaker, I thank my colleague for yielding and for the introduction of this very timely resolution. Last weekend, in a free and open democratic process, Colombia elected a new President. The people of Colombia should be commended for continuing their long tradition of democracy.

President-elect Santos is a strong U.S. ally who will continue Colombia's efforts to strengthen the rule of law, restore peace and stability, and promote economic growth for all Colombians. Colombia's progress is undeniable and its workers are safer now than ever before.

So, while we should be reaffirming our alliance today, we should also be strengthening that alliance by passing the U.S.-Colombia Trade Promotion Agreement. The United States already offers Colombia almost total duty-free access to the U.S. market, yet American exports face significant tariffs entering the Colombian market. The U.S.-Colombia Trade Promotion Agreement would lift these barriers and level the playing field, increasing U.S. exports by at least $1 billion.

The Administration and Congressional Democrats have instead allowed this agreement to languish and this valuable ally to twist in the wind. As a result, U.S. employers have paid over $2.8 billion in unnecessary duties on American exports to Colombia. Those duties would vanish under the agreement and would allow U.S. employers to use this cash to create new job opportunities.

But that's not the worst of it. In disregarding our agreement, the Administration and Congressional leadership have allowed other countries to race ahead of us, giving foreign workers a competitive advantage.

American farmers are already experiencing the ramifications of this inaction. U.S. farmers have lost millions in potential exports to Colombia; those sales are instead being made by farmers in Argentina and Brazil, because those countries already have an agreement in place with Colombia.

The damage to American workers and farmers will only get worse if Colombia's agreements with Canada, the EU, and others go into effect before our agreement. There is absolutely no reason for this to happen. The U.S.-Colombia agreement was signed over 1,300 days ago. The United States had a huge head start that the Administration and leadership has willfully conceded. For over a year now, the Administration has promised to find a way forward on this Agreement and present Colombia with the list of things it needed to do. The Colombians are still waiting for that list.

If the Administration is serious about doubling exports and creating jobs, it must to do what's necessary to bring this Agreement up for a vote.

DALLAS SCHOOL NAMED BEST IN AMERICA FOR THE TALENTED AND GIFTED

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, every year Newsweek magazine selects the best high schools in America. For the third time in four years, the School for the Talented and Gifted at the Yvonne A. Ewell Townview Magnet Center located in Dallas ranks number one. The school is part of the Dallas Independent School District (DISD) that enrolls students in grades nine through twelve. Known for its intimate student-to-teacher ratio and progressive liberal arts Advanced Placement Program, the School for the Talented and Gifted is an ideal learning environment.

With a total of 277 students, Townview Magnet Center's mission is to ''educate and graduate students who are college ready and who will be successful in college''. This year, the 2010 senior class students combined earned scholarship and grant offers summing to approximately $12.5 million. Furthermore, Townview is comprised of six different schools of concentration to include: (1) the School for the Talented and Gifted; (2) the School of Science and Engineering; (3) the School of Business and Management; (4) the School of Health Professions; (5) the School of Education and Social Services; and (6) the School of Government and Law.

Madam Speaker, this public college preparatory magnet secondary school is applauded for its tremendous accomplishments, superb students, and committed faculty.

RACHEL STRAND

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Rachel Strand who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Rachel Strand is an 8th grader at Drake Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Rachel Strand is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Rachel Strand for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character to all her future accomplishments.

HONORING RON GETTELFINGER FOR HIS LEADERSHIP OF THE UAW

SPEECH OF

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Mr. HOLT. Mr. Speaker, I rise tonight to honor Ron Gettelfinger for his years of service leading the United Auto Workers.

Mr. Gettelfinger spent his entire career in the car business; his first job was at Ford's truck plant in Louisville, Ky. He has been part of the United Auto Workers since 1964 while he was working as a chassis line repairman. After working all day on the line, he went to school at night for a degree in business. While working on his degree, he made the decision that he would apply his education to helping his fellow workers with their daily problems while remaining close to the assembly line. Holding true to this philosophy, he advanced through the UAW organization, becoming president in 2002.

His time as president came during some of the most difficult economic times in our Nation's history. As president, he has served as an effective partner to the major domestic automobile manufacturers during their restructuring. He steered the UAW through this catastrophic period and played an important role in saving the American car industry and the jobs of the workers in the UAW.

During his presidency, Mr. Gettelfinger has fought for basic American values. He has labored to ensure that workers receive a fair

share when they help a company prosper. He has championed the rights of workers to receive good health care if they get sick. He has worked to make sure that each worker receives a secure pension for their lifetime of loyal service.

Thanks to the work of leaders like Ron and his predecessors, working people have come a long way—an eight-hour work day, pensions, safer job conditions, and health benefits.

Most notably, Ron Gettelfinger has been known for his outspoken advocacy to make health care accessible and affordable for every woman, man, and child in the United States. I agree with him on this goal and long have supported universal health coverage. I am pleased that this year Congress has passed into law health reform legislation that provides secure coverage to almost all Americans and gives workers more control over their health care.

I again congratulate Mr. Gettelfinger on his retirement and thank him again for his service.

A TRIBUTE TO RICHARD KLOIAN

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. GEORGE MILLER of California. Madam Speaker, I rise today to pay tribute to Mr. Richard Diran Kloian, who passed away on May 1, 2010. Mr. Kloian was founder of the Armenian Genocide Resource Center of Richmond, California.

Richard Kloian and the AGRC were best known for ''The Armenian Genocide: News Accounts from the American Press, 1915–1922,'' a landmark 1985 collection of articles reproduced from the New York Times and other sources. Painstakingly compiled from microfilm in the years before digitization and the Internet made historic newspaper stories widely accessible, this coverage of what America's newspaper of record had once called ''systematic race extermination'' made a powerful impact just as denial of the genocide was accelerating. Originally published in 1980 and 1981 as ''Armenian Genocide: First 20th Century Holocaust,'' the collection's subsequent editions were expanded to cover the Hamidian massacres of the 1890s and the Adana massacre of 1909.

A fellow scholar called him ''an indispensable bridge'' between genocide researchers, historians, educators, and the public. Richard's interest in the Genocide was inspired by his discovery of his father Zakaria's memoir and the harrowing story of survival of his grandmother, Khanum Palootzian, which he recorded in 1972. Realizing the effectiveness of personal narratives as a teaching tool, he would later encourage others to send family memoirs to Armenian studies centers where the stories could be preserved and shared.

To facilitate the teaching of the Armenian Genocide, Richard compiled hundreds of articles from scholarly journals and published scores of booklets and readers. He collected, edited, produced, and distributed a 400-page resource manual of maps, web sites, photographs, news reports, primary-source documents, scholarly articles on the genocide and its denial, and U.S. state-level curricula that mandated teaching about the Armenian Genocide.

Israel Charney, Executive Director of the Institute on the Holocaust and Genocide in Jerusalem wrote, ''I consider him a GIANT on behalf of Armenian Genocide recognition and memory. His devotion to his work in enabling education and memory about the Armenian Genocide was immense.''

May Richard's life and work live on through the tremendous contributions he made to the study and teaching of the first genocide of the 20th century.

TRIBUTE TO WILL BAKER

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. ROGERS of Kentucky. Madam Speaker, I rise today to pay tribute to the late Will Baker of Hyden, Kentucky, a storied man who lived 102 years and was beloved by his community.

Will Baker loved his country and dedicated a lifetime of service to his community, to civic responsibility and honoring fellow military veterans. He was likely the oldest living election officer in Kentucky, dedicating more than 25 years to the electoral process late in his life, even past his 100th birthday. However, he started his service as a young man, proudly serving during World War II, in the United States Army. Following his service, he became an active member of the Leslie County D.A.V. Chapter 133 and took great pride in honoring fallen soldiers. Outside of his military service, Will Baker was a handy man. He spent many years as a carpenter, coal miner and business owner in Leslie County. Will shared his heart of gold with everyone he encountered, earning him the respect and love of hundreds of families across the region.

Madam Speaker, I ask my colleagues to join me in honoring Will Baker for dedicating a lifetime of service to the families of Eastern Kentucky, our Commonwealth and our great Nation.

HONORING RON GETTELFINGER FOR HIS LEADERSHIP OF THE UAW

SPEECH OF

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise today for a man who dedicated his entire life to rising up for hardworking men and women in this country.

Ron Gettelfinger, known to many as ''the chaplain'' for his drink-free, smoke-free habits, started out as a chassis line repairman at a Ford factory in Indiana. He would later succeed in leading automotive employees for 8 years as president of the United Auto Workers union.

Mr. Gettelfinger spent a significant amount of his presidency guiding over 500,000 men and women through a period of disheartening job cuts, plant closures, and financial hardship.

And yet, he never relented in his fight for others. He never quit standing up for the people and the principles he believed in.

As one of 12 siblings from a small farming town, President Gettelfinger has always had a way of bringing people together in solidarity. I have no doubt that he will, for the rest of his life, greet his union members as ''brother'' and ''sister.''

He found dignity in all work and refused to accept the notion, much in fashion these days, that working men and women don't deserve a middle class wage that allows them to own a home, provide for their families, send their children to college, and afford quality health care.

His make-no-apology approach saved countless jobs and even the viability of some businesses. To his core, he believes in respect for the working men and women of America.

As President Gettelfinger begins the next stage of his life, we should all pay heed to a motto he lived by: Every job we save is an important job—that is what we are all about.

It is an ideal we should all be about. He is a man to whom we should all give our gratitude.

I urge my colleagues to join me in honoring Ron Gettelfinger for his commendable service to others and leadership in the face of adversity.

RAE LANIEL

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Rae Laniel who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Rae Laniel is an 8th grader at Drake Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Rae Laniel is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Rae Laniel for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character to all her future accomplishments.

HONORING THE DEPARTMENT OF JUSTICE ON ITS 140TH ANNIVERSARY

SPEECH OF

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 16, 2010

Mr. PAUL. Mr. Speaker, the House of Representatives recently considered H. Res. 1422, honoring the 140th anniversary of the Department of Justice. I voted against this resolution

because of the Justice Department's history of violating individual rights.

It is the Justice Department that leads the ongoing violations of the fourth, fifth, ninth, and tenth amendments in the name of the "war on drugs." It is Justice Department agents who perform warrantless wiretap, and "sneak-and-peak" searches under the misnamed PATRIOT Act. It is the Justice Department that prosecutes American citizens for violating unconstitutional federal regulations even in cases where no reasonable person could have known their actions violated federal law.

Some like to pretend that the Justice Department's assault on liberties is a modern phenomenon, or that abuses of liberties are only carried out by one political party. However, history shows that the unconstitutional usurpations of power and abuse of rights goes back at least almost a hundred years to the "Progressive" era and that Justice Departments of both parties have disregarded the Constitution and violated individual liberties.

During World War I, President Woodrow Wilson's Justice Department imprisoned people who dared to speak out against the war. Following the war, the progressive assault on the first amendment continued with the infamous "Palmer raids," named for Wilson's Attorney General, A. Mitchell Palmer. Just as President Wilson's policies of foreign interventionism and domestic welfare served as a model for future presidents, Attorney General Palmer's assaults on civil liberties served as a model for future attorneys general of both parties. Think of Robert Kennedy authorizing the wiretapping of Martin Luther King, Jr., John Mitchell's role in the abuses of civil liberties by the Nixon administration, Ed Meese's assault on the first amendment with his "pornography commission," Janet Reno's role in the murder of innocent men, women and children at Waco, and the steady erosion of our rights over the past decade. In addition, it is the attorney general and the Justice Department that defend and justify violations of constitutional liberties by the President and the other federal bureaucracies.

Many civil libertarians were hopeful the new administration would be more sympathetic to civil liberties than was the prior administration. But the current administration has disregarded campaign promises to restore respect for civil liberties and has continued, and in many cases expanded, the anti-freedom policies of its predecessors. For instance, the current administration is supporting renewal of the policies of warrantless wiretapping and other PATRIOT Act provisions. The administration, despite promising to be more open and transparent, is also continuing to use the claim of "state secrets" to shield potentially embarrassing information from Americans. According to the New York Times, the current administration is even outdoing its predecessors in the prosecution of government whistleblowers. It is little wonder that the head of the American Civil Liberties Union recently said he is disgusted with the administration's record on civil liberties.

Of course, Mr. Speaker, Congress bears ultimate responsibility for the Justice Department's actions, as it is Congress that passes the unconstitutional laws the Justice Department enforces. Congress also fails to perform effective oversight of the Justice Department. Instead of honoring the Justice Department, Congress should begin to repeal unconstitutional laws and start exercising congressional oversight of executive branch agencies that menace our freedoms.

IN HONOR OF PEGGY SPIEGLER

HON. JOHN H. ADLER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. ADLER of New Jersey. Madam Speaker, I rise today to pay tribute to the late Peggy Spiegler, who tragically lost her battle to melanoma two years ago.

Peggy was a loving daughter, wife, mother, and grandmother. She was an extremely passionate teacher and was a great friend to the many people in her life. Despite being diagnosed with stage-four melanoma in February of 2008, the disease never weakened Peggy's spirit. Throughout her life, Peggy touched the lives of so many people with her amazing strength and positive outlook on life.

Last year, Peggy's family and friends decided to host 'Peggy's Walk,' an annual walk held in her honor to raise money for melanoma research. For their inaugural event, they raised more than $40,000. During this year's walk on June 26th in Cooper River Park, Peggy's friends and family will aim to raise even more.

Peggy Spiegler was an inspirational human being that touched the lives of so many throughout her community. I ask my colleagues in the United States House of Representatives to join me in remembering this remarkable woman and commend her friends and family for their outstanding efforts in raising awareness for this deadly disease.

ROSA MUNGUIA

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Rosa Munguia who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Rosa Munguia is a 7th grader at Wheat Ridge Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Rosa Munguia is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Rosa Munguia for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character to all her future accomplishments.

HONORING RON GETTELFINGER FOR HIS LEADERSHIP OF THE UAW

SPEECH OF

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Ms. WOOLSEY. Mr. Speaker, Ron Gettelfinger, one of this nation's great labor leaders, retired this year as President of the United Auto Workers. We will sorely miss him.

Born in 1944, Ron has a long distinguished history with the United Auto Workers, starting when he went to work at Ford Motor's Louisville, Kentucky, assembly plant as a chassis line repairman. Because of his dedicated advocacy for the rights of his fellow workers, he quickly ascended the ranks of the UAW. In 1984, he was elected president of his local union, and, in 1987, he became a member of the Ford-UAW Bargaining Committee. He held several other positions before being elected the union's vice-president in 1998, and then of course its president.

Ron has been a leading advocate of single-payer health care, and was a key player in the health reform process. In addition, Ron has worked tirelessly for investment in American manufacturing and for fair-trade agreements with strong workers' rights provisions. Just last year, in Detroit, he received the Edward H. McNamara Goodfellow of the Year Award for his significant contributions to the community.

As Chair of the Workforce Protections Subcommittee, I know first-hand the significance of Ron's accomplishments on behalf of America's working families. Congratulations, Ron, we honor you, and thank you for your contributions.

SAM ROSALES

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Sam Rosales who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Sam Rosales is a 12th grader at Arvada School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Sam Rosales is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Sam Rosales for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character to all his future accomplishments.

GRANTING SUBPOENA POWER TO COMMISSION INVESTIGATING BP DEEPWATER OIL SPILL

SPEECH OF

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Mr. VAN HOLLEN. Madam Speaker, I rise in strong support of today's legislation to give the President's bipartisan Oil Spill Commission the subpoena power it needs to get to the bottom of why the Deepwater Horizon disaster happened and what steps are needed to make sure it never happens again.

For the Commission to complete its work in a timely and effective manner, it must have unfettered access to any witness, record or piece of evidence necessary to shed light on the catastrophe unfolding in the Gulf. Once we understand exactly what happened and why, we can hold the responsible parties fully accountable and take comprehensive corrective action.

Since the Deepwater Horizon sank on April 22, 2010, Congress has held its own oversight hearings on the crisis and enacted legislation enabling the Coast Guard to obtain advances from the Oil Spill Liability Trust Fund in order to finance the ongoing mitigation efforts. Additionally, the House has passed legislation to strengthen the solvency of the Oil Spill Liability Trust Fund so that taxpayers will not have to foot the bill for the Deepwater Horizon clean up.

Madam Speaker, this is necessary legislation. It has ample precedent in previous national crises. I urge its immediate passage.

IN MEMORY OF DONNA JEVENS

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. GALLEGLY. Madam Speaker, I rise in memory Donna Jevens, a close friend of mine and my wife, Janice, and anyone who ever knew her or worked with her.

Donna was a vivacious woman who was the center of all that was positive. She worked with me for nearly 7 years in my Ventura County office, retiring to Surprise, Arizona, with her husband and high school sweetheart, Jim, in 2000. Donna was one of my case workers, handling every problem with efficiency and great empathy for the people whose problems she helped to solve. My staff do not consider themselves coworkers; they are family and Donna was an intregal member of our family.

She also worked for another member of this chamber, Representative TOM MCCLINTOCK, when TOM was a State representative. TOM and I both remember an unflappable personality with an ever-present smile. Her very presence brightened a room.

Just before she died earlier this month, Janice and I traveled with my district director Paula Sheil to Arizona to visit Donna and Jim. Though near death, Donna was still upbeat and positive. She was a remarkable woman and will be remembered dearly.

Prior to her work with Representative MCCLINTOCK and me, Donna was an elementary school teacher. Donna was a proud member of the Alpha Gamma Delta Sorority at the University of Wisconsin, from which she graduated in 1961. She was also a longtime member of P.E.O., Camarillo Chapter UM, in California.

During their retirement, Donna and Jim traveled the world and often visited their children and grandchildren.

Aside from Jim, her husband of nearly 50 years, Donna is survived by her son, Rob, in Chicago; and son, Tom, daughter-in-law Heather, and granddaughters Emily and Allison, in San Jose, California.

Madam Speaker, I ask my colleagues to join me in sending our condolences to Donna's family and in remembering a remarkable public servant, mom, grandmother, wife and friend whose spirit will live within us forever.

Godspeed, Donna.

SAMANTHA HERBERT

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Samantha Herbert who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Samantha Herbert is a 7th grader at Drake Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Samantha Herbert is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Samantha Herbert for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character to all her future accomplishments.

HONORING RON GETTELFINGER FOR HIS LEADERSHIP OF THE UAW

SPEECH OF

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Mr. VAN HOLLEN. Mr. Speaker, I join my colleague JOHN DINGELL today to recognize the career of Ron Gettelfinger as president of the United Auto Workers. Ron joined the union in 1964 when he was working at the Ford Motor Company's Louisville assembly plant in Kentucky and soon took on a leadership role there. He later became a member of the Ford-UAW bargaining committee and director of UAW Region 3. In 1998, he was elected UAW vice president and in 2002 he became president.

Ron has been a strong advocate for his brothers and sisters—fighting for health care benefits, defending American manufacturing, and supporting labor protections in trade agreements. He guided the UAW through some of the most challenging times for the U.S. auto industry, making tough decisions to save jobs and keep the plants running. His focus has always been on Main Street—on a fair deal for American workers.

I congratulate Ron on his service and wish him all the best in retirement.

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately, I missed the following recorded votes on the House floor the legislative week of Monday, June 14, 2010.

For Monday, June 14, 2010, had I been present I would have voted "aye" on rollcall vote No. 355 (on motion to suspend the rules and agree to H. Res. 1368), "aye" on rollcall vote No. 356 (on motion to suspend the rules and agree to H. Res. 1409), "aye" on rollcall vote No. 357 (on motion to suspend the rules and agree to H.R. 5502).

For Tuesday, June 15, 2010, had I been present I would have voted "aye" on rollcall vote No. 358 (on motion to suspend the rules and agree to H. Res. 1383), "no" on rollcall vote No. 359 (on agreeing to H. Res. 1436, which provides for consideration of H.R. 5486), "no" on rollcall vote No. 360 (on motion to suspend the rules and agree to H.R. 4855), "aye" on rollcall vote No. 361 (on motion to suspend the rules and agree to H. Res. 1389), "aye" on rollcall vote No. 362 (on motion to recommit H.R. 5486). "no" on rollcall vote No. 363 (on passage of H.R. 5486), "aye" on rollcall vote No. 364 (on motion to suspend the rules and agree to H. Res. 1322).

For Wednesday, June 16, 2010, had I been present I would have voted "aye" on rollcall vote No. 365 (on motion to suspend the rules and agree to H. Con. Res. 242), "aye" on rollcall vote No. 366 (on motion to suspend the rules and agree to H. Res. 1422), "aye" on rollcall vote No. 367 (on motion to suspend the rules and agree to H. Res. 1414).

For Thursday, June 17, 2010, had I been present I would have voted "no" on rollcall vote No. 368 (on ordering the previous question on H. Res. 1448), "no" on rollcall vote No. 369 (on agreeing to H. Res. 1448, which provides for consideration of H.R. 5297), "aye" on rollcall vote No. 370 (on motion to suspend the rules and agree to H. Res. 1429), "aye" on rollcall vote No. 371 (on agreeing to the Israel amendment to H.R. 5297), "aye" on rollcall vote No. 372 (on agreeing to the Cao amendment to H.R. 5297), "aye" on rollcall vote No. 373 (on agreeing to the Miller (NC) amendment to H.R. 5297), "aye" on rollcall vote No. 374 (on motion to recommit H.R. 5297), "no" on rollcall vote No. 375 (on passage of H.R. 5297).

SARAH ELLIS

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Sarah Ellis

who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Sarah Ellis is a 12th grader at Ralston Valley High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Sarah Ellis is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Sarah Ellis for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character to all her future accomplishments.

HONORING RON GETTELFINGER FOR HIS LEADERSHIP OF THE UAW

SPEECH OF

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Mr. STUPAK. Mr. Speaker, I join my colleagues today to honor the career and dedicated service of Ron Gettelfinger, who recently retired from his post as president of the United Auto Workers (UAW).

Mr. Gettelfinger was elected to lead UAW in 2002 after many years in national and local roles in the union.

During his tenure as president, he led UAW through the greatest economic crisis since the Great Depression; through the restructuring of General Motors and Chrysler; and through multiple negotiations and bargaining agreements.

The past two years were a challenging time for the domestic auto industry, and especially for autoworkers. As two of Detroit's "Big 3" automakers entered bankruptcy, Mr. Gettelfinger fought to ensure the millions of UAW workers and retirees received the best deal possible under excruciatingly difficult circumstances.

During his tenure, Mr. Gettelfinger was a steadfast supporter of workers' rights. He has been a tireless advocate for workers on key policy issues, such as trade and health care.

Ron Gettelfinger has been a strong advocate of renewing America's industrial base, especially the manufacturing sector, because he recognizes that good-paying manufacturing jobs are critical to a strong middle class, and a strong middle class is key to a healthy economy.

American workers need more leaders committed to the future of our domestic manufacturing base. Mr. Gettelfinger, thank you for your work on behalf of UAW and the American worker. I am pleased to join my colleagues in honoring your commitment to workers in Michigan and throughout the country. On behalf of UAW workers and retirees everywhere, I wish you well in retirement and all future endeavors.

COMMENDING LOWE'S CHARITABLE AND EDUCATION FOUNDATION'S DONATION TO WELDON ELEMENTARY SCHOOL

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. BUTTERFIELD. Madam Speaker, I rise today to commend Lowe's Charitable and Education Foundation on their recent $100,000 donation to Weldon Elementary School in Weldon, North Carolina. This much needed funding will be used to renovate facilities, make technology upgrades and improve security.

Lowe's was founded in 1946 in North Wilkesboro, North Carolina. The company now operates stores in all 50 states, Canada, and Mexico and serves over 14 million customers per week. Lowe's operates a distribution center in Garysburg, North Carolina, a small town of just over 1,200 residents, located in my Congressional District. Over 750 people are employed at the distribution center and more than 1,500 people are employed at Lowe's six home improvement stores located in my District. Many of them have friends or family that have attended Weldon Elementary School and understand the potential impact of Lowe's gracious donation.

Donating funds to needy school districts across the country is nothing new for Lowe's. Founded in 1957, Lowe's Charitable and Education Foundation is dedicated to improving the communities they serve through support of public education and community improvement projects. The Foundation donates millions of dollars annually to public schools, community organizations, and individual students.

Madam Speaker, I am encouraged by Lowe's strong involvement in communities across the country. I hope that other businesses will follow Lowe's example and work to build public-private partnerships that yield tremendous benefits for communities across the country.

I ask my colleagues to join me in thanking Lowe's for their recent donation to Weldon Elementary School and to the many other worthwhile projects they support across the country.

CALLING FOR RELEASE OF ISRAELI SOLDIER BY HAMAS

SPEECH OF

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Mr. WAXMAN. Madam Speaker, this week the world marks 4 years since the kidnapping of Corporal Gilad Shalit, an Israeli soldier abducted from his post at Israel's Kerem Shalom border crossing with Gaza. Two Israeli soldiers were also killed in the attack.

Today, more than 1,400 days later, Gilad remains a hostage. Hamas has rejected all official requests from the International Red Cross to visit him. All it has provided is a propagandist video featuring Corporal Shalit in an address to his family. While that video was met with relief that he is still alive, it only compounded despair over the captivity of a young man who should be celebrating the most vibrant years of his life.

Tragically, Gilad Shalit was not the first soldier kidnapped by Hamas. In 1994, Hamas terrorists in the West Bank kidnapped Nachson Wachsman, a dual U.S. and Israeli citizen who was tortured before he was murdered by his captors during a failed attempt at his rescue.

Gilad Shalit may not be an American citizen, but he is a native son of a close strategic ally and a fellow democracy. His situation brings anguish to us all. As we consider H. Res. 1359, a resolution urging Gilad's release, let us pledge to redouble our efforts to bring about his safe return.

SARAH ROSE

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Sarah Rose who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Sarah Rose is an 8th grader at Arvada Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Sarah Rose is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations once again to Sarah Rose for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character to all her future accomplishments.

HONORING U.S. AIR FORCE MAJOR GENERAL DOUGLAS BURNETT

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. CRENSHAW. Madam Speaker, I rise today to honor U.S. Air Force Major General Douglas Burnett, the Adjunct General of Florida, for 47 years of distinguished service to his country and the state of Florida. Major General Burnett exemplifies the values of a committed military officer.

General Burnett began his career with the Florida National Guard in 1963 as an electronics specialist. For the next six years, he was an aircraft radio repairman with the 125th Fighter Group stationed in his hometown of Jacksonville, Florida. It was during this time that he decided he wanted to be a fighter pilot.

Following his graduation from the University of Mississippi and his commissioning as an Air Force officer, Second Lieutenant Burnett became a full-time alert pilot with the 125th, flying the F–102 Delta Dagger. He also flew commercially for Pan American World Airways and United Airlines. He remained an active member of the Guard and over the years

served as pilot, air operations officer, staff director, chief of staff, and commander of the Florida Air National Guard. In 1996, Brigadier General Burnett became the Assistant Adjunct General as well as Commander of the Florida Air National Guard.

On November 3, 2001, for the first time in the history of the Florida National Guard an Air National Guard officer was appointed The Adjunct General of Florida (TAG), overseeing 12,000 soldiers and airmen. As the new leader of all Guardsmen, MG Burnett, who was well versed in blue suit issues, immersed himself in soldier, or green suit, issues including the proper usage of the word hoorah. He studied basic infantry tactics, weaponry and other army equipment. His preparation paid off as he became a wartime TAG. General Burnett set the highest standards for excellence and then led by example to reach and surpass those goals. Using his personality, skill, resourcefulness and the ability to manage and juggle priorities to meet the support needs of the Guard and their families, General Burnett has upheld the highest traditions of the Florida National Guard. He became fluent in two languages—Army and Air Force—and understood that the crew chief on a flight line is as committed as the soldier crawling through the mud. His engaged leadership was the catalyst behind the Florida National Guard being positioned to not only respond to the Global War on Terror but maintain its state duties and react to 14 hurricanes, five firefighting seasons, major tornadoes, and border security missions. More than 11,000 Florida Guardsmen have served in combat zones around the world over the last nine years.

General Burnett worried that his Guardsmen, who were called to active duty, would not be as well equipped as the active duty military units. He worked with the Florida Congressional Delegation and as a result, his troops received both the training and the equipment they needed in battle. This ''hands-on'' General saw another problem—troops were being deployed not for six months but for longer periods of time. His citizen soldiers left jobs and higher paychecks for military compensation. Debts based on the higher pay still came due even when the service member was ''doing his duty.'' Families became frightened. So, General Burnett traveled the state explaining to families why their soldiers were serving and promising to support the families. He worked with the Florida Legislature to ensure that Florida offers the military, including Guardsmen, the best benefits of any state.

Under his watch, General Burnett made readiness the watch word of the Florida National Guard. He realized and stressed that you can't take a reserve force and put them on active duty capable of fulfilling the missions unless they are ready. His readiness mantra has served his soldiers and airmen well. The Florida National Guard has built a reputation that its members are not only ready to serve but capable of fulfilling its missions overseas as well as here in Florida.

This Saturday, June 26, 2010, Major General Douglas Burnett will retire after 47 years, four months and 12 days, setting a record as the longest serving Air Force officer. He will miss the people committed like he was to serving his country and state. Florida will miss his dedicated leadership and commitment to excellence.

And on behalf of the State of Florida and the 4th Congressional District, it is my privilege to recognize the dedication, caring and leadership that makes Major General Douglas Burnett a leader among men and an outstanding Floridian.

WELCOMING REV. LANE D. BEMBENEK

HON. BOB INGLIS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. INGLIS. Madam Speaker, it is my privilege to recognize and welcome Rev. Lane D. Bembenek, pastor of the Joy Lutheran Church in Moore, SC.

Pastor Bembenek studied theology in Rock Hill and Columbia, SC, and first pastored a church at the Pine Grove Lutheran Church in Lone Star, SC. In 1998, he began developing a new congregation in the Evangelical Lutheran Church in America called Joy Lutheran church. This church has grown into a thriving congregation on the west side of Spartanburg, SC.

Pastor Bembenek is married to Dianna Bonnett Bembenek. They have two sons, Jacob and William.

We very much appreciate his contribution to the people of the Fourth Congressional District of South Carolina.

FORMALDEHYDE STANDARDS FOR COMPOSITE WOOD PRODUCTS ACT

SPEECH OF

HON. BETTY SUTTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Ms. SUTTON. Madam Speaker, I rise today in support for Formaldehyde Standards for Composite Wood Products Act (S. 1660).

And I'd like to commend my friend, Rep. MATSUI, for her leadership on this issue.

This bill will protect the health of American families from high uses of formaldehyde in common household products like flooring, paneling, cabinets, and doors.

Currently foreign manufacturers who use unsafe levels of harmful toxins like formaldehyde are able to undercut domestic manufacturers who put safety above profits.

When a family installs a new countertop or paneling, they expect that the wood products are harmless.

And we must ensure that is the case regardless of where the products are made.

Recently, the Economic Policy Institute published a report stating that 2.4 million American jobs have been lost since 2001 directly because of unfair trade tactics by China.

The report states that in the ''wood products'' segment, our trade deficit was a negative $862 million in 2001.

By 2008, our trade deficit in ''wood products'' alone had more than doubled to $1.8 billion.

This trade imbalance from unfair trade practices like using cheaper and often dangerous materials like formaldehyde has cost our nation millions of jobs and endangered American families.

Today, we can help to level the playing field for domestic manufacturers by taking action against unsafe amounts of formaldehyde.

Vote yes on Formaldehyde Standards for Composite Wood Products Act.

TRIBUTE TO COLONEL ROBERT E. CROWLEY

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to our country are exceptional. The United States has been fortunate to have dynamic and devoted men and women who willingly and unselfishly dedicate their lives in service to our country. Colonel Robert E. Crowley is one such individual. Saturday, June 26, 2010, is Colonel Crowley's change of command ceremony at March Air Reserve Base in California, when he passes on his duties as Commander of the 358th Civil Affairs Brigade and retires from the United States Army. Colonel Crowley assumed command of the 358th Civil Affairs Brigade on August 9, 2008. The brigade, headquartered at March Air Reserve Base, California, consists of four Civil Affairs Battalions located in California and Arizona.

A native of New London, Connecticut, Colonel Crowley was commissioned an Infantry Officer in 1982 through the University of New Hampshire Reserve Officers' Training Corps (ROTC) program and qualified as a Civil Affairs Officer in 1994. His previous commands include Commander, 404th Civil Affairs Battalion (Airborne) and Chief of Civil-Military Operations, United States Southern Division, HQDA. His overseas assignments include: Iraq, Haiti, Colombia, Ecuador, Bosnia, and Macedonia.

Colonel Crowley's military education includes the Infantry Officer Basic and Advanced Courses, the Combined Arms and Services Staff School, the U.S. Army Command and General Staff Officer Course, the Joint Combined Warfighting Course, and the National War College. Prior to his current assignment as the Commander of the 358th Civil Affairs Brigade, Colonel Crowley was assigned to the National Defense University in Washington, DC, where he earned a Master's of Science Degree in National Security Strategy and was selected distinguished graduate. In addition to his master's degree, Colonel Crowley holds a bachelor's degree in Political Science.

Colonel Crowley's awards include the Bronze Star Medal, Defense Meritorious Service Medal with Oak Leaf Cluster, Meritorious Service Medal with three Oak Leaf Clusters, Joint Service Commendation Medal with Oak Leaf Cluster, Joint Meritorious Unit Award, Parachutist Badge, Air Assault Badge, and Army Staff Identification Badge.

Colonel Crowley is the proud father of Elizabeth, Sarah, and Robert E. Crowley, III.

As we look at the incredibly rich military history of our country we realize that this history is comprised of men, just like Colonel Crowley, who choose to live their lives in service to our country. He joins a unique brotherhood that, from the first shots at Lexington during our own revolution, has stood to protect us and defend the ideals of freedom and democracy. I know we are all grateful to Colonel

Crowley for his lifetime of service and salute him as he retires after 28 years of honorable service in the U.S. Army.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is $13,041,849,923,645.94.

On January 6th, 2009, the start of the 111th Congress, the national debt was $10,638,425,746,293.80.

This means the national debt has increased by $2,403,424,177,352.14 so far this Congress.

This debt and its interest payments we are passing to our children and all future Americans.

HONORING RON GETTELFINGER FOR HIS LEADERSHIP OF THE UAW

SPEECH OF

HON. STEVE DRIEHAUS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Mr. DRIEHAUS. Mr. Speaker, I want to pay tribute to the dedicated service of Ron Gettelfinger, the outgoing president of the United Auto Workers.

As UAW president for the last 8 years, Ron worked tirelessly to renew America's manufacturing sector, and move American manufacturing forward with focuses on advanced technology and renewable energy development.

During a time when American manufacturing was on the decline, and the American economy began sinking into the deepest recession in generations, Ron fought hard to keep jobs here at home, and was a leading voice for workers' rights.

Whether pushing for a fair wage or standing up for expanded access to health care, Ron Gettelfinger has been an unwavering advocate for all of America's working families. He understood that the middle class and manufacturing are the backbone of our Nation's economy and the root of America's prosperity.

His leadership will be missed.

NO, GOP, YOU DON'T GET THE CAR KEYS BACK

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. GENE GREEN of Texas. Madam Speaker, I submit the following article: "No, GOP, you don't get the car keys back" by Gene Lyons of the Arkansas Democrat-Gazette as printed in The Baytown Sun, May 25, 2010.

One minor mystery of the Obama administration is whether the president has actually believed that the nation's most intractable problems could be solved by the wonder-working power of bipartisanship and the emollient balm of his personality. He wouldn't be the first politician whose ego convinced him he could sweet-talk his bitterest opponents.

Many Democrats think that the White House's ultimately futile quest for Republican health care votes only gave GOP imaginers more time to frighten gullible voters with falsehoods about ''death panels'' and such, weakening public support.

Until quite recently, it's been much the same with jobs and the economy. Despite unanimous Republican opposition to the administrations $787 billion stimulus bill and universal predictions of doom, the White House has often acted as if the party's reasonable leadership would eventually return to the politics of negotiation and compromise.

Instead, we've seen the GOP increasingly dominated by its irrational Chicken Little wing, seeing grim portents and predicting doom. Continuing their party's decades-long war on Arithmetic, Republicans act as if the highest form of patriotism is to demand tax cuts even as a USA Today analysis documents that ''Americans paid their lowest level of taxes last year since Harry Truman's presidency . . . Federal, state and local taxes—including income, property, sales and other taxes—consumed 9.2 percent of all personal income in 2009, the lowest rate since 1950, the Bureau of Economic Analysis reports.'' The historic average has been 12 percent.

Meanwhile, the Bureau of Labor Statistics reports that the U.S. economy generated 290,000 jobs in April, the strongest month in four years. That brings new jobs created in 2010 to 573,000.

And how did GOP savants respond to the good news? Citing the unemployment rate, House Minority Leader John Boehner called it ''disappointing news . . . Washington Democrats have no coherent agenda to create jobs, and no interest in doing anything but continue to spend money we don't have on 'stimulus' programs that don't work.''

Don't work? The National Journal's Ronald Brownstein puts things in perspective: ''If the economy produces jobs over the next eight months at the same pace as it did over the past four months, the nation will have created more jobs in 2010 alone than it did over the entire eight years of George W. Bush's presidency.'' It's a fact. Should current growth persist, the U.S. economy will gain roughly 1.7 million jobs this year. From 2001 through 2008, the Bush economy generated about 1 million.

Of course with 15.3 million Americans out of work, we're far from being out of the woods. Indeed, the nation's quickening economy has actually led to a slight uptick in the unemployment rate, as thousands who'd given up seeking work rejoined the labor market. But we can definitely see a path to greater prosperity.

Meanwhile, Republicans keep baying at the moon. On a recent ''Fox News Sunday,'' former House Speaker Newt Gingrich gravely announced that ''The (Obama) secular-socialist machine represents as great a threat to America as Nazi Germany or the Soviet Union once did.''

Even host Chris Wallace was taken aback, asking ''Mr. Speaker, respectfully, isn't that wildly over the top?'' Gingrich didn't think so.

A sane political movement would keep a prating coxcomb like Gingrich off television. Whether Newt actually believes this rubbish, or is merely following the Tea Party fife and drum corps around the bend, strikes me as of little interest. Politically, it's pointless to reason with crazy people—make-believe or real.

Speaking recently in Buffalo, president Obama signaled that maybe he gets it. ''When I took office,'' he said ''we were losing 750,000 jobs a month. . . . I had just inherited a $1.3 trillion deficit from the previous administration, so the last thing I wanted to do was spend money on a recovery package, or help the American auto industry keep its doors open, or prevent the collapse of Wall Street banks whose irresponsibility had helped cause this crisis. But what I knew was if I didn't act boldly and I didn't act quickly . . . we could have risked an even greater disaster.''

Then, at a Manhattan fundraiser, Obama came up with the perfect metaphor. He said that Republicans had made a calculated decision to oppose all White House initiatives, and to hope for the worst. ''So after they drove the car into the ditch, made it as difficult as possible for us to pull it back, now they want the keys back. No! You can't drive! We don't want to have to go back into the ditch! We just got the car out!''

Give 'em hell, Barrack. Over and over until they get the message.

GRANTING SUBPOENA POWER TO COMMISSION INVESTIGATING BP DEEPWATER OIL SPILL

SPEECH OF

HON. BETTY SUTTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Ms. SUTTON. Madam Speaker, I rise today in strong support for H.R. 5481 and am proud to be an original cosponsor.

I'd like to commend Rep. CAPPS and Rep. MARKEY for their leadership on this issue.

The National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling must have subpoena power.

Last week, BP CEO Tony Hayward was anything but forthcoming in his answers before the Subcommittee on Oversight and Investigations.

And through Congressional investigations, we have already learned that standard methods were not followed by BP and that shortcuts were taken to maximize profits at the expense of safety.

The Commission must have subpoena power and BP must be held accountable for the consequences of their unsafe approach.

We must take the necessary actions on behalf of the American people to ensure that reckless and careless decisions at the expense of our environment, our workers, and our economy are forever abandoned.

THANKING RUSSELL HENLEY, ERIK COMPTON, AND HUDSON SWAFFORD FOR THEIR FINE REPRESENTATION OF UGA AND THE STATE OF GEORGIA AT THE 2010 U.S. OPEN CHAMPIONSHIP

HON. PAUL C. BROUN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. BROUN of Georgia. Madam Speaker, I rise today to thank three members of The

Bulldawg Nation who not only competed well at the 2010 U.S. Open Championship, but also represented our great state and flagship university with class. All three have displayed the fortitude and dedication that makes them great role models for young golfers today. Hudson Swafford battled back from shoulder surgery to compete in this year's Open, Erik Compton has survived two heart transplants, and Russell Henley has worked hard to receive numerous awards, including being named Golfweek's National Player of the Year after finishing No. 1 in the final Golfweek/Sagarin Performance Index for 2009–2010. Henley also tied with one other player for low amateur status at the 2010 U.S. Open.

I urge my colleagues to join me in commending these young men. I also hope Members of the House will turn their attention to the attached article—written by author and Bulldawg great Loran Smith—on the class they exhibited at this year's U.S. Open.

FANS LOVE THE DAWGS; DAWGS LOVE THE OPEN

(By Loran Smith)

PEBBLE BEACH, CA.—At the par-4 dogleg No. 8 hole at Pebble Beach, hard by the Pacific Ocean, a fan yelled out as Russell Henley passed through in the second round on Friday: ''Go Bulldogs!''

This obviously was a fan who had become attracted to the play of Henley, playing partner Erik Compton and Hudson Swafford, who was in the group behind them. If he had shouted the familiar ''Go Dawgs!'' it would not have given him away as a new Georgia fan.

''It has been amazing,'' said Compton, who missed the cut with a two round total of 158, 16 over par. ''You won't believe the number of times I heard someone shouting, 'Go Dawgs!' It made me feel like I was back in Athens.''

Compton has something to do with the regard for the Bulldog contingent in that his compelling story continues to attract attention. How many times do the TV networks and the Washington Post show up to interview a guy who is 16 over par?

It would only be natural that a player who has had two heart transplants would attract media attention, even when he misses the cut. That he wants to follow his dream of playing the PGA tour with his considerable challenge piques the media interest.

''Anyone going through what he has gone through makes it something special in the fact that he is here,'' said Chris Haack, his coach at Georgia.

There is more to the story.

''I think Russell and Hudson (Swafford) have enjoyed themselves and have played to the crowd,'' Haack continued. ''They have made a lot of friends for the University of Georgia.''

It would be easy to spot Henley and Swafford with their Georgia golf bags and Bulldog head covers. But they were not all show. They displayed shotmaking savvy that engendered respect.

''That is the thing that I have enjoyed the most,'' Haack added. ''I think they showed the other players in the Open that they can play golf and should be joining them out here someday.''

Haack met a couple from Colorado during the first round. When he showed up on the second day they were following his guys.

''We became Georgia fans after talking to you and watching your players,'' the Colorado couple said. ''They are very nice, and it is fun to see them having such a good time and enjoying themselves.''

Early in the week, Haack was in the middle of his summer golf camp when Swofford called him and said, ''Coach you need to come out here and see this place. You just won't believe how unbelievable it is.''

Haack was torn emotionally. He wanted to be here, but he felt responsible to the kids in his camp. At first, he hesitated.

''I haven't made any arrangements,'' Haack said. ''I don't even have a place to stay.''

With that, Swofford caused Haack to rethink his plans with an invitation to room with him. Haack discussed it with his campers, fully expecting to stay in Athens if there were any expressions of disappointment. The campers told him he ought to strike out for Pebble Beach.

''I was excited about coming out here when I got the call,'' Haack said. ''The fact that two of our players are competing in the Open is special, and it doesn't happen very often. Might not ever happen again. The players arranged a player instructor pass for me which gave me access to the practice tee. I have had a great time. Who wouldn't enjoy Pebble Beach?''

In the first round, when Swafford was leading briefly at 2–under par, the text messages began streaming in. All Haack could think about was that his players had to be getting attention for a lot of recruiting prospects.

''These boys have done Georgia proud,'' he said. ''I'm grateful that they wanted me to come out and join them.''

In the background, the waves of the Pacific were crashing against the rocks along the 18th fairway and sea otters were cavorting energetically in the ocean. The Georgia contingent, enjoying themselves to the fullest, realize that there are few golf experiences to compare to the Open at Pebble Beach.

For Henley, there is something extra. He now has a chance to become the low amateur by nightfall Sunday.

HONORING RON GETTELFINGER FOR HIS LEADERSHIP OF THE UAW

SPEECH OF

HON. CANDICE S. MILLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2009

Mrs. MILLER of Michigan. Mr. Speaker, when people think of achieving the American Dream, it is largely a middle class dream to which they aspire. People want to be able to have a stable job, own their own home, get their kids a good education, and maybe have a little left over to invest in a boat or an RV to relax on the weekends. They do not need to have the biggest house on the street or the most expensive car; they just want security for themselves and their family.

In my humble opinion, there is no place that embodies the ideal of the American Dream better than the state of Michigan. The reason for that, Mr. Speaker, is that for all the great inventions to come out of Michigan, perhaps the best is the American middle class.

Over the last 100 years, GM, Ford, and Chrysler were some of the largest companies in America and they provided jobs for millions over that time. People from around the country and around the world flocked to Detroit for a brighter future and a chance at achieving the American Dream.

As these companies prospered, the Big Three and the UAW collaborated for decades to provide good-paying jobs, health benefits, and a secure retirement of millions of workers and their families not only in Michigan, but around the rest of the country as well. There were some bumps in the road in that relationship, but both management and labor prospered from the success of these companies. The result was the creation of the American middle class.

Unfortunately, the last few years have not been as kind to the domestic auto industry as the previous 100 years had been. We can talk about all the different reasons for that, but the point is that the president of the UAW was put in a position that no other UAW leader had ever been.

Ron Gettelfinger had to negotiate significant reductions in pay and benefits for his members, and then convince those members that these actions were necessary to save the companies on which their livelihoods depended. Some called it the most difficult job in Detroit—and they may have been right.

Ron Gettelfinger in some ways represents the perfect image for the UAW. He works hard. He doesn't seek out the media spotlight. He simply tries to do the very best he can for the men and women who have placed their trust in him. He is just like so many hard-working men and women of the UAW.

And in what was a true crisis that threatened the American Dream for so many, Ron Gettelfinger stepped up to the plate. As he had always done, he fought for the best interests of his members—which ultimately meant sacrificing some hard negotiated benefits so that the Big Three could survive.

And let there be no doubt, were it not for his practical and pragmatic leadership, the fate of the Big Three could have turned out very differently. The end of GM and the likely liquidation of Chrysler were very real possibilities. Instead, Ford, GM, and Chrysler are now moving forward in a profitable way that ensures future generations will also have an opportunity at achieving the American Dream through the auto industry.

As Ron moves on to a new chapter in his life, I wish him the very best and I thank him for the quiet courage and dedication he showed in a very difficult situation. All of us and all of Michigan owe him a tremendous debt of gratitude.

SUPPORTING THE IMPORTANCE OF BRAILLE IN THE LIVES OF BLIND PEOPLE

SPEECH OF

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Mr. DAVIS of Illinois. Mr. Speaker, I join my colleagues in supporting the designation of July 2010 as ''Braille Literacy Month,'' and in congratulating the National Federation of the Blind for seventy years of outstanding service. I am delighted that we have this opportunity to reflect on the progress made to services for the blind, and to build on this progress for the future of Braille literacy.

One-hundred-eighty years ago, the first Braille book was published—an accomplishment that has since allowed for millions of people, who are blind or of low vision, to read, write and communicate. For a person who is blind, Braille has become a basic skill that lies

at the center of the continuing efforts for fairness and equal education. The National Federation of the Blind, as both the oldest and largest organization of blind people in the United States, is integral to this continuous tight for equality. For the past several decades, the National Federation of the Blind has advocated strongly for the translation of more books and textbooks into Braille so as to both promote Braille literacy and help integrate blind persons into society. As policymakers, we must support the advancement of equality and knowledge that is imbibed in the actions of the NFB. Declaring July 2010 as "Braille Literacy Month" would be one step, but an important one, in our efforts towards promoting equality and education for all persons in the United States.

In my hometown of Chicago, there is a nonprofit organization called the Chicago Lighthouse that has provided services and support for the blind for several decades, much like the NFB. Amongst their many accomplishments in education and job training, the Chicago Lighthouse is also responsible for the manufacturing of the many clocks that you see in the U.S. government today—a testament to the skills, talent, and work of the people they serve. Though only one of many achievements, the clocks that you see around you today demonstrate the continuing need to provide equal access to job opportunities and education to those who are blind so as to fulfill their potentials.

In declaring July 2010 as Braille Literacy Month, we would not only be promoting literacy for the blind, but progressing down a road of true equality as well.

RECOGNIZING ALLEN USA FOR UNITING FREEDOM, FAMILIES, AND FUN

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. SAM JOHNSON of Texas. Madam Speaker, I rise today to recognize Allen USA for uniting freedom, families, and fun. It's hometown events that promote quality together time while celebrating the bounty of America that make Texas a great place to call home. We're proud to remind folks that we're the land of the free because of the brave! My hat is off to the great folks at the City of Allen and Allen Parks Foundation who make Allen USA a success year after year. Below is information detailing this worthy celebration. It is an honor to be a part of it. God bless you all and I salute you one and all.

Produced as a cooperative effort between the City of Allen and the Allen Parks Foundation, the Allen USA celebration is Allen's largest and most spectacular community event to say the least! Centered around the theme of being ''First to the Fourth'', Allen USA serves as the community's Fourth of July celebration, uniquely held the last Saturday of June every year. Being the last Saturday in June allows the event to be a stand out among area cities' celebrations and promotes attendance locally, regionally and state-wide.

Allen USA began in 1995, taking place in the intimate surroundings of Bethany Lakes Park and Joe Farmer Recreation Center amphitheater. An estimated 5,000 people attended the first event complete with fireworks, a thrilling laser show and entertainment provided by the Allen Civic Chorus and other local talent.

The phenomenal success from these humble beginnings led the event to move to a larger venue at Allen Station Park. Attendance grew to more than 20,000 as the entertainment included national recording artists such as Jerry Jeff Walker, Vince Vance and the Valiants, and others.

In 2003, Allen USA exploded in attendance with a move to Allen's new 106 acre Celebration Park. Since that time, the event has grown to a regular attendance of up to 65,000 people and has included national recording artists such as Survivor, JT Taylor from Kool and the Gang, Eddie Money, 38 Special and Three Dog Night to name a few.

There is truly something for everyone at Allen USA! A number of concessionaires will be on site selling all of your favorite festival foods and snacks. The Kids Zone hosts a multitude of bounce houses and play structures for children to enjoy. The Activity Zone provides fun and exciting entertainment for children and youth of all ages.

This year our Main Stage will be rockin' with the tunes of the Commodores and, after what promises to be an exciting performance, the evening ends with one of the largest fireworks shows set to music in North Texas! And did we mention . . . admission is FREE!

Allen USA also gives back to the community! A number of civic organizations support the event through countless volunteer hours to sell soft drinks, souvenirs and assist with festival activities. The event returns back to them a portion of the proceeds for their hard work and support!

Many people have said that it's the memories they create at Allen USA that keeps them coming back year after year. The family friendly reputation of this event is what grabs other's attention to attend for the first time! But regardless of why people attend, at the end of the night, the smiles say it all! So come party in the park with us . . . you'll be glad you did!''

HONORING RON GETTELFINGER FOR HIS LEADERSHIP OF THE UAW

SPEECH OF

HON. BETTY SUTTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Ms. SUTTON. Mr. Speaker, thank you, Representative DINGELL and thank you for organizing this special order hour to honor Ron Gettelfinger.

I rise today to honor Ron Gettelfinger as he retires from the United Auto Workers where he has served for the last eight years as President.

Thank you President Gettelfinger for your service—not only to your membership but to our Nation.

You have made a difference and you have made our Nation a stronger and a better place.

Your efforts have strengthened the middle class.

In 1964, Ron Gettelfinger became a member of UAW Local 862.

He worked as a chassis line repairman and was elected by the workers at Ford's Louisville Assembly plant to represent them.

Ron served as Director of UAW Region 3, which includes Indiana and Kentucky . . .

Ron exemplified what it means to be a leader.

Through his leadership, the UAW has navigated the difficult waters of the financial collapse in 2008 and the current recession.

And as unfair trade deals have devastated U.S. manufacturing jobs, Ron Gettelfinger stood strong in the fight for a new approach to trade.

Fair trade that works with our workers and businesses, not against them.

Ron Gettelfinger has called for fair trade agreements that include workers' rights and environmental provisions.

And Ron Gettelfinger has called for the so-called Free Trade Agreement with South Korea to be renegotiated.

This Bush-negotiated trade agreement would allow unfair advantages for Korean automakers to persist.

In 2009, our trade deficit with South Korea in autos was $7.8 billion.

Korean automakers control 95 percent of their domestic auto market.

And Ron Gettelfinger led the charge for reciprocity of market access, calling on Korea to open their market.

Ron knows, as we know, that our workers are the very best in the world and can compete on a level-playing field.

Ron negotiated deals for working families and our trade representative must also negotiate good deals with our working families in mind.

Because of Ron's leadership during his eight years as President and his service to UAW members since 1964, I am proud to represent 8,700 active and retired UAW members in my Congressional District.

In Ohio, we have at least 111,000 active and retired UAW members.

Thank you again Ron for your outstanding service to the UAW, to American manufacturing, and to our Nation.

SUPPORTING THE REFUGEES AT CAMP ASHRAF

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. CLAY. Madam Speaker, I rise today to support the refugees living at Camp Ashraf in Iraq. I am disturbed by reports of continued abuse of these Iranian refugees by the same Iraqi forces that are responsible for ensuring their safety. In light of the recent announcement of an upcoming U.S. troop withdrawal from the camp, I urge Congress to support the residents at Camp Ashraf by ensuring they receive the protection that they deserve.

These refugees, who have been forced from their homes in Iran, are exactly the kind of defenseless people the international community needs to ensure are protected. Unfortunately, they have been subject to bloody incursions from the Iraqi army, such as the travesty of last year's attack which killed 11 people and injured over 400. It is critical that the United States and international community work to ensure that the residents of this camp are treated humanely.

I encourage my colleagues to join me in supporting the refugees at Camp Ashraf.

SUPPORTING NATIONAL HURRICANE PREPAREDNESS WEEK

SPEECH OF

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 2010

Mr. BILIRAKIS. Mr. Speaker, I rise today to express my strong support for H. Res. 1388, Supporting the Goals and Ideals of National Hurricane Preparedness Week. As a representative of a Congressional District along Florida's Gulf Coast, many of my constituents have witnessed the destruction that hurricanes can cause. Although the Tampa Bay area has been fortunate enough to evade the path of a major storm for the past five years, we must not forget the importance of being prepared.

The National Oceanic and Atmospheric Administration has predicted that this could be an extremely active hurricane season, with 14 to 23 named storms. I worry that predictions of an active season exacerbated by the still unknown implications of the effects of the oil spill could be a recipe for the most devastating season we've yet to experience.

Although we hope and pray that this will not become reality, we must also call to mind the memories of the power outages and physical damage caused by the high speed winds. We must put ourselves in a position of preparedness.

I encourage all individuals, especially those who reside along the Gulf Coast and Eastern Seaboard, to take the necessary precautions to prepare themselves and their families should these predictions prove accurate. Develop an emergency plan. Make a disaster preparedness kit that includes water, nonperishable food items, a first aid kit, medications, and important documents. Know emergency evacuation routes. The best time to prepare is now.

IN SUPPORT OF THE CALLING CARD PROTECTION ACT (H.R. 3993)

SPEECH OF

HON. BETTY SUTTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Ms. SUTTON. Madam Speaker, I rise today in strong support for the Calling Card Protection Act (H.R. 3993) and would like to commend Rep. ENGEL for his leadership on this issue.

The Calling Card Protection Act provides common-sense solutions to protect consumers from fraud and abuse.

When buying a calling card, a consumer should receive the full amount of time purchased to talk to their family or friends.

Unfortunately, because of hidden fees and charges, this is not the case.

H.R. 3993 requires that calling card providers accurately and clearly disclose any fees and charges . . . and provide an accurate representation of how many minutes the card will provide.

Madam Speaker, our troops use pre-paid calling cards to call their loved ones while they are fighting for us overseas.

They deserve the full amount of time when calling their family.

HONORING SAUNDERS MIDDLE SCHOOL FOR BEING NAMED ONE OF THE TOP PERFORMING SCHOOLS IN THE COUNTRY

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to honor Saunders Middle School for being named as a School to Watch and as one of the top 90 performing middle-grades schools in the nation by the National Forum to Accelerate Middle Grades Reform in 2010.

Saunders Middle School provides an outstanding academic environment for its students to learn. The teachers' devotion to the students' well-being and the students' commitment to learning and challenging themselves have set Saunders Middle School above its counterparts. The staff and student body earned this award by not only being an excellent academic school, but also by being sensitive to each individual students' needs and fostering a socially equitable environment as the students begin to make their transition from adolescence to young adulthood. As a School to Watch, the students and teachers of Saunders Middle School provide a great example of what our educators and students across the nation should strive to achieve.

Madam Speaker, I ask that my colleagues join me in congratulating Saunders Middle School for this recognition and in wishing, its teachers and students continued success.

HONORING RON GETTELFINGER FOR HIS LEADERSHIP OF THE UAW

SPEECH OF

HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Mr. SARBANES. Mr. Speaker, I rise today to recognize Mr. Ron Gettelfinger who is retiring from his role as president of the United Auto Workers after years of outstanding service.

Mr. Gettelfinger has spent his entire career in the auto industry. His union involvement began in 1964 with his first job at Ford's truck plant in Louisville, Kentucky as a line repairman. There he was elected committee member, bargaining chair and president for the plant. After excelling in these roles he soon moved on to be elected president of his local union in 1984. With diligence, hard work and constant concern for his fellow worker, Mr. Gettelfinger quickly rose through the union ranks, serving 6 years as director of UAW region 3 until his election as the UAW Vice President in 1998. Mr. Gettelfinger's career as UAW president began with his election in 2002, and was reconfirmed in 2006.

At 65, Mr. Gettelfinger is retiring, following a longstanding union precedent that asks union presidents not run for reelection beyond this age. He will long be remembered for his dedication to his fellow workers, whom he warmly refers to as his "brothers" and "sisters." We can only hope that future presidents will share his inspiring work ethic and thoughtful concern for those whom he was charged to represent.

Mr. Speaker, I want to again offer congratulations to Mr. Ron Gettelfinger for his tenure as UAW president and to wish him the best of luck as he moves onward from his post.

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

SPEECH OF

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Mr. RANGEL. Madam Speaker, I rise today to celebrate the 150th Anniversary of the First Japanese Diplomatic Mission to the United States as the Museum for the City of New York pays tribute to Samurai in New York—The First Japanese Delegation, 1860.

On March 17, 1860, exactly 150 years ago today, a sailing ship flying a flag never before seen in North America entered the Golden Gate. It was the Kanrin Maru, the first Japanese ship ever to cross the Pacific on its arrival to San Francisco, California. Japan had been closed to the rest of the world for more than 200 years until 1854, when Commodore Matthew Perry and his squadron of American warships forced the Japanese to open their doors to trade.

The Kanrin Maru had a difficult and stormy 37-day voyage from Japan when it set sail in the winter of 1860. During its time of isolation, the Japanese had had no oceangoing ships and only one member of the Japanese crew had ever been beyond the sight of land. This epic voyage continued until the ship arrived in San Francisco, when the crew's first appearance was revealed on American soil.

At that time, San Franciscans were familiar with the Chinese immigrants in California, but were amazed to see this delegation of distinguished men, so noted by the senior man aboard, Admiral Yoshitake Kimura, who had a shaved head and a topknot in the manner of a samurai. It was also observed and reported by the San Francisco Evening Bulletin that there had been important officers who carried two swords and were obsessed with etiquette. It is also noted that these men always wore robes and never wore hats.

On the other hand, the Japanese were surprised that San Franciscans walked on expensive rugs with their muddy boots. They were astonished that the powerful governor of California traveled without an escort of retainers and that Americans used horses to pull their carriages. They were also amazed that American men treated women as equals.

Twelve days after the arrival of the Kanrin Maru, the USS *Powhatan* arrived bringing the first Japanese Embassy to the United States to ratify the new treaty of Friendship, Commerce and Navigation between the United States and Japan. Sent by the Tokugawa Shogunate were three Ambassadors, Masaoki Shinmi, Norimasa Muragaki and Tadamasa Oguri whom headed the mission to exchange instruments of ratification of the Treaty of Amity and Commerce. The delegation also included a group of approximately eighty samurai diplomats. The delegation officially arrived

in San Francisco on March 29, stopped in Washington, DC on May 14 via Panama, then went on to Baltimore, Philadelphia, and, finally, to New York.

The arrival of the Japanese in Washington DC was a major event, and Congress granted a $50,000 budget, almost $1.5 million in today's dollars, to entertain them. On March 28th, the mission paid its official visit to President James Buchanan.

On June 18, 1860, hundreds of thousands of New Yorkers packed the streets of Manhattan to watch the sword-toting samurai parade on Broadway during the diplomatic two-week stay in New York. The unprecedented throng of New Yorkers lined the parade route from Lower Manhattan to Union Square, hoping to glimpse the exotic visitors. The great Walt Whitman was on hand and composed a poem in their honor. The city hosted a grand civic ball for 10,000, and members of New York society vied to entertain the visiting Japanese diplomats. Mayor Wood and the Common Council of New York held a reception in honor of the Japanese ambassadors in the Governor's Room at City Hall.

New Yorkers and the popular press were overcome with Japan mania, especially for the youngest member of the group, seventeen-year-old translator Tateishi Onojiro, also known as ''Tommy.'' With the appearance of the popular song, the ''Tommy Polka,'' the ''Tommy'' boom outlasted the departure of the delegation itself. For their part, the Japanese delegation studied American industry and technology, learned about its government and customs, and brought back ideas that would help fuel Japan's emergence on the world stage.

Madam Speaker, although largely forgotten today, the Japanese 1860 Samurai Mission was to ratify the Treaty of Friendship, Commerce and Navigation, which had been signed several years earlier. The agreement opened the ports of Edo and four other Japanese cities to American trade, among other stipulations. In the years before the Civil War, the Japanese visitors captivated the American people and the press. This first face-to-face cultural exchange between, the Japanese and everyday Americans was one of the most elaborated spectacles of its time.

As Dean of the New York Congressional Delegation and on behalf of my colleagues and all of the residents of my district, we are honored to join Ambassador Shinichi Nishimiya, Consul General of Japan in New York, James G. Dinan and Susan Henshaw Jones in celebrating Samurai in New York—The First Japanese Delegation, 1860 at Harlem's beloved Museum of the City of New York.

CONGRATULATING THE WINNERS OF THE PRESIDENTIAL AWARD FOR EXCELLENCE IN MATHEMATICS AND SCIENCE TEACHING

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise to recognize the teachers who have been selected to receive the Presidential Award for Excellence in Mathematics and Science Teaching. Administered by the National Science Foundation (NSF) on behalf of the White House Office of Science and Technology Policy, this award recognizes exemplary teachers for their contributions to the teaching and learning of mathematics and science.

The Presidential Award for Excellence in Mathematics and Science Teaching is the highest recognition that a kindergarten through twelfth-grade math or science teacher can receive for outstanding student instruction in the United States. Enacted by Congress in 1983, this program authorizes the President to bestow up to 108 awards per year. For the 2009 award, President Obama named 103 teachers from the seventh through the twelfth grades to be recognized with a citation signed by the President and a $10,000 award from the NSF.

Awards are given to mathematics and science teachers from each of the 50 states and four U.S. territories. In addition to honoring individual achievement, the goal of the award program is to exemplify the highest standards of math and science teaching. Honorees serve as models for their colleagues, inspire their communities, and lead in the improvement of math and science education.

Congratulations to the recipients—all of whom have demonstrated outstanding teaching ability and have contributed greatly to the education of our nation's youth. I would especially like to congratulate Kimberly Morrow-Leong of Marsteller Middle School in Bristow, VA, who has been recognized for mathematics and Dat Le of the H-B Woodlawn Secondary Program in Arlington, VA, who has been recognized for science. In the words of President Obama, these teachers ''are inspirations not just to their students, but to the Nation and the world.''

Madam Speaker, I ask my colleagues to join me in recognizing the accomplishments and recognition of the recipients of this Presidential award. I wish these, and all teachers, continued success in educating our nation's youth in math and science, providing for a brighter tomorrow across the country and the world.

HONORING HELEN MAUTNER

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. GRIJALVA. Madam Speaker, I rise today to honor and recognize Helen Mautner for her tireless dedication to improving the lives and protecting the rights of all people in Arizona and throughout the United States. For many years, Mrs. Mautner has been involved in the struggle for basic human rights and social justice. She has volunteered for and been employed by organizations that assist those unable to speak or stand up for themselves all her life.

Helen Mautner was born in Chicago, Illinois, in 1930. While living in Chicago, she attended Marshall High School on the west side of the city. At the age of sixteen, she moved to California with her family and finished high school there. When Helen was growing up, her ambition was to help the slums of Chicago as an activist. This led her to become a sociology student at Los Angeles City College. She graduated from the University of California (Berkeley) and received her Bachelor's degree, then her Master's in Social Work. She taught sixth grade for several years. While employed as a school social worker in California, she was introduced to Robert Mautner. They were married from 1958 until his passing in 2004.

Helen and Robert Mautner moved to Tucson in 1965. For the next decade she immersed herself in caring for Robert and her children Erik, Chris, and Alisa, and started her impressive volunteer path to help those in need. She was a stay-at-home mom to the three kids during their elementary school years: she took pottery classes, ran the studio during school hours, met members of Tucson's politically progressive community, and expanded her awareness of how to assist marginalized populations. She volunteered for the American Civil Liberties Union (ACLU) office in Tucson, an organization that defends individual rights guaranteed to every person in the United States. In 1973, she became the ACLU's Southern Arizona Chapter Director. She also served on, and chaired, the People with AIDS Coalition (now the Southern Arizona AIDS Foundation). She has been a member of the Tucson Police Citizens Review Board, the Arizona Superior Court Judicial Review Committee, and the City of Tucson Magistrate Selection Committee.

For years, Helen was also involved in compliance with the federal Tucson Unified School District (TUSD) desegregation order. Helen has volunteered for every cause she holds dear, and still spends a great deal of time volunteering for election campaigns for those who share her vision. Her dedication and inspiration helped her to become friends with many local and national activists and political figures. She lent her time and dedication not just to politics, but to people from many walks of life. A longtime associate and friend, Cornelius Steelink, remembered her assisting a local biker group in an anti-discrimination case in the mid 1980s and saw first-hand how her beliefs and openness shone through. He remembered her saying, ''You never know who's going to walk into this office, but you have to be ready to (help) them.'' Emojean Girard, a local activist and retired judge, recently said of her: ''We esteem her for her clear thinking and dedication to the cause of civil rights. Tiny though she may be in physical structure, she is a giant of fortitude and determination.'' In 1997, Helen retired from the University of Arizona as the Assistant Director of the Affirmative Action Office.

When not volunteering her time, she has financially supported charities ranging from Amnesty International to The Redwing Indian Schools. Helen is a regular walker on Martin Luther King Day, and has marched many times for Cesar Chavez and the United Farm Workers union. Her children remember times when no meat, grapes or chocolate were allowed in the home in support of the causes she held dear. They treasure the values they learned during those formative years from their parents and love Helen for everything she is and what she has always stood up for.

Helen Mautner has been a fantastic mother to her children, providing positive and loving guidance and navigating the challenges of parenthood. She and Robert saw Erik die of cancer in 1987, and she has missed him ever since. Alisa and Chris would not be the people they are today without their mother. Both are

employed in public and social service positions, and volunteer their own time to improve the lives of the less fortunate. Helen is now the proud grandmother of Zane, the son of her daughter Alisa and her husband BJ, and takes great joy in the time they spend together.

Helen has always balanced the turmoil of parenting teenagers with that of politics. She currently serves on the Board of the Children's Action Alliance, an advocacy group for children; volunteers with the Primavera Foundation for the homeless; and is on the executive council of the University of Arizona Retirees Association (UARA). Penelope Jacks, the Director of the Children's Action Alliance and a longtime friend and colleague of Helen's, reminisced about first meeting and working with Helen. "[I] learned who were the good guys easy, because all the good guys were Helen's friends. Together we sorted through all kinds of cases, taking turns holding my new baby, chatting, and finding how much we had in common. Our lives have seen many changes since we first met, but Helen is my first and most enduring friend in Arizona." Helen has won numerous awards and recognition for her amazing commitment to social and civil rights causes: the YWCA's Woman on the Move Achievement Award, a place in the Women's Studies Advisory Council (WOSAC) of the University of Arizona's Department of Women's Plaza of Honor, and awards from the City of Tucson's Office of the Mayor in 1981 and 1989.

As Helen turns 80 this year, her children and friends look forward to her next step in life. She is a woman who lives life to the fullest and considers nothing impossible. She is always open to new challenges. Helen Mautner has been an asset to Tucson and the State of Arizona, working tirelessly for her causes, preferring to enjoy the fruit of her labors without seeking public recognition. For these great accomplishments and in honor of her passion and dedication to all citizens rights, and on behalf of her work for the marginalized in society, we recognize Helen Mautner today.

A PROCLAMATION HONORING UNION HOSPITAL FOR BEING NAMED THE WINNER OF THE HEALTHGRADES MEDICINE AWARD FOR 2010

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. SPACE. Madam Speaker,

Whereas, Union Hospital has served the people of the Tuscarawas Valley by providing critical health services; and

Whereas, Union Hospital is integral to the health and well-being of the Tuscarawas Valley; and

Whereas, every year, more than 40,000 local residents rely upon Union Hospital for emergency care; and

Whereas, Union Hospital is rated by HealthGrades as among the top five percent of all hospitals in the United States and achieved HealthGrades' top five star rating for emergency medicine; now, therefore, be it

Resolved that on behalf of the residents of the 18th Congressional District, I congratulate Union Hospital for being named winner of the HealthGrades Emergency Medicine Award for 2010.

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

SPEECH OF

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Ms. BORDALLO. Madam Speaker, I rise today in support of 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. I thank Chairman ENI FALEOMAVAEGA and Chairwoman ILEANA ROS-LEHTINEN for their leadership in developing this legislation. The treaty ushered in an era of greater political and economic cooperation between our two great nations. The treaty's signing in 1960 transformed the alliance between the United States and Japan and has allowed both nations to enjoy 50 years of increased economic prosperity and promoted mutual security interests for the Asia-Pacific region.

Since the enactment of the Treaty, the United States and Japan have become two of the world's largest and most productive economies as both nations have benefited from their trade relationship. Further, the longstanding forward presence of the U.S. Armed Forces in Japan has provided the deterrence capabilities necessary to ensure regional stability. Increased exchanges between our countries like the U.S.-Japan Legislative Exchange Program have fostered a greater understanding and respect between our two legislative bodies.

In the 21st century, this strong partnership with Japan will continue to evolve. Most evident is our security relationship which is undergoing change. The 2006 United States-Japan Roadmap for Realignment Implementation outlines major realignment of military forces in Japan. The establishment of a new Futenma Replacement Facility is the lynchpin to realigning 8,600 Marines and their dependents from Okinawa, Japan to Guam. The commitments of the Roadmap have since been reaffirmed by U.S. Secretary of State Hillary Rodham Clinton and former Japanese Foreign Minister Hirofumi Nakasone. The realignment of military forces underscores the continuing importance of the security relationship between our two nations. It also symbolizes the importance of more strategically aligning our forces in the Asia-Pacific region to meet current and emerging threats. The relationship between our two nations will only continue to grow. Beyond the realignment of forces I believe our two nations can partner to provide greater leadership in the region, more opportunities for green technology in the Pacific islands, jointly combat piracy on the high-seas, and continue to invest in this important part of the world.

For those reasons and more, I believe H. Res. 1464 recognizes and encourages these important aspects of U.S.-Japanese relations and will assist in continuing our mutually beneficial relationship for decades to come.

ALEXANDER PYATT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Alexander Pyatt. Alexander is a very special young man who has proven the finest qualities of citizenship and leadership by being selected to the People to People World Leadership Forum.

Since People to People International was founded by President Dwight D. Eisenhower in 1956, the organization has been a leader in provide educational world tours. Acceptance into the World Leadership Forum demonstrates Alexander's academic excellence, community involvement, and leadership potential. This forum will help further provide Alexander the tools to become a leader for the next generation.

Madam Speaker, I proudly ask you to join me in commending Alexander Pyatt for his acceptance into the People to People World Leadership Forum and for his efforts put forth in achieving this high distinction.

HONORING RON GETTELFINGER FOR HIS LEADERSHIP OF THE UAW

SPEECH OF

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Mr. MCGOVERN. Mr. Speaker, Ron Gettelfinger, a lifelong defender and advocate for workers' rights, retired last week as President of the United Auto Workers, UAW. From the start, working on the assembly line in 1964 at Ford Motors in Louisville, Kentucky, to his recent retirement as the UAW President, Ron has tirelessly fought for labor rights for the American worker. In addition, Ron has been willingly worked in a pragmatic fashion with the automobile industry, helping to stabilize business and labor relations.

Whether it's been pushing for health care reform, fair trade agreements, or collective bargaining rights, Ron has been a staunch and steadfast leader. Fighting hard against what the UAW has dubbed "the corporate global chase for the lowest wage which creates a race to the bottom that no workers, in any country, can win," Ron has been a galvanizing figure in workers' rights here in America and across the globe.

While Ron will surely be missed at the UAW, but the mark he has left there will continue to serve as a source of inspiration. I thank Ron Gettelfinger for his service to workers and to his country.

IN RECOGNITION OF RANN AND NANCY CARPENTER

HON. DAVID P. ROE

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. ROE of Tennessee. Madam Speaker, I would like to pay tribute to a very special occasion today—the 43rd wedding anniversary of John Randolph Carpenter and Nancy Anderson Carpenter.

John Randolph Carpenter was born on April, 11, 1945 in Shelby, North Carolina. His wife, Nancy Anderson Carpenter was born on December 27, 1946 in Charlotte, North Carolina. The couple began dating when they attended Meyers Park High School and were eventually married on June 24, 1967 at Meyers Park Methodist Church in Charlotte.

As native North Carolinians, they have lived in Rutherfordton, Greenville, Washington, eventually settling in the Tar Heel state capitol of Raleigh. Together they have raised two daughters, Ragan Kathryn of Los Angeles, California & Mary Randolph of Washington, DC.

Rann enjoyed a successful career with Texasgulf, PCS Phosphate, and the North Carolina Pork Council. Nancy, a loving mother & homemaker actively enjoys working with charitable church & volunteer organizations in Raleigh.

I salute this lovely couple on the 43rd year of their life together and join their family in honoring them on this special occasion. It is a true pleasure to recognize their commitment to one another, their children, and ultimately, our Nation.

RECOGNIZING NATIONAL HOMEOWNERSHIP MONTH

SPEECH OF

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Mr. DAVIS of Illinois. Mr. Speaker, I would like to express my support and recognition of National Homeownership Month and the importance of owning a home. Homeownership is a signifying mark of hard work and informed decisionmaking. Therefore it is in the interest of us all to ensure that our decisions about homeownership are informed.

During National Homeownership Month, there is an emphasis placed on the importance of providing first time home buyers and those who have acquired home information that is imperative to them making informed decisions. In light of the current economic recession, it is crucial that information of this nature is provided to the people in an effort to revive the economy.

The recognition of National Homeownership Month is especially important as it pertains to my constituents. In the 7th Congressional District of Illinois, the community of North Lawndale has real estate values estimated at six figures, the median income of the people that live there is estimated to be five figures, and there have been over 200 foreclosures as of June 16, 2010. I firmly believe that the foreclosure of those homes could have been prevented had the constituents been informed and privy to the information necessary to make the best decision for themselves and their families.

It is also important to recognize the importance of owning a home given the social and familial ties that are associated with and can be cultivated by homeownership. Homeownership is essential to building the foundations of longstanding social networks. It is imperative that there is stability in the society for the purpose of cultivating and expanding the social networks we develop into meaningful relationships aimed at making substantial change through these relationships.

MARTIN NEVELS

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Martin Nevels. Martin is a very special young man who has proven the finest qualities of citizenship and leadership by being selected to the People to People World Leadership Forum.

Since People to People International was founded by President Dwight D. Eisenhower in 1956, the organization has been a leader in provide educational world tours. Acceptance into the World Leadership Forum demonstrates Martin's academic excellence, community involvement, and leadership potential. This forum will help further provide Martin the tools to become a leader for the next generation.

Madam Speaker, I proudly ask you to join me in commending Martin Nevels for his acceptance into the People to People World Leadership Forum and for his efforts put forth in achieving this high distinction.

CALLING FOR RELEASE OF ISRAELI SOLDIER BY HAMAS

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Mrs. MALONEY. Madam Speaker, I rise to acknowledge the fourth anniversary of the kidnapping of Israeli Staff Sergeant Gilad Shalit and call for his immediate and safe return to Israel.

Four years ago, Hamas militants attacked an Israeli outpost near the border between Israel and Gaza. Two soldiers, Staff Sergeant Pavel Slutzker and Lieutenant Hanan Barak, were killed and Staff Sergeant Gilad Shalit was kidnapped. Less than a month later, two other Israeli soldiers, Sergeant Major Ehud Goldwasser and Sergeant First Class Eldad Regev were captured and killed by Hezbollah. On July 16, 2008, their bodies were returned in exchange for over 200 prisoners demonstrating Israel's special concern for the redemption of their captured soldiers—going so far as trading live and dangerous terrorists for the remains of their fallen heroes.

Hamas continues to inhumanely hold Staff Sergeant Shalit for ransom and has denied him basic medical needs. Since his capture, Gilad Shalit has been deprived of every basic right a captured soldier should be able to expect: visits by the International Committee of the Red Cross, the ability to send and receive letters to his family, and protection from being used involuntarily for propaganda footage. The captivity of Shalit is unacceptable and in clear violation of the laws of the Geneva Convention. I urge Congress to reaffirm Israel's right to defend itself and that the path to peace in the region lies in the recognition of Israel's right to exist, the dismantling of Hamas' terrorist infrastructure, and the release of Gilad Shalit.

As we continue working to secure Staff Sergeant Shalit's safe return, we also keep Corporal Shalit's parents, Aviva and Noam, his older brother Yoel, and his younger sister Hadas in our thoughts.

IN HONOR OF THE LATE WASCO TRIBAL CHIEF NELSON WALLULATUM

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. WALDEN. Madam Speaker, I rise today to honor the great Oregon tribal leader, Chief Nelson Wallulatum of the Wasco Tribe, who passed away on Sunday, June 13, 2010. He was laid to rest in a traditional Wasco ceremony at 4:30 a.m. on Tuesday, June 15, before the Sun rose that day. He had led his people, and served on the Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon, for more than 50 years. Chief Wallulatum was 84 years old.

Nelson Wallulatum became chief of the Wasco Tribe in 1959. Historically, the Wascos are a tribe of the Columbia River, particularly in the Gorge area, and in modern times they are one of the three tribes of the Confederated Tribes of the Warm Springs Reservation of Oregon. Pursuant to the Confederated Tribes of Warm Springs constitution, as chief of one of the three tribes, in 1959 he also became a lifetime tribal council member of the Confederated Tribes of Warm Springs, a duty he fulfilled with enthusiasm, dignity and intelligence.

As the Wasco chief and a tribal council member, he was steadily and deeply involved in the governance of the Confederated Tribes of Warm Springs during a period of great history and change in Indian affairs. He was an unparalleled expert in the Warm Springs constitution and the 1855 Tribes of Middle Oregon Treaty with the United States, and fought to preserve and strengthen the sovereign authority of the Warm Springs Tribes across a time that moved from federal policies of Indian termination to today's well-established self-determination and tribal-federal mutual government-to-government relations. As you might imagine, Chief Wallulatum's leadership tasks brought him on many occasions to Washington, DC, to address both the administration and the Congress on the issues of his people and all Indian people. Over the many years, he was well known and respected by members of Oregon's congressional delegation, as well as by congressional leaders in national Indian issues and policy, before whom he often testified.

Chief Wallulatum was instrumental in the return of 60,000 acres to the Warm Springs Reservation, securing and developing treaty-protected fishing access sites along the Columbia River to replace those inundated by hydroelectric reservoirs, and the settlement and safeguarding of the Confederated Warm Springs Tribes' water rights.

In addition to being a guiding hand in the governance of the Confederated Tribes of Warm Springs, as chief of the Wasco Tribe, Nelson Wallulatum was a principal keeper of the history, culture and traditions of the Wasco people. His authority in these matters was sought by Congress, and was recognized by tribes and their organizations, at whose gatherings he frequently conducted prayers and blessings.

Finally, it must be noted that, throughout conducting the affairs of his nation and his people, Chief Wallulatum did so with good humor, wisdom, and kindness. He was a gentleman of strength and dignity, and a historic leader for the Wasco people and the Confederated Tribes of Warm Springs. He will be missed.

Madam Speaker, I want to thank you and our colleagues for joining me in tribute to Chief Wallulatum.

GRANTING SUBPOENA POWER TO COMMISSION INVESTIGATING BP DEEPWATER OIL SPILL

SPEECH OF

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Mr. PAUL. Madam Speaker, I oppose H.R. 5481, which gives subpoena power to the National Commission on the British Petroleum Deepwater Horizon Oil Spill and Offshore Drilling. This is an overly broad grant of power to a presidential commission. This commission was created by Executive Order without any input from Congress and appears designed to perform oversight and policy functions that should be performed by Congress. Furthermore, this commission may be used to promote the anti-freedom and economically destructive ''cap-and-trade'' legislation, as well as provide justification for the administration's policies of restricting offshore drilling.

Instead of ratifying the Executive Branch's continued use of the deepwater disaster as an excuse to usurp more power, Congress should ensure that the Executive Branch actions do not allow British Petroleum to escape accountability for the damages caused by the spill and that any necessary policy changes are made by Congress.

CELEBRATING THE 25TH ANNIVERSARY OF BETH JACOB CONGREGATION

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Ms. McCOLLUM. Madam Speaker, today I rise to honor the members of Beth Jacob Congregation, a Jewish congregation in Mendota Heights, Minnesota, who will celebrate the 25th anniversary of their faith community on June 27th.

Beth Jacob was formed in 1985 when two Twin Cities synagogues, Sons of Jacob and New Conservative Congregation, merged. Founded as an orthodox synagogue in the early 1870s, Sons of Jacob was one of the oldest Jewish congregations in the Twin Cities, while New Conservative Congregation was one of the area's youngest congregations. Seemingly very different faith communities, the members of the two synagogues found that they possessed similar values and needs. The new faith community they formed adopted the name Beth Jacob Congregation. In 1986, the congregation selected Rabbi Morris J. Allen as its religious and educational leader, and in 1987 they broke ground to build their synagogue. Since then, Beth Jacob has steadily grown in size and influence thanks to the dedication and leadership of Rabbi Allen and the involvement and commitment of its members.

Beth Jacob is not simply a synagogue or a place of worship—it is a community. Its members are engaged in studying their faith and participating in Shabbat service. Additionally, members are active participants in their neighborhoods and cities. Beth Jacob is well known for its involvement in our community through interfaith dialogue programs, food shelf donations, assistance to immigrant workers, affordable housing initiatives, and disaster relief efforts. Its contributions to the Jewish community as well as the Twin Cities at large are unparalleled, and I am proud to say that such an active and dedicated Jewish Congregation is located in the Fourth Congressional District of Minnesota.

Madam Speaker, please join me in rising to honor the 25th anniversary of Beth Jacob Congregation, a faith community rich with tradition that is committed to serving the needs of its members and giving back to our community.

SUPPORTING HIGH-PERFORMANCE BUILDING WEEK

SPEECH OF

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 2010

Mr. HONDA. Mr. Speaker, the High-Performance Building Congressional Caucus Coalition has designated June 13–19 as ''High-Performance Building Week.'' During this week, we are recognizing the importance of energy efficient building design, with the goal of driving our country toward a more sustainable future.

Buildings throughout our nation are responsible for over 39 percent of our annual carbon emissions, and for 12 percent of the potable water consumption as well as over 70 percent of the electricity use in the United States. The dramatic energy consumption of our buildings is damaging in the long run, and it is imperative that we make energy efficiency part and parcel of the building and operations of our places of work and shelter.

As a Californian, I recognize the importance of sound energy policy and environmental protection. California stands as a leader in these fields, having a range of accomplishments related to our environment and energy independence. The city of San Jose has already begun the process of retrofitting and meeting green building standards with its Green Vision program. Universities throughout the state have installed solar systems to power their electricity needs. Students from high schools and universities in my district have formed recycling initiatives, built solar cars and houses for competitions, and held eco-friendly fundraising fashion shows; each of these steps may seem small but is a critical part of a bigger national stride.

The efforts of Californians are echoed by many in the House of Representatives. I was privileged to be a part of establishing the Sustainable Energy and Environment Coalition in order to deal with problems including that of the built environment. We feel it is essential that the House gives priority to consideration of energy and environmental issues, and applaud resolutions like H. Res. 1407, supporting the ideals of ''High-Performance Building Week,'' which focuses attention on all aspects of high-performance buildings, including the role they play in reducing impact of humans on our climate.

In addition to creating more energy-efficient buildings, we also need to address the efficiency of the electronics inside our homes. Our household electronics consume a massive amount of energy—the power to run them cost Americans $80 billion last year, but that is a small number compared to the projected $200 billion in electricity they will consume by 2030 unless something changes. We need to consider the potential for integrated smart electronics that will both heal the energy wounds we have created as well as provide a cost-effective solution for consumers. In April, I introduced the Smart Electronics Act, H.R. 5070, to help green the electronics industry by providing the private sector with reliable standards and incentives and by educating and empowering consumers to make smarter and more efficient choices—all of which help cool the planet and keep Silicon Valley innovative.

Once again, Mr. Speaker, it is with great pride that I commemorate the progress we are making toward a sustainably responsible future. Focusing on creating energy-efficient building envelopes as well as smarter electronics inside homes inspires our communities to work toward the next generation of energy independence and environmental justice.

DAXON JAMES WEAVER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Daxon James Weaver. Daxon is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 401, and earning the most prestigious award of Eagle Scout.

Daxon has been very active with his troop, participating in many scout activities. Over the many years Daxon has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably,

Daxon has contributed to his community through his Eagle Scout project. Daxon designed and constructed steps and handrails at his church to aid the older generations of his church to reach the pulpit to speak.

Madam Speaker, I proudly ask you to join me in commending Daxon James Weaver for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING THE AUGUSTA STATE UNIVERSITY MEN'S GOLF TEAM FOR WINNING THE 2010 NCAA DIVISION I NATIONAL CHAMPIONSHIP

HON. PAUL C. BROUN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. BROUN of Georgia. Madam Speaker, I rise today to honor the accomplishments of the NCAA National Champion Augusta State University men's golf team. The Jaguars, competing in their first ever Division I National Championship, beat seven larger schools from prestigious conferences to win their first national title.

In a classic ''David vs. Goliath'' battle, this year's NCAA national championship came down to the wire as Augusta State defeated 10-time champs Oklahoma State 3–1–1 in the final match of the 112th NCAA Championships at The Honors Course just outside Chattanooga, Tennessee. Led by this year's National Coach of the Year Josh Gregory, the Augusta State men's golf team has stamped its name in the record books and established what I hope becomes a dynasty.

Jake Amos, Olle Bengtsson, Jacob Carlsson, Taylor Floyd, Brendan Gillins, Mitch Krywulycz, Carter Newman, Henrik Norlander, Patrick Reed, Shawn Yim, Coach Josh Gregory, students, faculty, and supporters should all be immensely proud. I congratulate them all, and I ask my colleagues to join me in recognizing their success and wishing them all the best in future seasons.

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

SPEECH OF

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Mr. CONYERS. Madam Speaker, I rise in support of House Resolution 1464, which commemorates the 50th Anniversary of the signing of the Treaty of Mutual Cooperation and Security and affirms our alliance with Japan and commitment to peace and prosperity for the U.S. and Japan, as well as the Asia-Pacific region.

The U.S.-Japan Alliance, rooted in our shared values and democratic ideals, provides a climate of stability for East Asia that has enabled all nations of the region to develop and prosper. I do believe the time has come to rethink our large military footprint near Okinawa. The Japanese are our partners and allies; a large military presence within their country is likely seen by a younger generation as unnecessary and unwelcome.

The U.S. and Japan should enhance regional cooperation in the Asia-Pacific region. We should work together to respond to natural disasters and to provide humanitarian relief in the region. We must make efforts to prevent the proliferation of weapons of mass destruction and seek the peace and security of a world without nuclear weapons. We must deepen our cooperation and strengthen our Alliance.

As the Treaty marks its 50th Anniversary, I urge my colleagues to support this resolution to recommit ourselves to further build a strong and cohesive U.S.-Japanese Alliance.

TRIBUTE TO 2LT JOHN L. MCMAHAN

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. ROGERS of Kentucky. Madam Speaker, I rise today to pay tribute to Kentucky National Guardsman 2LT John L. McMahan who earned the rare honor of receiving the Kentucky Medal of Valor for his heroic actions on Janurary 27, 2010 in Perry County, Kentucky.

Lieutenant McMahan was en route to a military drill on that January morning when he discovered an overturned vehicle in the bitter-cold winter stream of Lotts Creek in Perry County. In true first-responder style, his training kicked into high gear when he realized a woman was trapped inside the vehicle. McMahan dispatched a call for assistance and waded in the freezing water for more than 30 minutes, calming the woman trapped inside, until firefighters arrived to extricate her. When help arrived, he did not back away. McMahan joined the crew in carrying her out to safety.

McMahan is no stranger to risking his own life for others. In addition to service for his country, he is also a Captain and 17-year veteran with the Kentucky State Police. McMahan is only the 47th Kentucky National Guardsman to receive the Kentucky Medal of Valor and it is an honor well deserved.

Madam Speaker, I ask my colleagues to join me in honoring John L. McMahan for his selfless public protection and service to the families of eastern Kentucky, our Commonwealth and our great Nation.

SUPPORTING DESIGNATION OF YEAR OF THE FATHER

SPEECH OF

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Mr. DAVIS of Illinois. Mr. Speaker, I wish to take this opportunity to support the designating of 2010 as the Year of the Father. One-hundred years ago, Father's Day was founded by a mother who recognized the vitally important role of fatherhood. As a father myself, I am honored and humbled by this annual day of recognition and celebration, and happily recall all the positive memories and influences my own father had with me.

I'm sure that most people in this room already know of the importance of fathers. Fathers bring love, care, and emotional support that work in tandem with the support of mothers to bring about positive development for their children. For some, however, fatherhood is a foreign concept. Twenty-three percent of families with children in 2008 were maintained by single mothers. Approximately sixty percent of children born during the 1990s lived or would live significant portions of their lives without fathers. For minorities, the numbers are even more daunting, with only thirty-five percent of African American children living with two married parents, and only fifty percent of children having regular contact with their fathers.

For these same minority families, being a father is simply not the same. Barriers like education and access to jobs continue to restrict the involvement of men who would otherwise be involved fathers. While it is important to promote and celebrate the significance of fathers, it is equally important to recognize that fatherhood comes with varying obstacles and responsibilities for every background. To fully promote a healthy nation and support the ideals behind designating 2010 as the Year of the Father, it is crucial that we pursue more opportunities for non-custodial and would-be fathers to live up to their potential, and the potential of our present and future generations.

It is my hope that by declaring 2010 as the Year of the Father, we would not only be honoring and recognizing the importance of fathers to the family, but also encouraging reform to make fatherhood a reality for countless Americans.

HONORING OUR NATION'S HEROES FROM THE KOREAN WAR

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. YOUNG of Florida. Madam Speaker, I rise to join my colleagues in our solemn recognition this morning of the 60th anniversary of the Korean War as we pay tribute to the American heroes who served in the finest tradition in that so called ''Forgotten War.''

To this member though, Korea was far from a forgotten war. It was war in which more than 36,000 Americans lost their lives defending our ideals of freedom and democracy against communist aggression.

It was 60 years ago that North Korean troops stormed across the 38th parallel into South Korea, launching a three-year conflict that culminated in an armistice in 1953. The ferocious North Korean attack caught the South Korean army by surprise—they rapidly advanced, seizing the capital in a few short days. Concerned over the spread of communism, President Truman ordered U.S. forces to defend South Korea as part of a United Nations Task Force. Unfortunately, that initial effort did little to stop the advance and our forces suffered heavy losses during their first significant engagement of the war.

For the next couple of months, the situation looked extremely dire as U.N. forces were beaten back all the way to Pusan. There, however, we held the line with the Battle of Pusan

Perimeter. The now famous Inchon Landing further turned the tide by enveloping North Korean forces and forcing them to retreat. Ultimately, China entered the war, a stalemate developed, and the war ended much where it began at the 38th Parallel.

The timeline of the Korean War itself does little to capture the individual stories of heroism and sacrifice. Our soldiers endured the harshest of conditions and the coldest of winters. Ultimately, 36,000 lost their lives and many thousand more were wounded or captured. Their sacrifice was not in vain and their defense of our ideals bore fruit that can be seen today. The clearest evidence is that South Korea has emerged as a democratic and economic powerhouse while North Korea languishes in an isolated morass of its own making.

Madam Speaker, I am proud to take the time today to reassure our heroes of the Korean War that they are not forgotten. Instead, they remain an inspiration to us and to all who have worn the uniform and who will volunteer to do so in the future. Only they have the first-hand knowledge of the hardship and challenges faced on that distant battlefield but they can rest assured that they have the heartfelt thanks and grateful appreciation of our nation for their service half a world away.

RECOGNIZING JUNETEENTH INDEPENDENCE DAY

SPEECH OF

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 22, 2010

Mr. RANGEL. Mr. Speaker, I rise today to join my colleagues in the U.S. House of Representatives to recognize Juneteenth Independence Day which we observe with Resolution 546, sponsored by Rep. DANNY DAVIS of Illinois. The House of Representatives notes the importance of effectively understanding our past as the foundation of a progressive and egalitarian future.

We remember June 19, 1865, ''Juneteenth,'' as the day of the announcement of the Emancipation Proclamation in the last of the States in the Union. Though President Abraham Lincoln intended the Emancipation Proclamation to go into effect on January 1, 1863, slaves in the last of the slaveholding territories, namely Texas, did not hear of their freedom until 1865. Galveston, Texas is recognized as the birthplace of Juneteenth and as of this March, 36 states have recognized the day for observance. Now, 145 years later, we remember Juneteenth as a turning point in the history of Black Americans.

This celebration of freedom and equality is an important patriotic symbol in the history of the Nation. Juneteenth is an opportunity for us to pause and remember the difficult road to advancement and to reflect on the importance of that political organizing in Galveston by former slaves to celebrate their freedom and new status. Juneteenth is one of the earliest landmarks of the active political involvement of Black Americans following the sacrifices made by the more than 200,000 people who fought and died in the Civil War.

We are also reminded of the many achievements and contributions Black Americans have made to the country in all fields. We highlight the work done by civil rights leaders and activists who have carried on the spirit and legacy of emancipation. In particular, we salute those men and women serving in our armed forces, who could not serve today without the rights afforded them by the work of previous generations of Black Americans who fought in every conflict since the Nation's founding. Culturally, we must recognize the magnanimous impact of Black artists, performers and academics in shaping American identity well beyond the 21st century.

While Juneteenth started in Texas, its impact and importance to the United States' commitment to independence and liberty is felt nationwide. Freedom is at the core of the legacy of the United States and of all its citizens, regardless of race or personal background. I am proud to celebrate and recognize the significance of Juneteenth today and forever in our Nation's history.

HONORING STAFF SERGEANT BRYAN HOOVER

HON. KATHLEEN A. DAHLKEMPER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mrs. DAHLKEMPER. Madam Speaker, it is with a heavy heart that I rise today to honor the life of a fallen hero from Western Pennsylvania. Staff Sergeant Bryan Hoover of Lyndora, Pennsylvania was only 29 years old when he made the ultimate sacrifice defending our nation in Afghanistan.

On June 11th, a suicide bomber detonated an explosive near the Bullard Bazaar in Zabul Province in southern Afghanistan where Staff Sergeant Hoover and his fellow soldier, Sergeant First Class Robert Fike, also of Western Pennsylvania, were on foot patrol. Both 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.

Staff Sergeant Hoover was passionate about his service to his country, and dreamt of joining the military 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 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 brave service and sacrifice, Staff Sergeant 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 fiancé, Ashley Tack. His mother, Debra Jean, preceded Bryan in death.

It is my sad duty to enter the name of Staff Sergeant Bryan Hoover in the RECORD of the United States House of Representatives for service, sacrifice, commitment to his country and to our freedom.

While we struggle to express our sorrow over this loss, we can take pride in the example Bryan set as a soldier. Today and always, he will be remembered by family and friends as a true American hero, and we cherish the legacy of his service and his life.

As I search for words to do justice to this valiant fallen soldier, I recall President Abraham Lincoln's words as he addressed the families of soldiers who died at Gettysburg:

We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Bryan.

MRS. LUCILLE ROCHS' 95TH BIRTHDAY

HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. CONAWAY. Madam Speaker, I rise today to pay tribute to an extraordinary woman, Mrs. Lucille Rochs, who has devoted her life to the service of her friends and neighbors in Texas.

In life, it is rare to come across an individual who is so dedicated and so driven that one can follow the path of their life. Most of us leave our marks, but only the exceptional, few leave their footprints. I am humbled and honored to share Lucille's story and to be able to brag on her today, because she is one of those rare individuals.

Lucille makes her home in the city of Fredericksburg, Texas. Although she began her career as a teacher and educator, she has continued in her retirement as an advocate, philanthropist, fundraiser, and mentor for the vulnerable and less fortunate. Mrs. Rochs has focused her time serving seniors and abused children in numerous organizations throughout Gillespie County.

She has worked tirelessly for community organizations like the Gillespie County Child Services board, the Region 8 Texas Department of Child Protection Council, and the Gillespie County Committee on Aging. In addition she has served on organizations like the Hill Country Community Needs Council, Texas Retired Teachers, the Gillespie County Cancer Society, and the Hill Country Higher Education Initiative.

What makes this lengthy record of service all the more impressive is that Sunday is Mrs. Rochs 95th Birthday. To this day, she continues her active community service and keeps a schedule that puts mine to shame. It is my great honor to represent Lucille in this House. She is a treasure to her community and an inspiration to those of us who have followed behind her.

I wish Lucille a happy and healthy birthday and hope that she is able to continue her public service for many more years. I know that I join with everyone in Fredericksburg when I

thank her service. May God bless her and her family in the same way that she has been a blessing to us all.

RECOGNIZING THE 60TH ANNIVERSARY OF THE OUTBREAK OF THE KOREAN WAR

SPEECH OF

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Mr. GARRETT of New Jersey. Madam Speaker, sixty years ago today, half a world away, the Democratic People's Republic of Korea invaded the Republic of Korea. Soon after, President Harry Truman committed American forces to assist the South Koreans. So began a struggle between those seeking freedom and those seeking to expand the dark shadow of communism. An estimated one hundred thousand Americans were wounded, fifty thousand killed, and five thousand missing in action during the conflict.

Korean War veterans are a unique class of Americans. Those who served their country during 1950 to 1953 were raised during the Depression and had experienced World War II, either in the military or on the home front. They grew up in a time of great patriotism—a time when words like duty, honor, and country carried great weight. When their tour of duty ended, most of them returned to the States with little fanfare, picked up their prewar lives, and carried on.

In the eyes of history, the Korean War is often referred to as the "Forgotten War." But millions of Americans, including me, have not forgotten the heroism exhibited by the men and women who placed themselves in harm's way. Without their sacrifice, it is unlikely that South Korea would have become the free and prosperous nation that it is today. Therefore, I was honored to cosponsor H.J. Res. 86, which recognizes the 60th anniversary of the outbreak of the Korean War and reaffirms the U.S-Korea Alliance. I'm pleased that this resolution recently passed the House by voice vote.

While we must not forget the past, we must also act swiftly and decisively in the present. In May, after the tragic sinking of the Cheonan, I cosponsored H. Res. 1382 to express sympathy for the families of those killed by North Korea, and solidarity with the Republic of Korea. As evidence of the U.S. commitment to defending the Republic of Korea, this Resolution passed with overwhelming bi-partisan support. Tolerating continued North Korean hostility will only serve to weaken inter-Korean relations and result in the further destabilization of the region.

Despite the recently-renewed conflict, we should recognize that South Korea's progress is an encouragement and a model for other nations. After hostilities subsided in 1953, Korea was faced with the daunting task of recovering from the carnage and bloodshed of war. South Korea was an economically weak nation; in fact it was one of the poorest nations on earth. Yet today, the Republic of Korea has one of the most vibrant and successful export-oriented economies in the world. This historical record provides hope that, with our persistent efforts, both harmony and prosperity are possible on the Korean Peninsula.

We must remember the brave men and women who sacrificed their lives so that South Korea could be the free and flourishing nation that it is today. In their honor, we continue the struggle for peace on the Korean Peninsula.

HONORING MARGARET DUNNING

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. McCOTTER. Madam Speaker, today I rise to honor and acknowledge Miss Margaret Dunning, a remarkable Michigan citizen, upon her one hundredth birthday on June 26, 2010.

Miss Dunning was born on June 26, 1910, in Redford, Michigan to Charles and Bessie (Rattenbury) Dunning. Although Margaret was given little chance of survival when her mother experienced complications during her birth, Margaret has not only survived but thrived. Margaret attended the old Plymouth High School which now houses Central Middle School graduating in 1929. After attending the University of Michigan for two years, Margaret went on to study at the Hamilton School of Business in Ypsilanti.

Miss Dunning was employed at the Phoenix Mill Ford plant during the 1930s and also worked as a bank teller and assistant cashier in local Plymouth banks. Having devoted her time to the American Red Cross during World War II, Miss Dunning purchased Goldstein's Apparel in 1947 and renamed the store Dunning's, selling it after 20 years. Margaret still resides in the home on Penniman built by her mother.

Margaret Dunning's love of her community led her to become a major benefactor when the Plymouth Historical Society expressed their desire to build a permanent home. As the result of her generosity, a 15,000 square foot building now stands at the corner of Main and Wing in her beloved Plymouth. Miss Dunning championed the Plymouth Historical Society again when they expanded their museum and is a permanent member of the Historical Society's Board of Directors. She also was instrumental in the construction of the Dunning-Hough Library.

Margaret Dunning still enjoys a love of travel, particularly to Europe. She has a notable collection of classic cars stored in her garage, which she has affectionately dubbed Gasoline Alley. Margaret selects one of her prized automobiles every August to drive in the Woodward Dream Cruise.

Madam Speaker, for one hundred years Miss Margaret Dunning has graced the world with her kindness, hard work, and community spirit. Miss Dunning's attributes her longevity to enjoying and participating in the beautiful world around her. Today, I ask my colleagues to join me in congratulating Miss Margaret Dunning upon reaching her one hundredth birthday on June 26, 2010, and to honor her commitment to her community and her country.

IN HONOR OF BILL RAMSEY

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. FARR. Madam Speaker, I rise today to recognize a modern agriculture pioneer, Mr. Bill Ramsey of Salinas, California, on the occasion of his recognition by the Grower-Shipper Association of Central California with its E.E. "Gene" Harden Award for Lifetime Achievement. Bill is a quiet, unassuming, and humble man. One would know by looking at him that he is a giant among men for his business and civic leadership.

Beginning in the 1960s, when he assumed key leadership positions within the Mann Packing produce company, Bill helped lead the growth of the U.S. fresh produce industry. Alongside his business partner and friend, the late Don Nucci, Bill helped expand the U.S. market for broccoli and all manner of value added and ready to eat fresh produce. If you have ever eaten broccoli, you can credit Bill's leadership with helping to get it to your plate fresh, safe, and at a reasonable price.

Mr. Ramsey's peers in the agricultural industry have recognized him in several ways. Mr. Ramsey served as both the Chairman of the Board of Western Growers Association and as President of the Grower-Shipper Association of Central California. Mr. Ramsey has also been honored as the Salinas Jaycees Outstanding Young Farmer, as well as receiving the Harden Award which recognizes leadership qualities, devotion to the betterment of the agricultural industry, community service, and those with a high level of ethics and integrity.

Mr. Ramsey's devotion to his community goes well beyond the agricultural aspects. His contributions to the community of Salinas include being the President of the Salinas City School District Board of Trustees, Founder and Chairman of Valley of the World Awards for the National Steinbeck Center, Director of the California Rodeo, Distinguished Fellow (Agriculture) of CSU Monterey Bay, YMCA, Boys & Girls Club, Sun Street Center, and Salinas Rotary (Rotarian of the Year). Bill Ramsey has also honored his country by serving in the United States Navy.

Madam Speaker, I hope my fellow members of the House will join me in honoring Bill Ramsey for his many contributions to the agricultural industry, his local community, and his country. And while Bill will not hesitate to credit those around him for his success, it is appropriate that our Nation recognize what an important contribution that he has made to our health, economy, and culture.

TRIBUTE TO MONSIGNOR PAUL V. GARRITY

HON. JOHN F. TIERNEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. TIERNEY. Madam Speaker, I rise today to recognize the accomplishments of Monsignor Paul V. Garrity. For the past eighteen years, Monsignor Garrity has served as the pastor of St. Mary's Church in Lynn, Massachusetts. During those years, his contributions,

not only to St. Mary's but to the city itself, have been numerous.

Monsignor Garrity grew up in Somerville, Massachusetts. He is a graduate of St. John's College. In 1973, he was ordained a priest in the Archdiocese of Boston. Prior to coming to St. Mary's, he served parishes in Billerica and Malden. He was also Director of the Catholic Center and was Campus Minister at the University of Massachusetts at Lowell.

In 1992, he was appointed pastor of St. Mary's in Lynn. Since then, he has transformed the parish into a vibrant, welcoming and diverse community. He has breathed new life into the St. Mary's community and engaged support from hundreds of volunteers.

During his tenure both a Haitian Community and a Congolese Community were established at St. Mary's parish. A strategic plan for St. Mary's High School was completed that led to a $10 million capital campaign and the opening of the William F. Connell Center—a new state of the art academic building, the refurbishment of the school campus and the doubling of enrollment.

Monsignor Garrity's vision led to the conversion of a large, old convent building on the St. Mary's campus into 32 units of much-needed low income elderly housing with a service plan that is modeled like an assisted living arrangement. He was an advocate for the conversion of property located at the closed St. Jean Baptiste parish into low income housing to provide affordable home ownership opportunities.

At the request of Cardinal Sean O'Malley, he is currently serving on three Archdiocesan task forces: the Improved Financial Relationship Committee (IFRC), the Clergy Fund Review Committee and the Elementary School Task Force. Monsignor Garrity is a regular panelist on the RUACH Program, an inter-faith dialogue program on local cable TV and is active in ecumenical and interfaith activities in the Greater Lynn community. His Holiness, Pope John Paul II, named Monsignor a Prelate of Honor with the title of Very Reverend Monsignor in 1998, and Monsignor Garrity was made a Knight of the Holy Sepulcher in 1999.

Through his work, Monsignor Garrity has made a difference in the lives of so many in Lynn, and he will leave behind him an indelible imprint on the community.

I join my friends in the greater Lynn community and the St. Mary's parish family in extending my best wishes to Monsignor Garrity as he embarks upon his next assignment hoping that he understands that he will always be welcome "home" to St. Mary's and Lynn whenever he ventures this way.

COMMENDING KATHY DIXON AND RECOGNIZING THE IMPORTANCE OF FOSTER CAREGIVERS

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. HASTINGS of Florida. Madam Speaker, I rise to commend the heartfelt commitment of Kathy Dixon and foster caregivers for their tireless, selfless efforts to transform the lives of children who need another chance in life. Foster parents like Kathy wrap the necessities of life in the warm heart of family, providing the opportunity for children and young adults to recover from their pasts and reclaim their lives. Foster caregivers remind us that the act of building a quality life for others is truly a remarkable and honorable achievement. All children deserve the best shot at life. Foster caregivers are those who have determined that the best shot does not end with heartbreak, but ends instead with the resolution to succeed.

I received letters from two of Kathy Dixon's foster children, Tynequa and Tony Wardlow. Kathy represents the very best in foster parenting, a courageous woman who has devoted her heart and soul to caring for young children who needed someone to care for and nurture them. As Tynequa writes, "She took me in when I had nowhere to go." Tony says that, "she is the one who picks me up when I fall." He writes that he prayed God would send him a mother who "would hold on to me like someone with a big heart." God, he said, sent him Kathy, "and so much more." Tynequa insists that Kathy has not only saved her life, but also has taught her "to stand up for what I believe in, have faith in myself, be responsible and respectful, get my education, don't be fake, don't have low self-esteem, don't buy friendship, and most importantly, don't give up on hope." I cannot imagine a greater gift in this world than what Kathy has given to her children.

I am pleased to work with many foster care organizations in my district in South Florida. Just recently I met with a group of foster youth—in their late teens and early twenties now—who came to Washington, DC as part of the Broward County Trip of a Lifetime, an annual effort to bring these young adults to our nation's capital to meet their congressional representatives and learn how our government works. I take enormous pride in the opportunity I had to sit down with these young men and women and hear their stories and hopes and dreams for the future. Several of these youth have children of their own now and are working hard to impart to their children the wisdom, love, and affection given to them by their foster families. And it is because of the support they had from their foster families that these youth now dream of becoming engineers, entrepreneurs, social workers, nurses, and much else. In South Florida, organizations like Forever Family have proved enormously successful at changing lives, finding stable homes for children and young adults in need, and setting hundreds of young people on the right path in life.

Madam Speaker, American society is forever indebted to the hard work, deep commitment, determined sacrifice, and unconditional live demonstrated by people like Kathy Dixon. She is an inspirational role model, not just to myself or any one of us here in Congress but, more importantly, to her own children, who recognize the transformation she brought about in their lives. As Tony writes, "God has blessed me with so many gifts that I will never forget."

IN RECOGNITION OF MS. BEVERLY TERRY'S DISTINGUISHED SERVICE TO OUR COMMUNITY AS EXECUTIVE DIRECTOR OF THE MSU EXTENSION IN OAKLAND COUNTY

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. PETERS. Madam Speaker, I rise today to recognize Beverly Terry, Executive Director of the Oakland County Michigan State University Extension Office, on her retirement from the MSU Extension service. As a Member of Congress it is both my privilege and honor to recognize Ms. Terry for her many years of service and her contributions which have enriched and strengthened our community.

Ms. Terry's career began over 30 years ago when she joined the MSU Extension as the Presque Isle 4–H program assistant. She put her bachelors degree in community development from Central Michigan University and a masters degree in community services from Michigan State University to good use during her tenure with MSU Extension. Through her hard work, ingenuity, and dedication Ms. Terry eventually rose to the position of Executive Director of the Oakland County MSU Extension Office, serving the second largest county in the State of Michigan. As Executive Director, she has worked with her staff to develop and enhance critically important lifestyle and skill development programming.

Michigan State University Extension's mission is to help people improve their lives through an educational process that applies knowledge to critical issues, needs, and opportunities. Ms. Terry has been a tireless advocate and coordinator of this mission. She has overseen and advanced a variety of critical human services programs in Oakland County including 4–H youth development, the master gardener program, the family nutrition program, and the citizen planner program, just to name a few. Under Ms. Terry's leadership, these programs have prospered in the face of a challenging economy with uncertain funding.

Madam Speaker, I ask my colleagues to join me today to honor Ms. Beverly Terry for her many contributions to our community and her leadership at the MSU Extension. I wish her many more years of health and happiness.

HONORING DIVISION I STATE CHAMPION GIRLS' SOCCER NOVI HIGH SCHOOL

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mr. McCOTTER. Madam Speaker, today I rise to acknowledge the Division 1 State Champion Girls' Soccer Novi High School. On June 19, 2010, the Novi Lady Wildcats sealed a 2–1 victory over Plymouth, marking the 4th Division 1 State Championship under the Head Coach Brian O'Leary since 2005.

After having amassed a division record of 8–1–1 and sharing the Kensington Lake Athletic Association's Central Division title with the Northville Mustangs, the Lady Wildcats

headed in to district play with overall regular season tally of 14–2–2. Novi dimmed the Knights of Walled Lake Northern 1–0 before crushing the Farmington Falcons 5–0 in the district semifinal. The 'Cats eliminated the North Farmington Raiders to win the District 9 crown.

Moving on to regional match-ups, Novi got past Fraser's Ramblers by a score of 2–1. The Lady Wildcats defense would prove impenetrable against both Troy and Rochester Adams as the Green and White eked out identical 1–0 scores against the opposition in regional final and state semifinal matches, setting the stage for a Wildcat showdown.

Facing their KLAA rival Plymouth Wildcats in the final match of the season, the Novi Wildcats buried a 12 yard penalty kick midway through overtime giving Novi the right to raise high the Division 1 State Championship trophy.

Madam Speaker, with a season record of 21–2–2 and having earned an astounding 4th state title in the last 6 years, the 2010 Novi Lady Wildcats deserve to be recognized for their determination, achievement, spirit and effort. I ask my colleagues to join me in congratulating the Wildcats for obtaining this spectacular title and in honoring their devotion to our community and country.

GRANTING SUBPOENA POWER TO COMMISSION INVESTIGATING BP DEEPWATER OIL SPILL

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Mrs. MALONEY. Madam Speaker, I rise in strong support of H.R. 5481, granting Subpoena Power to the Commission Investigating the BP Oil Spill. Last month, President Obama established the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling, a panel that will be vital to investigating the disaster and assuring this does not happen again. However, this Commission does not have subpoena power—something critical to ensuring the full disclosure of evidence and witnesses.

In the aftermath of 9/11, I supported similar legislation that gave subpoena power to those investigating the terrorist attacks. Now we face a different kind of attack from the oil gushing out of the Gulf of Mexico. Similar to the work done post 9/11, the clean up workers are getting sick from this toxic waste.

The Commission must have the ability to investigate the shortcuts, cost-cutting and lack of oversight by BP and other responsible entities. Such unprincipled actions cost the lives of 11 men, injured 17, and continue to destroy an ecosystem and change a way of life for those along the Gulf. In order for the task force to mitigate the risks of future oil spills, the Commission must have full understanding of what led to the explosion on the Deepwater Oil Rig.

We need answers to the causes of this ecological man-made disaster. We need to be able to prevent this from happening again. The oversight inquiries Congress has already conducted into BP, Transocean and Halliburton have yielded crucial information. And now, with subpoena power, the Commission can conduct its investigation to the fullest.

HONORING SERGEANT FIRST CLASS ROBERT FIKE

HON. KATHLEEN A. DAHLKEMPER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 24, 2010

Mrs. DAHLKEMPER. Madam Speaker, it is with a heavy heart that I rise today to honor the life of a fallen hero from Western Pennsylvania. Sergeant First Class Robert Fike of Conneautville, Pennsylvania was 38 years old when he made the ultimate sacrifice defending our nation in Afghanistan.

On June 11th, a suicide bomber detonated an explosive near the Bullard Bazaar in Zabul Province in southern Afghanistan where Sergeant First Class Robert Fike and his fellow soldier, Staff Sergeant Hoover, also of Western Pennsylvania, were on foot patrol. Both 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.

Robert Fike was passionate about his service to his country, and 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 Fike. Every month, he drove the two 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 at Albion.

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.

Robert is survived by his parents, James and Christine, and his 12 year old daughter, Mackenzie.

It is my sad duty to enter the name of Sergeant First Class Robert Fike in the Record of the United States House of Representatives for service, sacrifice, commitment to his country and to our freedom.

While we struggle to express our sorrow over this loss, we can take pride in the example Robert set as a soldier. Today and always, he will be remembered by family and friends as a true American hero, and we cherish the legacy of his service and his life.

As I search for words to do justice to this valiant fallen soldier, I recall President Abraham Lincoln's words as he addressed the families of soldiers who died at Gettysburg:

"We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Robert.

CALLING FOR RELEASE OF ISRAELI SOLDIER BY HAMAS

SPEECH OF

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 23, 2010

Mr. GARRETT of New Jersey. Madam Speaker, earlier this year, the Jewish community celebrated the holiday of Passover, the Festival of Freedom. On that holy day, in thousands of synagogues and dining rooms, a somber yet determined prayer of hope was recited for Israeli soldiers held in captivity:

"Redeem them from amongst the kidnapped, and take them from slavery to freedom, from servitude to redemption, from darkness to light, and fully heal their wounds. Give them courage and spirit and strengthen their resilience."

Today, on the eve of a solemn anniversary, I would like to remind my colleagues of one Israeli who has remained in captivity for four years. On June 25th, 2006, Hamas and two other groups brutally and unjustifiably attacked an Israeli patrol, murdering two soldiers and kidnapping wounded Corporal Gilad Shalit, a member of the Israel Defense Forces' Armor Corps. Since then, Gilad Shalit has been denied medical attention, physical contact with his family, and visits from humanitarian groups like the International Committee of the Red Cross. This treatment constitutes clear violations of the Geneva Convention.

Moreover, Hamas has refused to negotiate the release of the abducted soldier despite the involvement of credible third parties and Israel's frequent acts of goodwill. For example, Israel proposed an exchange of hundreds of Palestinians being held in Israel for Shalit's freedom. Israel also takes a proactive stance in providing adequate humanitarian aid to Gaza's civilians. In fact, Israel recently eased the Gaza blockade. Yet Hamas continues to defy Israel's cooperative efforts and international pressure. By mocking diplomatic efforts to free Corporal Shalit peacefully, Hamas is exploiting the anguish of Shalit's family.

I am proud to have recently cosponsored bipartisan H. Res. 1359, which calls for the immediate and unconditional release of Gilad Shalit from Hamas captivity. This resolution sends the strong and undeniable message that the actions of Hamas are not only in violation of international custom and law, but they are also morally reprehensible and inhumane.

Corporal Shalit's release is not merely an Israeli goal; it should be the objective of the international community. Together, we should use available resources and strategies to obtain his immediate and safe release. I strongly call on President Obama, Secretary Clinton, and Ambassador Rice to advocate for Gilad Shalit's safe return and to stand beside Israel in its efforts to protect its soldiers and defend its citizens.

Daily Digest

HIGHLIGHTS

Senate agreed to the conference report to accompany H.R. 2194, Comprehensive Iran Sanctions, Accountability, and Divestment Act.

House agreed to the conference report to accompany H.R. 2194, Comprehensive Iran Sanctions, Accountability, and Divestment Act.

Senate

Chamber Action

Routine Proceedings, pages S5381–S5457

Measures Introduced: Twelve bills and one resolution were introduced, as follows: S. 3527–3538, and S. Res. 565. **Page S5439**

Measures Reported:

S. 3466, to require restitution for victims of criminal violations of the Federal Water Pollution Control Act, with an amendment. **Pages S5438**

Measures Passed:

Israel Right to Self-Defense: Committee on Foreign Relations was discharged from further consideration of S. Res. 548, to express the sense of the Senate that Israel has an undeniable right to self-defense, and to condemn the recent destabilizing actions by extremists aboard the ship Mavi Marmara, and the resolution was then agreed to, after agreeing to the following amendments proposed thereto: **Pages S5409–12**

Cornyn (for Kerry) Amendment No. 4396, of a perfecting nature. **Page S5409**

Cornyn (for Kerry) Amendment No. 4397, of a perfecting nature. **Page S5410**

Measures Considered:

Small Business Lending Fund Act—Agreement: Senate began consideration of the motion to proceed to consideration of H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation. **Page S5430**

A motion was entered to close further debate on the motion to proceed to consideration of the bill, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, and pursuant to the unanimous-consent agreement of Thursday, June 24, 2010, a vote on cloture will occur at 5:30 p.m. on Monday, June 28, 2010. **Page S5430**

A unanimous-consent agreement was reached providing that at 5:30 p.m., on Monday, June 28, 2010, Senate return to Legislative session, and vote on the motion to invoke cloture on the motion to proceed to consideration of the bill; that notwithstanding Rule 22, Senate proceed to Executive Session, and vote on confirmation of the nomination of Gary Scott Feinerman, of Illinois, to be United States District Judge for the Northern District of Illinois; with the time running post cloture; and that upon confirmation, Senate resume legislative session. **Page S5430**

A unanimous-consent agreement was reached providing for further consideration of the motion to proceed to consideration of the bill at approximately 9:30 a.m., on Friday, June 25, 2010. **Page S5456**

Conference Reports:

Comprehensive Iran Sanctions, Accountability, and Divestment Act—Conference Report: By a unanimous vote of 99 yeas (Vote No. 199), Senate agreed to the conference report to accompany 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, clearing the measure for the President. **Pages S5394–S5409**

House Messages:

American Jobs and Closing Tax Loopholes Act: Senate continued consideration of the amendment of the House of Representatives to the amendment of the Senate to H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring

provisions, taking action on the following amendments proposed thereto: **Pages S5391–94, S5412–30**

Pending:

Reid (for Baucus) motion to concur in the amendment of the House to the amendment of the Senate to the bill, with Baucus Amendment No. 4386 (to the amendment of the House to the amendment of the Senate to the bill), in the nature of a substitute. **Pages S5391–94, S5412–30**

Reid (for Baucus) Amendment No. 4387 (to Amendment No. 4386), to change the enactment date. **Page S5391**

Reid motion to refer in the amendment of the House to the amendment of the Senate to the bill to the Committee on Finance, with instructions, Reid Amendment No. 4388, to provide for a study. **Page S5391**

Reid Amendment No. 4389 (to the instructions (Amendment No. 4388) of the motion to refer), of a perfecting nature. **Page S5391**

Reid Amendment No. 4390 (to Amendment No. 4389), of a perfecting nature. **Page S5391**

During consideration of this measure today, Senate also took the following action:

By 57 yeas to 41 nays (Vote No. 200), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on the Reid (for Baucus) motion to concur in the amendment of the House to the amendment of the Senate to the bill, with Baucus Amendment No. 4386 (to the amendment of the House to the amendment of the Senate to the bill), in the nature of a substitute. **Pages S5419–20**

Signing Authority—Agreement: A unanimous-consent agreement was reached providing that the Majority Leader be authorized to sign any duly enrolled bills and joint resolutions on Thursday, June 24, 2010. **Page S5424**

Department of Defense Authorization Act—House Message: A unanimous-consent agreement was reached providing that the Senate agree to the request that the Senate return to the House, H.R. 5136, Department of Defense Authorization Act. **Page S5456**

Feinerman Nomination—Agreement: A unanimous-consent agreement was reached providing that at 5 p.m., on Monday, June 28, 2010, Senate begin consideration of the nomination of Gary Scott Feinerman, of Illinois, to be United States District Judge for the Northern District of Illinois; that debate on the nomination extend to 5:30 p.m., with the time equally divided and controlled between Senators Leahy and Sessions, or their designees; and that at 5:30 p.m., following the vote on the motion to invoke cloture on the motion to proceed to consideration of H.R. 5297, vote on confirmation of the nomination. **Page S5430**

Nomination Received: Senate received the following nomination:

1 Army nomination in the rank of general. **Page S5457**

Messages from the House: **Page S5437**

Measures Referred: **Page S5437**

Measures Read the First Time: **Page S5437**

Executive Communications: **Pages S5437–38**

Executive Reports of Committees: **Pages S5438–39**

Additional Cosponsors: **Pages S5439–40**

Statements on Introduced Bills/Resolutions: **Pages S5440–48**

Additional Statements: **Pages S5435–37**

Amendments Submitted: **Pages S5448–55**

Notices of Hearings/Meetings: **Pages S5455–56**

Authorities for Committees to Meet: **Page S5456**

Privileges of the Floor: **Page S5456**

Record Votes: Two record votes were taken today. (Total—200) **Pages S5408–09, S5420**

Adjournment: Senate convened at 9:30 a.m. and adjourned at 8:03 p.m., until 9:30 a.m. on Friday, June 25, 2010. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S5456.)

Committee Meetings

(Committees not listed did not meet)

NOMINATIONS

Committee on Armed Services: Committee concluded a hearing to examine the nominations of General Raymond T. Odierno, USA, for reappointment to the grade of general and Commander, United States Joint Forces Command, and Lieutenant General Lloyd J. Austin III, USA, to be general and Commander, United States Forces-Iraq, after the nominees testified and answered questions in their own behalf.

UNIVERSAL SERVICE AND BROADBAND ERA

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine universal service, focusing on transforming the high-cost fund for the broadband era, after receiving testimony from Michael J. Copps, Mignon L. Clyburn, and Meredith A. Baker, each a Commissioner, all of the Federal Communications Commission; Jeff Gardner,

Windstream Corporation, Little Rock, Arkansas; Delbert Wilson, Hill Country Telephone Cooperative, Ingram, Texas; John Gockley, United States Cellular Corporation, Chicago, Illinois; R. Paul Waits, Ritter Communications, Jonesboro, Arkansas; and Kyle McSlarrow, National Cable & Telecommunications Association, Washington, D.C.

PIPELINE SAFETY

Committee on Commerce, Science, and Transportation: Subcommittee on Surface Transportation and Merchant Marine, Infrastructure, Safety, and Security concluded a hearing to examine ensuring the safety of our nation's pipelines, after receiving testimony from Cynthia L. Quarterman, Administrator, Pipeline and Hazardous Materials Safety Administration, Department of Transportation; Deborah A.P. Hersman, Chairman, National Transportation Safety Board; Rocco D'Alessandro, Nicor Gas, Timothy C. Felt, Colonial Pipeline Company, on behalf of the Association of Oil Pipe Lines, and Gary L. Sypolt, Dominion Energy, on behalf of the Interstate Natural Gas Association of America, all of Washington, D.C.; and Carl Weimer, Pipeline Safety Trust, Bellingham, Washington.

OUTER CONTINENTAL SHELF ENERGY BILLS

Committee on Energy and Natural Resources: Committee concluded a hearing to examine S. 3497, to amend the Outer Continental Shelf Lands Act to require leases entered into under that Act to include a plan that describes the means and timeline for containment and termination of an ongoing discharge of oil, S. 3431, to improve the administration of the Minerals Management Service, S. 3509, to amend the Energy Policy Act of 2005 to promote the research and development of technologies and best practices for the safe development and extraction of natural gas and other petroleum resources, and S. 3516, to amend the Outer Continental Shelf Lands Act to reform the management of energy and mineral resources on the Outer Continental Shelf, after receiving testimony from Senator Brown (MA); Ken Salazar, Secretary, and Michael Bromwich, Director, Bureau of Ocean Energy Management, Regulation, and Enforcement, both of the Department of the Interior; Marilyn Heiman, Pew Environment Group, Seattle, Washington; and David Welch, Stone Energy Corporation, Lafayette, Louisiana.

NEW START TREATY

Committee on Foreign Relations: Committee resumed hearings to examine Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed in Prague on April 8, 2010, with Protocol (Treaty Doc. 111–05), focusing on implementation-inspections and assistance, after receiving testimony from James N. Miller, Principal Deputy Under Secretary for Policy, and Kenneth A. Myers III, Director, Defense Threat Reduction Agency, and Director, United States Strategic Command Center for Combating Weapons of Mass Destruction, both of the Department of Defense.

NEW START TREATY

Committee on Foreign Relations: Committee continued hearings to examine Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed in Prague on April 8, 2010, with Protocol (Treaty Doc. 111–05), focusing on benefits and risks, after receiving testimony from Robert G. Joseph, Fairfax, Virginia; and Eric S. Edelman, and Morton H. Halperin, both of Washington, D.C.

BUSINESS MEETING

Committee on Homeland Security and Governmental Affairs: Committee ordered favorably reported the following business items:

S. 3480, to amend the Homeland Security Act of 2002 and other laws to enhance the security and resiliency of the cyber and communications infrastructure of the United States, with an amendment in the nature of a substitute;

S. 674, to amend chapter 41 of title 5, United States Code, to provide for the establishment and authorization of funding for certain training programs for supervisors of Federal employees, with an amendment in the nature of a substitute;

H.R. 4861, to designate the facility of the United States Postal Service located at 1343 West Irving Park Road in Chicago, Illinois, as the "Steve Goodman Post Office Building";

H.R. 5051, to designate the facility of the United States Postal Service located at 23 Genesee Street in Hornell, New York, as the "Zachary Smith Post Office Building";

H.R. 5099 and S. 3465, bills to designate the facility of the United States Postal Service located at 15 South Main Street in Sharon, Massachusetts, as the "Michael C. Rothberg Post Office"; and

The nominations of John S. Pistole, of Virginia, to be an Assistant Secretary of Homeland Security, and Dennis J. Toner, of Delaware, to be a Governor of the United States Postal Service.

FOR-PROFIT EDUCATION

Committee on Health, Education, Labor, and Pensions: Committee concluded a hearing to examine an overview of the Federal investment in for-profit education, after receiving testimony from Kathleen S. Tighe, Inspector General, Department of Education; Steven Eisman, FrontPoint Financial Services Fund, New York, New York; Sharon Parrott, DeVry Education, Chicago, Illinois; Yasmine Issa, Yonkers, New York; and Margaret Reiter, San Francisco, California.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:

S. 3466, to require restitution for victims of criminal violations of the Federal Water Pollution Control Act, with an amendment;

H.R. 908, to amend the Violent Crime Control and Law Enforcement Act of 1994 to reauthorize the Missing Alzheimer's Disease Patient Alert Program; and

The nominations of Edward L. Stanton III, to be United States Attorney for the Western District of Tennessee, Stephen R. Wigginton, to be United States Attorney for the Southern District of Illinois, and Cathy Jo Jones, to be United States Marshal for the Southern District of Ohio, all of the Department of Justice.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 15 public bills, H.R. 5590–5603; and 9 resolutions, H. Con. Res. 289–290; and H. Res. 1472–1478, were introduced. **Pages H4871–72**

Additional Cosponsors: **Pages H4872–73**

Reports Filed: There were no reports filed today.

Chaplain: The prayer was offered by the Guest Chaplain, Reverend Byron Brought, Calvary United Methodist Church, Annapolis, Maryland. **Page H4781**

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and agree to the following measures which were debated on Wednesday, June 23rd:

Recognizing the important role that fathers play in the lives of their children and families: H. Con. Res. 285, to recognize the important role that fathers play in the lives of their children and families and to support the goals and ideals of designating 2010 as the Year of the Father, by a ⅔ yea-and-nay vote of 423 yeas with none voting "nay", Roll No. 387; **Pages H4794–95, H4828–29**

Recognizing the 50th anniversary of the conclusion of the United States-Japan Treaty of Mutual Cooperation and Security: H. Res. 1464, to recognize the 50th anniversary of the conclusion of the United States-Japan Treaty of Mutual Cooperation and Security and to express appreciation to the Government of Japan and the Japanese people for enhancing peace, prosperity, and security in the Asia-Pacific region, by a ⅔ recorded vote of 412 ayes to 2 noes, Roll No. 392; **Pages H4795, H4828–29**

Expressing support for designation of the week beginning May 2, 2010, as "National Physical Education and Sport Week": H. Res. 1373, to express support for designation of the week beginning May 2, 2010, as "National Physical Education and Sport Week"; **Page H4857**

Calling for the immediate and unconditional release of Israeli soldier Gilad Shalit held captive by Hamas: H. Res. 1359, amended, to call for the immediate and unconditional release of Israeli soldier Gilad Shalit held captive by Hamas; andPage4857

Agreed to amend the title 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.". **Page H4857**

Expressing the sense of the House of Representatives on the one-year anniversary of the Government of Iran's fraudulent manipulation of Iranian elections: H. Res. 1457, to express 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. **Page H4857**

Democracy is Strengthened by Casting Light on Spending in Elections Act: The House passed 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, by a recorded vote of 219 ayes to 206 noes, Roll No. 391.

Pages H4795–H4829

Rejected the Daniel E. Lungren (CA) motion to recommit the bill to the Committee on House Administration with instructions to report the same back to the House forthwith with an amendment, by a recorded vote of 208 ayes to 217 noes, Roll No. 390. **Pages H4825–28**

Pursuant to the 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 H. Rept. 111–511, shall be considered as adopted in the House and in the Committee of the Whole and the bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule. **Page H4806**

Agreed to:

Ackerman amendment (No. 1 printed in Part B of House Report No. 111–511) that requires covered organizations to report required disclosures to shareholders, members or donors in a ''clear and conspicuous manner''; **Pages H4816–17**

Kucinich amendment (No. 3 printed in Part B of House Report No. 111–511) that clarifies that the bill would prohibit those with leases on the Outer Continental Shelf from making campaign-related expenditures; **Pages H4818–20**

Pascrell amendment (No. 4 printed in Part B of House Report No. 111–511) that prohibits political expenditures by corporations with significant foreign government ownership and corporations that have a majority of shares owned by foreign nationals; and

Pages H4820–22

Patrick J. Murphy (PA) amendment (No. 5 printed in Part B of House Report No. 111–511) that would ensure that citizens know if special interests outside their district or state are trying to impact an election by enhancing advertisement disclaimers to include the city and State of the ad funder's residence or principal office (by a recorded vote of 274 ayes to 152 noes, Roll No. 389).

Pages H4822–24, H4824–25

Rejected:

King (IA) amendment (No. 2 printed in Part B of House Report No. 111–511) that sought to eliminate all limitations on federal election campaign contributions (by a recorded vote of 57 ayes to 369 noes, Roll No. 388). **Pages H4817–18, H4824**

H. Res. 1468, the rule providing for consideration of the bill, was agreed to by a recorded vote of 220 ayes to 205 noes, Roll No. 386, after the previous question was ordered by a yea-and-nay vote of 243 yeas to 181 nays, Roll No. 385. **Pages H4784–94**

Suspensions: The House agreed to suspend the rules and agree to the following measures:

Affordable Health Care for America Act: Concurred in the Senate amendments to H.R. 3962, to provide affordable, quality health care for all Americans and reduce the growth in health care spending, by a ⅔ yea-and-nay vote of 417 yeas to 1 nay Roll No. 393 and **Pages H4829–41, H4856**

Comprehensive Iran Sanctions, Accountability, and Divestment Act: Agreed to the conference report to accompany 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 by a ⅔ yea-and-nay vote of 408 yeas to 8 nays with 1 voting ''present'', Roll No. 394. **Pages H4841–55, H4856–57**

Meeting Hour: Agreed 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, June 28th 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 29th for morning hour debate and noon for legislative business.

Pages H4857–58

Senate Messages: Messages received from the Senate today appear on pages H4781 and H4829.

Senate Referrals: S. 1508 was held at the desk.

Page H4781

Quorum Calls—Votes: Four yea-and-nay votes and six recorded votes developed during the proceedings of today and appear on pages H4793, H4794, H4794–95, H4824, H4825, H4827, H4828, H4828–29, H4856, and H4856–57. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 9:25 p.m.

Committee Meetings

U.S. FARM SAFETY NET PROGRAMS

Committee on Agriculture: Subcommittee on General Farm Commodities and Risk Management continued to meet to review U.S. farm safety net programs in advance of the 2012 Farm Bill. Testimony was heard from public witnesses.

DEFENSE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Defense met in executive session to hold a hearing on United States Special Operations Command. Testimony was

heard from the following officials of the Department of the Navy: ADM Eric T. Olson, USN, Commander, U.S. Special Operations Command; and VADM William H. McRaven, USN, Commander, Joint Special Operations Command.

HOMELAND SECURITY APPROPRIATIONS

Committee on Appropriations: Subcommittee on Homeland Security approved for full Committee action the FY 2011 Homeland Security Appropriations bill.

ENSURING STUDENT CYBER SAFETY

Committee on Education and Labor: Subcommittee on Healthy Families and Communities held a hearing on Ensuring Student Cyber Safety. Testimony was heard from public witnesses.

JUSTICE DEPARTMENT CIVIL DIVISION

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law held a hearing on the Civil Division of the United Sates Department of Justice. Testimony was heard from Tony West, Assistant Attorney General, Civil Division, Department of Justice.

ELECTRONIC COMMUNICATIONS PRIVACY

Committee on the Judiciary: Subcommittee on the Constitution, Civil Rights, and Civil Liberties held a hearing on ECPA Reform and the Revolution in Location-Based Technology and Services. Testimony was heard from Stephen Wm. Smith, U.S. Magistrate Judge, South District of Texas; Richard Littlehale, Assistant Special Agent in Charge, Technical Services Unit, Bureau of Investigation, State of Tennessee; and public witnesses.

OFFSHORE ENERGY DEVELOPMENT PREPAREDNESS STANDARDS

Committee on Natural Resources: Subcommittee on Insular Affairs, Oceans, and Wildlife held a hearing on State Planning for Offshore Energy Development: Standards for Preparedness. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Natural Resources: Subcommittee on National Parks, Forests and Public Lands held a hearing on the following bills: H.R. 4195, To authorize the Peace Corps Commemorative Foundation to establish a commemorative work in the District of Columbia and its environs; H.R. 5192, Forest Ecosystem Recovery and Protection Act; H.R. 5388, To expand the boundaries of the Cibola National Forest in the State of New Mexico; and H.R. 5494, To direct the Director of the National Park Service and the Secretary of the Interior to transfer certain Properties to the District of Columbia. Testimony was heard from Representative Farr; Delegate Eleanor Holmes Norton; Jay Jensen, Deputy Under Secretary, U.S. Forest Service, USDA; Peter May, Associate Regional Director, Lands, Resources and Planning, National Capital Region, National Park Service, Department of the Interior; Valerie Santos, Deputy Mayor, Planning and Economic Development, District of Columbia; and public witnesses.

FORECLOSURE PREVENTION LOAN SERVICERS COMMITMENTS

Committee on Oversight and Government Reform: Held a hearing entitled "Foreclosure Prevention Part II: Are Loan Servicers Honoring Their Commitments to Help Preserve Homeownership?" Testimony was heard from public witnesses.

RURAL VETERANS HEALTH CARE TECHNOLOGY SOLUTIONS

Committee on Veterans' Affairs: Subcommittee on Health held a hearing on Overcoming Rural Health Care Barriers: Use of Innovative Wireless Health Technology Solutions. Testimony was heard from Kerry McDermott, Expert Advisor, FCC; COL Ronald Poropatich, USA, M.D., Deputy Director, Telemedicine and Advanced Technology Research Center, U.S. Army Medical Research and Materiel, Department of the Army, Department of Defense; Gail Graham, Deputy Chief Officer, Health Information Management, Office of Health Information, Veterans Health Administration, Department of Veterans Affairs; and public witnesses.

Joint Meetings

RESTORING AMERICAN FINANCIAL STABILITY ACT

Conferees met to resolve the differences between the Senate and House adopted versions of H.R. 4173, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end "too big to fail", to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices.

COMMITTEE MEETINGS FOR FRIDAY, JUNE 25, 2010

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

No committee meetings are scheduled.

Next Meeting of the SENATE

9:30 a.m., Friday, June 25

Senate Chamber

Program for Friday: Senate will continue consideration of the motion to proceed to consideration of H.R. 5297, Small Business Lending Fund Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

4 p.m., Friday, June 25

House Chamber

Program for Friday: The House will meet in pro forma session at 4 p.m.

Extensions of Remarks, as inserted in this issue

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